

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

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MARINE FISHERIES ADVISORY COMMITTEE

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ADVISORY COMMITTEE MEETING

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TUESDAY
OCTOBER 23, 2012

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The Advisory Committee met in the Ellsworth Room, Silver Spring Civic Center, One Veterans Place, Silver Spring, Maryland, at 9:00 a.m., Keith Rizzardi, Chair, presiding.

MEMBERS PRESENT:

KEITH RIZZARDI, St. Thomas University School
of Law, Chair

EDWARD (TED) AMES, Penobscot East Resource
Center

JULIE BONNEY, Alaska Groundfish Data Bank,
Inc.

COLUMBUS H. BROWN, U.S. Fish and Wildlife
Service, Retired

RANDY CATES, Cates International, Inc.

ANTHONY CHATWIN, National Fish and Wildlife
Foundation

PAUL CLAMPITT, F/V Augustine

PHILLIP J. DYSKOW, Yamaha Marine Group,

Retired

KEN FRANKE, Sportfishing Association of
California

JULIE MORRIS, New College of Florida
GEORGE C. NARDI, GreatBay Aquaculture, LLC
ROBERT RHEAULT, East Coast Shellfish Growers
Association
DAVID H. WALLACE, Wallace & Associates
PAMELA YOCHER, Hubbs-Sea World Research
Institute

CONSULTANT TO MAFAC:

RANDY FISHER, Pacific States Marine
Fisheries Commission

PRESENT FROM NOAA:

JANE LUBCHENCO, Undersecretary of Commerce
for Oceans and Atmosphere
MARGARET BRADY
LAUREL BRYANT
SUSAN BUNSICK
LINDA CHAVES
PAUL DOREMUS
RUSSELL DUNN
ALEXIS GUTIERREZ
TIMOTHY HANSEN
MARK HOLLIDAY, Designated Federal Official
HEIDI LOVETT

JIM MCCALLUM
EMILY MENASHES
KATE NAUGHTEN
SAM RAUCH
GARY REISNER
ALEXIS RIFE
ALAN RISENHOOVER

GREG SCHNEIDER
KATIE SEMON
JOSHUA STOLL
MARK WILDMAN
ROBERT WILLIAMS

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

2 (8:52 a.m.)

3 CHAIR RIZZARDI: Good morning, I'm
4 Keith Rizzardi, I'm the Chairman of the Marine
5 Fisheries Advisory Committee. We're going to
6 get started today.

7 We're going to deviate from our
8 norms because we have with us a special guest
9 today. So thank you for being here, Dr.
10 Lubchenco.

11 I'd like to start us off very
12 quickly just to do some quick introductions,
13 go around. And then I'm going to allow Paul
14 to do the honor of formally introducing our
15 distinguished guest.

16 I also want to point out, and I'll
17 start off with one introduction of Columbus
18 Brown, our newest MAFAC member. So welcome to
19 the team. Ted Ames also new member.

20 And thank you both for making the
21 extra efforts to be here today. Julie, can we
22 just work our way around and start with you?

1 MEMBER BONNEY: Julie Bonney, I'm
2 from Alaska, Kodiak, Alaska and I work for the
3 processing and commercial fishing trawl
4 vessels.

5 MEMBER DYSKOW: I'm Phil Dyskow,
6 I'm the retired president Yamaha Motor
7 Corporation and I represent recreational sport
8 fishermen.

9 MEMBER FRANKE: Good morning, Ken
10 Franke, President of the Sportfishing
11 Association in California.

12 MEMBER YOCHER: Pam Yochem from
13 San Diego, California. Hubbs-Sea World
14 Research Institute.

15 MEMBER NARDI: George Nardi, from
16 GreatBay Aquaculture in Portsmouth, New
17 Hampshire. A Marine Fin-fish Hatchery.

18 MEMBER CHATWIN: I'm Tony Chatwin,
19 I work for the National Fish and Wildlife
20 Foundation and I run the marine and coastal
21 programs.

22 MEMBER AMES: I'm Ted Ames,

1 Penobscot East Resource Center in Maine. And
2 Bowdoin College.

3 MEMBER WALLACE: I'm Dave Wallace,
4 I represent commercial fishing interest on the
5 East Coast and I have for a very long time.

6 MR. REISNER: CFO for NOAA
7 Fisheries.

8 DR. DOREMUS: I'm Paul Doremus,
9 the Deputy Administrator for Operations. It's
10 a pleasure to see you all today. Some I've
11 met in my prior capacity and others for the
12 first time in my current capacity.

13 I'm also sitting in for Sam just
14 for a short bit. He is stuck in the beltway
15 as I was until just a few minutes ago and
16 he'll be here shortly.

17 DR. LUBCHENCO: Morning everybody,
18 Jane Lubchenco. I look forward to speaking
19 with you shortly.

20 CHAIR RIZZARDI: Mark?

21 DR. HOLLIDAY: Mark Holliday,
22 MAFAC designated Federal Officer.

1 MEMBER CATES: Randy Cates from
2 Hawaii, I represent Aquaculture and commercial
3 fisheries.

4 MEMBER RHEAULT: I'm Bob Rheault,
5 I'm the Executive Director of the East Coast
6 Shellfish Growers and I represent Shellfish
7 Farmers from Maine to Florida.

8 MEMBER CLAMPITT: Hi my name is
9 Paul Clampitt, I'm a commercial longline
10 Halibut and Sablefish fisherman.

11 MEMBER MORRIS: I am Julie Morris
12 and I live in Sarasota, Florida.

13 MEMBER BROWN: I'm Columbus Brown,
14 I'm retired from the U.S. Fish and Wildlife
15 Services. And I was on a number of their
16 councils and commissions in the Southeast
17 before that.

18 MR. FISHER: I'm Randy Fisher,
19 Executive Director of Pacific States and
20 Marine Fisheries Commission, Portland, Oregon.

21 MR. STOLL: Josh Stoll NOAA
22 Fisheries. Just one comment about the mics;

1 you can only have one on at a time, so they
2 won't work.

3 MS. LOVETT: Heidi Lovett, NOAA
4 Fisheries, Office of Policy.

5 DR. DOREMUS: Thank you. It's a
6 great pleasure for me to have the formal
7 introduction of Dr. Jane Lubchenco. She needs
8 really no introduction as far as her
9 background goes to this audience.

10 I will say though, in my many
11 years of foreign service I've never seen
12 someone in her position keep as aggressive and
13 complicated schedule and calendar. It's very
14 difficult to keep up with her.

15 I do know also from my prior
16 experience and prior work as essentially NOAAs
17 director of strategic planning, that Jane pays
18 enormous attention to all of our federal
19 advisory committees. Including the MAFAC.

20 And has always made it a condition
21 of our work, that we benefit from the input of
22 our advisory committees and any of our long

1 term thinking. As well as our near term
2 preparations for budgets and for program
3 assessment and program change.

4 I know fisheries has been working
5 for some time to get Jane lined up and we're
6 very pleased that she's been able to make it
7 today and spend some of her time with us to be
8 able to dress you formally. And we will look
9 forward to her comments and to yours. And
10 we'll proceed pretty much according to agenda
11 after that point.

12 But I do want to thank Jane
13 personally for her ability to get here today
14 and to be able to meet with you all. And look
15 forward to the exchange. Thank you.

16 DR. LUBCHENCO: Thanks Paul and
17 thanks also to Sam, the two of you for your
18 great leadership in fisheries. Keith thanks
19 for the opportunity to be here with you.

20 I'm really, really pleased that I
21 could arrange my schedule to join you this
22 morning. I will apologize early, I have to

1 leave by, what time May? 9:35, 9:40.

2 We have, the Secretary called, her
3 office called on Friday and said, we've got to
4 talk and this is when we'll talk. And so
5 that's when I'm going to be there. That's a
6 brief insight into some of the craziness of my
7 schedule. But I really do appreciate what you
8 all do in MAFAC.

9 And I want to, I really wanted to
10 be here to have an opportunity just to say
11 thank you to each of you. To tell you how
12 important what you do is for us and to spend
13 a little time telling you about some of the
14 things that are going on at NOAA and at the
15 department. And focus on some of the
16 challenges ahead.

17 I think most of you know that when
18 I first came on board, at NOAA, we were
19 focused on a number of very high priority
20 areas. Ending over fishing and getting us to
21 science based, a ecosystem based management,
22 were two of those priorities. And those

1 happen to align very nicely with what MAFAC
2 has been pushing and helping us think about
3 over a number of years.

4 The work of the committee during
5 the time that I have been at NOAA has been
6 extraordinarily helpful. Not only to NOAA
7 fisheries, but to NOAA more broadly. And to
8 the recommendations that we put forward to the
9 department.

10 They have, I think, been essential
11 to our success. And a lot of what you do is
12 give us insight into things that we might not
13 have thought about or in some cases endorse
14 areas where we're on the right track. Both of
15 those are important.

16 We need you to be challenging us,
17 to hold our feet to the fire. To tell us when
18 we're doing things that are on track or not.
19 And that independent voice is extraordinarily
20 important to an agency like NOAA.

21 And the arena that you are focused
22 on is so central to what we do at NOAA. It

1 really looms large. All of our federal
2 advisory committees are important. But MAFAC
3 is a particularly important one.

4 I want to make what I said a
5 little more concrete by way of highlighting
6 three recent examples where your guidance has
7 had very significant influence on a policy
8 that we ended up with. First of all I want to
9 focus on the Visions 2020 Report.

10 It really has help us tremendously
11 in, sort of across our public policy outcomes.
12 And I think if you look at what's in the
13 report and any of the messaging we're doing to
14 policy makers and the public, you look at our
15 strategic plan, you look at our legislative
16 testimony, our press releases and our website
17 and they align really nicely with Visions
18 2020.

19 So there's a lot of synergy and a
20 lot of strong guidance to us in terms of how
21 we're thinking about problems, how we're
22 framing them, how we're talking about them.

1 So I thank you for that.

2 Second one I would highlight is
3 our very successful partnership, at least as
4 far as I'm concerned, successful in that we
5 are moving in a right direction. Not
6 successful that we've completed the work, with
7 recreational fisheries.

8 We at NOAA reached out to MAFAC to
9 help improve our recreational engagement. You
10 all responded with creation of the
11 recreational working group, Recreational
12 Fisheries Working Group.

13 You all helped hugely with the
14 recreational summit that we convened in 2010,
15 that lead to the development of the
16 recreational action plan. And that
17 interaction, I think, is notable.

18 It has been very, very helpful to
19 us. I think we are in a much better place.
20 We still have a lot of work to do, but I think
21 that engagement is a nice example of how you
22 can be very, very helpful to us and have been.

1 And I know will continue to be.

2 I know that many MAFAC members
3 have been tireless partners in reaching out to
4 the recreational community. Working with our
5 recreational fishery staff around the country.

6 The third area that I would
7 highlight, that has been really, really useful
8 to me in the last couple of years has been on
9 aquaculture. MAFAC has had a very significant
10 influence on the policies that both NOAA and
11 the department have formulated around
12 aquaculture.

13 The formulation of the ten year
14 aquaculture plan was also strongly influenced
15 by your input. And I think that input has
16 been sustained, it's been thoughtful, it's
17 been very consistent and that's why you see it
18 having an influence.

19 It's not just sort of a one off,
20 it's been sort of a consistent message and I
21 think that sustained engagement that is
22 thoughtful and specific as well as sort of

1 visionary. Where do we want to go and how do
2 you we get there, has been really, really
3 helpful.

4 So I thank you for those three
5 arenas, but also for more broadly, the kind of
6 input that you provide to all of us. I want
7 to segue now to some of the challenges that
8 we're facing and they loom large.

9 The biggest of these that colors
10 everything is the budget. And that's not a
11 surprise to anyone who's been paying
12 attention. But the budget really has
13 determined so much of what we can do and how
14 we can do it.

15 We are experiencing very, very
16 severe downward pressure on our budgets that
17 is very tangible and very real. As you know,
18 NOAA Fisheries has absorbed an 11 percent
19 budget reduction over the last few years. The
20 last two years.

21 And that's both a combination of
22 efficiency gains and program reductions. So

1 on some cases we've been getting more
2 efficient at doing things and are doing it
3 with fewer dollars and other cases we've had
4 actual cuts to the budget. But both of those
5 are fewer dollars to spend on programs.

6 At the same time that, that's
7 happening we have huge increases in demand for
8 our activities. Everybody wants more stock
9 assessments. Many areas wants more stock
10 assessments more frequently.

11 We're trying to get a better
12 handle on stocks for which we've historically
13 had very few data. We're trying to work
14 closely with our partners to cut through the
15 red tape with aquaculture permitting.

16 Or permitting that allows
17 aquaculture to have them. So to work with the
18 Corps and with states to move that ahead.

19 More and more requests for more
20 and more activities. The same is true on the
21 habitat restoration front and I can go on and
22 on and on.

1 So what that means is that we have
2 to be smarter about what we do, find ways to
3 be more efficient. And our approach has been
4 squarely on trying to find administrative
5 efficiencies to try to protect the programs.
6 As we've been having cuts to different parts
7 of our budget.

8 We will continue to do that. And
9 at the same time I believe that we need to be
10 making the case for why the kinds of things
11 that we cannot do, because we don't have the
12 resources, are so important we have find a way
13 to do that.

14 And that's where your voices are
15 critically important. Because you can say
16 things that we can't, you can talk to people
17 in different ways from what we can do. And
18 making the case for why what we do and why
19 that requires resources is something that is
20 extraordinarily helpful and important.

21 So we will continue to try to be
22 more cost effective, cost efficient, stay on

1 track with the budget, produce a budget that
2 is balanced that meets lots of different
3 competing interests. But we need your ideas
4 and your help in figuring out, are there
5 smarter and different ways to do something's
6 that we do?

7 And are there partnerships that we
8 can engage in that will help us leverage
9 additional funds? And other ideas along those
10 lines. So we need your help to do all of
11 that.

12 I think we've been making really
13 good progress. The budget looms large, but I
14 think it's also important to not just -- when
15 you are climbing a hill, not just to look up
16 and see how far you have to go, but turn
17 around and look backward and see how far
18 you've come.

19 And that sort of gives you new
20 energy. And that is true for a lot of the
21 progress that we have been making. Again with
22 thanks to your assistance in doing that.

1 I would highlight the 27 stocks
2 that we have rebuilt since the year 2000.
3 That's a remarkable success story. We need to
4 do a lot more, but that is really important.

5 Having annual catch limits and
6 accountability measures in place for everyone
7 of our federally managed stocks and stocks
8 complexes is an astounding accomplishment.
9 And that is due, actually strongly to the
10 credit of the councils. The fishery
11 management councils. And our very talented
12 team in NOAA fisheries.

13 And I just want to underscore, how
14 remarkable achievement that is, how important
15 it is for our ability to end over fishing and
16 to recover depleted stocks, to have
17 sustainable fishery opportunities. And I'm
18 really, really pleased with that progress, but
19 we need to do more.

20 I know that you know that we're
21 also trying to level the playing field for
22 U.S. Fishermen, to try to really tackle head

1 on the challenges of IUU fishing. We've been
2 calling that pirate fishing when we talk
3 publicly, because people don't know IUU and
4 when you say Illegal, Unregulated, Unreported
5 their eyes just sort of glaze over.

6 But you all know how import IUU
7 fishing is and how much of a threat it is to
8 our fishermen. And so we've been working
9 very, very aggressively to try to tackle that
10 head on.

11 Are data from 2011 tell us that
12 U.S. seafood landing reached a 17 year high of
13 10.1 billion pounds of fish and shellfish. So
14 we've got some good things going on, not as
15 much as we need, but we're in this together
16 and we'll keep working it.

17 So we're incorporating those
18 challenges and those successes into both our
19 short term and longer term plans. We've just
20 issued the annual guidance memorandum, which
21 lays out what the specific areas we're going
22 to focus on for the coming year are. For

1 fisheries there are three near term
2 priorities.

3 One, habitat efforts in priority
4 areas to demonstrate landscape scale results.
5 This is going to include restoration areas in
6 the Gulf of Mexico. Particularly as it
7 relates to priorities and recommendations from
8 the Gulf Coast Restoration Task Force
9 Strategy.

10 And you've submitted comments to
11 that, they were very helpful, we appreciate
12 that. I think the Strategy is actually a
13 really, really good blueprint for what we need
14 to do in the Gulf.

15 Secondly we're going to develop
16 improved methodologies to assess and manage
17 stocks and protected resources. We've just
18 hired Dr. Rick Methot, he's the first NOAA
19 Science Advisor for Stock Assessments.

20 He's going to be bringing some
21 targeted focus on this area and we really look
22 to his leadership to improve ecosystem

1 considerations in assessments. Including more
2 predator prey relationships, habitat and ocean
3 and graphic factors as we're doing our stock
4 assessments.

5 The third area for priority focus
6 for the AGM, the Annual Guidance Memorandum,
7 we're going to try optimize research
8 investment in support of our mission. For
9 example, we'll continue our commitment to work
10 with recreational and commercial fishermen
11 throughout are cooperative research efforts.

12 This is an area that I have long
13 thought has huge potential that we have just
14 barely scratched the surface with. I remember
15 fondly going out with you Ken and a number of
16 other fishermen from Southern California.

17 And you were describing to me with
18 some of the scientists on board. In fact
19 giving them an award for that, for some of the
20 joint researched projects focused in that
21 case, it was on Rockfish and habitat, and
22 trying to identify habitats that were

1 critical.

2 That's just one example of the
3 cooperative research programs that we have.
4 And this is an area where I continue to
5 believe we have a lot more potential to be
6 gained from that.

7 To accomplish those goals,
8 especially in the time of declining budgets,
9 we're really going to need strong partners.
10 We need to set shared goals, we need to have
11 targets that are reasonable, but that just
12 push us as well.

13 And those partners are multiple.
14 We have other federal agencies, we have
15 regional fishery management councils, we have
16 states, we have tribes, academia, industry,
17 environmental organizations.

18 And the diversity of you around
19 this table, helps bring that diversity of
20 partnership perspectives to the kind of input
21 you give us, and that's actually really,
22 really helpful to us. Partnerships are also

1 about innovation, doing things differently,
2 doing things you wouldn't do normally.

3 And we look to partners to help
4 tee up new ideas. We are open to new ideas,
5 we will embrace them, we need to have some
6 confidence that something is worth doing.

7 So MAFAC plays a key role in all
8 of those. You have provided very substantive
9 guidance on long term strategic issues. I
10 think that will continue to be MAFAC's
11 greatest value to NOAA. Is sort of the
12 strategic directions and policies.

13 That's where we really need your
14 insight, your guidance, your thoughtful
15 challenging. Some ways that I can see MAFAC
16 playing this role in the upcoming year, help
17 us identify blind spots and impediments.

18 You know we sort of go down our
19 way of doing things and sometimes don't always
20 think about something different. So where do
21 we have blind spots?

22 In that regard, I'm sorry that

1 we're losing Randy. Because he's a really
2 good guy in doing that. What are you not
3 thinking about, thinking about something's
4 from an entrepreneurial standpoint.

5 What are the impediments to
6 accomplishing our long term goals and what are
7 the opportunities that are out there that we
8 haven't yet either capitalized one or even
9 though of?

10 I'm been impressed by what I've
11 seen with your working groups. And I think
12 that's a really nice model that you may want
13 to expand. Working groups are a great way to
14 have a small group of folks really give some
15 targeted thought input into something.

16 We also acknowledge in view of
17 MAFAC's importance. We want to continue to
18 ramp up our efforts to give special
19 consideration to MAFAC and advanced notice to
20 MAFAC so that we can make sure we get as much
21 value out of what you have to offer us when
22 have, for example, public comment periods.

1 So thank you for understanding the
2 challenges that we have with public comment
3 periods, vis-a-vis your meeting schedule. And
4 there's no real way to resolve that in terms
5 of scheduling.

6 But with giving special
7 consideration to your input and advanced sort
8 of knowledge that something is going to be
9 open. We hope we can get creative and take
10 advantage of your input.

11 I want to thank you for your
12 communicating with the Hill, other
13 constituents and stake holders. And encourage
14 you to keep doing that. That's really
15 important to us.

16 So let me conclude by simply
17 saying thank you for what you all have been
18 doing and for what you will do. It is
19 extremely valuable to us, your responsiveness
20 to us.

21 NOAA Fisheries, NOAA more broadly,
22 but also to the department, to our requests.

1 I greatly appreciate it. I know that you work
2 closely with Monica Medina for a number of
3 years on some of our special projects.

4 Recreational fisheries initiative,
5 the development of the aquaculture and catch
6 share policies. And the comments on our
7 national ocean policy.

8 Gulf Ecosystem Restoration
9 Strategy, all of those have been very, very
10 helpful to us and I thank you, thank you,
11 thank you. Sam, welcome.

12 MR. RAUCH: Thank you.

13 DR. LUBCHENCO: We're delighted
14 you're here. Paul did a great job starting us
15 off and I'm just concluding.

16 So let me just say that as Keith
17 described for us this morning, the committee
18 really has a -- he and I were talking before
19 hand, the committee has a very broad range of
20 issues that it deals with. And I see many of
21 them as being just inordinately helpful and
22 useful to us.

1 I know that there are nine new
2 members who have been with the committee less
3 then a year. I want to challenge the nine
4 newbies. Those of you who are here with less
5 then a year.

6 So you are all hereby challenged
7 to be as thoughtful in your engagement with
8 MAFAC. Your participation as your
9 predecessors have been.

10 The two real new newbies, Ted and
11 Columbus, welcome and we really have high
12 expectations for what you're going to bring to
13 us. Be ready for action, this is a group that
14 does stuff, not just sits around.

15 And Randy, I want to take this
16 opportunity to thank you for the two terms of
17 service that you've had to MAFAC. You have
18 consistently been a very strong articulate
19 voice, thinking about things in news ways and
20 different ways. Really holding our feet to
21 the fire and we appreciate that.

22 I think what Randy had done is an

1 example for everyone. And Randy, if you would
2 join me for a moment. I would like to
3 represent you with a plaque, in honor of your
4 service to MAFAC.

5 MEMBER CATES: Thank you.

6 DR. LUBCHENCO: And this is just a
7 token of our appreciation to acknowledge the
8 great work that you've done and tell you how
9 much we're going to miss you.

10 MEMBER CATES: Thank you.

11 DR. LUBCHENCO: Thank you very,
12 very much.

13 MEMBER CATES: Some people
14 characterize that quite differently.

15 DR. LUBCHENCO: It says, in
16 recognition of your exemplary public service
17 while advising the Secretary of Commerce on
18 all living marine resources matters, as a
19 member of the U.S. Department of Commerce,
20 Marine Fisheries Advisory Committee, 2007 to
21 2013. So there you go.

22 MEMBER CATES: Thank you.

1 DR. LUBCHENCO: Thank you. So
2 with that, I will conclude. And with the time
3 that we have left, I would be delighted to
4 entertain questions or whatever your Chair
5 thinks is most appropriate. So thank you
6 Keith and thank you all.

7 CHAIR RIZZARDI: Thank you, Dr.
8 Lubchenco. So all exercise my prerogative as
9 Chair and ask the first question, if that's
10 okay?

11 DR. LUBCHENCO: You're the Chair.

12 CHAIR RIZZARDI: I very much
13 appreciated your comments and your recognition
14 of MAFAC's work. I think you've seen our body
15 engaging pretty deeply lately on some
16 challenging issues.

17 Your reference to the working
18 groups -- we currently have two working
19 groups. One on Endangered Species Act
20 implementation, a second on one underway on
21 sustainable seafood certification and trying
22 to give NOAA some meaningful feedback on

1 difficult topics.

2 But I'm very sensitive to your
3 budget concerns.

4 DR. LUBCHENCO: Okay.

5 CHAIR RIZZARDI: And everyone here
6 is as well. And recognizing the budgetary
7 challenges, we want to make sure that we are
8 as relevant and as focused as possible. So I
9 have a suggestion and then a question.

10 And the suggestion is, I think we
11 would benefit from greater internal
12 coordination between MAFAC and the leadership.
13 Give us an opportunity to meet with you once
14 a year to talk about -- where would you like
15 us to go for the next year so that we can make
16 sure that we're giving you guys what you need.
17 And then it's an opportunity for us to tell
18 you what we did with the prior year passed.

19 And then my question to you is,
20 what would you like to see us put on our
21 agenda for 2013? And to think about that and
22 to give us your specific policy areas that you

1 know you would like MAFAC to tackle.

2 Because you have this incredible
3 diverse expertise here. When we reach
4 consensus it's a policy opportunity and if we
5 don't it's at least a learning opportunity.
6 So what would you like to have us look at for
7 the next year?

8 DR. LUBCHENCO: So Keith, the
9 guidance that you provide -- so let me start
10 that differently. The three areas that I
11 highlighted for special attention for the
12 annual guidance memorandum are I think
13 probably a really good place to start.

14 Those are areas that are an
15 intense focus for NOAA Fisheries. And the
16 fisheries team that we have, lead by Sam with
17 able assistance with Paul but working through
18 Mark, that team is very thoughtful about how
19 are we going to go about these three areas and
20 what else is going on and what else is being
21 teed up.

22 And so what MAFAC can do is help

1 with sort of the major focus of NOAA Fisheries
2 now, but also connect with these guys and
3 think about what it is that they think they're
4 teeing up for in the subsequent years and
5 start working on that. And I think it's that
6 both what's hot now but also what's coming
7 down the pike where the sort of strategic
8 vision can be most helpful.

9 And I would look to Sam for the
10 kind of insight about what would be most
11 useful to get going now that would be relevant
12 for next year. And we are in close contact,
13 we communicate frequently.

14 I have huge respect for Sam and
15 his team. And he's got a good sense about
16 when to elevate things and when to not. And
17 so you will not go wrong in sort of reaching
18 out and coordinating with the NOAA Fisheries
19 team.

20 Meeting annually, I would love to
21 do that. As we've seen with schedules, that's
22 not always possible. I think it would be very

1 valuable for me as well as useful, maybe for
2 you I can't judge that, but we can certainly
3 try to schedule that.

4 But whether we meet or not, I'm
5 well aware of what you all are doing and your
6 input reaches me and it reaches the Secretary.
7 Because when we talk about these issues,
8 there's what MAFAC says on something.

9 And the things that I highlighted
10 early, about your input, whether it's a
11 national ocean policy, aquaculture policy, the
12 Gulf Coast Restoration Strategy, in all of
13 those instances what MAFAC had as input to
14 those was front and center and really, really
15 helpful.

16 So just because you and I aren't
17 looking each other in the eye, doesn't mean
18 I'm not getting input from MAFAC. Mister shy?

19 MEMBER CATES: I have a comment
20 and challenge I guess for NOAA. And thank you
21 for the award. And I came on in 2007, I was
22 asked to come on MAFAC to help navigate NOAA

1 through what aquaculture is, the potential it
2 is, what the public's perceptions are.

3 And I've been pleasantly
4 surprised. The first group that I worked with
5 there were some really talented people on
6 MAFAC. People were able to put there personal
7 feelings about aquaculture aside.

8 And I found at the end
9 overwhelmingly were supportive of aquaculture
10 in the context of the need and desire for
11 seafood production in the U.S. And my
12 personal feelings have lifted more towards,
13 what are we as a nation going to do to provide
14 seafood domestically?

15 And I will share that I think in
16 Hawaii, in the last couple years, where we eat
17 considerable higher amounts of seafood per
18 capita, I think we're about 48 pounds per year
19 compared to 16 in the U.S. I'm seeing a major
20 shift in that the price of seafood is
21 skyrocketing.

22 It's becoming a luxury item where

1 it shouldn't be. It's having tremendous
2 effect on peoples health and in Native
3 peoples, their diets is changing too. Some
4 unattended consequences are happening.

5 So it's a really, really important
6 issue that we provide seafood for all people.
7 Not just the wealthy that can afford it.

8 And I think with regards to
9 aquaculture, we can do better. I think
10 policies at NOAA have been to slow, they've
11 been in the wrong direction and I think it's
12 been a missed opportunity.

13 Challenges that that opportunity
14 is always going to be there. We have the
15 marketplace, the demand, we have the resources
16 and we have the knowledge. We need leadership
17 to put it all together to make it go forward.

18 And specifically with offshore
19 aquaculture, we have not made progress. We
20 have gone several steps back. So I put the
21 challenge back to NOAA, that more so today
22 then in 2007, the need is there.

1 Technologies are ever changing.

2 In my own business, I'm excited because I'm
3 starting up another aquaculture venture, and
4 the technologies are some much more advanced
5 in caged designs, in materials, the
6 efficiencies are getting better.

7 So as I travel to areas like
8 Pacific Islands, where they can't do it
9 because it's federal waters all the way to
10 their shoreline and they don't have that
11 permission and they drastically need it.
12 Where other areas around the country want to
13 do it in the Gulf, for example, and there's a
14 sense that they can't do it because our
15 leadership hasn't gotten it together, so to
16 speak.

17 So I challenge NOAA that we need
18 to do this. We need to produce more seafood.
19 Not only through aquaculture, but through our
20 commercial fisheries. We need to find ways of
21 getting it together and making it happen.
22 Because it's needed.

1 DR. LUBCHENCO: So Randy, one of
2 the reasons for crafting the policies that
3 both NOAA and the Department had, was to
4 articulate a vision for what we thought
5 aquaculture should look like. And I think we
6 have been systematically moving forward in
7 implementing that vision.

8 What you describe is also part of
9 the rationale for why we have been focused on,
10 not only aquaculture but rebuilding depleted
11 stocks for wild caught fisheries and tackling
12 IUU fishing. Because those all are part of
13 the same. Having enough seafood to feed people
14 and having it be commercially viable to engage
15 in either fishing or aquaculture.

16 And I don't see those as
17 completely independent pieces, I see them as
18 an integrated whole. And our efforts have
19 been cross that troika and not -- actually
20 with IUU I should expand that to focus on not
21 just pirate fishing, but having moving the
22 regional fishery management organizations in

1 other parts of the world, to be more
2 responsible in using science to set quotes and
3 having good enforcement and compliance.

4 And that sort of connected with
5 the IUU piece. So the idea is to have science
6 based, ecosystem based fisheries and
7 aquaculture that are sustainable through time.
8 And able to meet the challenge that you
9 described.

10 So I don't see them as independent
11 pieces. I think that we are making good
12 process with our aquaculture efforts, is
13 probably not as fast as many would like. And
14 I think that that's partly a resource issue,
15 partly a challenge of many of the permitting
16 and other kinds of things that are out there.

17 We've really tackled the
18 permitting issues with, special with Shellfish
19 aquaculture. Focusing on Maryland and
20 Washington State initially.

21 And I think we're making some
22 really good headway. We've had some huge

1 breakthroughs and shown that it can be done.
2 And I think that, that's actually going to
3 open up lots of other possibilities. But
4 those are two places that we decided to tackle
5 and make some significant headway.

6 CHAIR RIZZARDI: George, Dave.

7 MEMBER NARDI: Just a quick follow
8 up Jane, on the aquaculture side of things.
9 I'm just curious you know, the policies as
10 they move forward. We've been pushing forward
11 with the Shellfish initiative and that's been
12 gaining some traction.

13 DR. LUBCHENCO: Right.

14 MEMBER NARDI: We've been in
15 discussion with NOAA on technology transfer in
16 terms of marine fin-fish. And the question
17 though I have for you is, in the Gulf of
18 Mexico where there had been some rule making
19 and things have gone before the council, is
20 there any insight in terms of where that
21 process is in being able to move forward with
22 offshore aquaculture in the Gulf?

1 Which almost is like a strawman
2 for some of the other regions that, you know,
3 from the outside looking in I see the activity
4 stalled. I don't see it moving forward. And
5 I was wondering if you had any comments, or
6 NOAA, on the situation in the Gulf permitting
7 offshore aquaculture?

8 DR. LUBCHENCO: So I'm going to
9 kick this to Sam, which is why he's looking at
10 me. And what I see, and Sam can tell me if
11 I'm wrong or not, what I see is that the
12 interest in really pushing offshore
13 aquaculture in the Gulf has sort of tapered
14 off.

15 That there's, at a point in time
16 there was strong interest and that just, I
17 don't know if it's economics or other stuff
18 that's going on, and I just don't see that
19 there is somebody who is really, really
20 anxious to go do it. Now I could be wrong
21 about that, but Sam?

22 MR. RAUCH: So there is a fishery

1 management plan for broad scale aquaculture or
2 broad scale in that it's comprehensive.
3 Dealing with aquaculture conference in the
4 Gulf, that has passed the council.

5 We took no action on it. We still
6 need to do implementing regulations and that
7 still is on our list of things we need to do.
8 Because this was the first of its kind plan,
9 it has created a number of legal problems that
10 have been difficult to get your head around.

11 For instance, in the Magnuson-
12 Stevens Act. We're suppose to manage to
13 maximum sustained yield. What does that mean
14 in aquaculture context?

15 It doesn't fit within the normal
16 models, so it has been somewhat difficult
17 working through this and we've had to go back
18 to the council a few times to clarify their
19 intent and to work through that. We still
20 intend to move forward, but I think Dr.
21 Lubchenco is right.

22 The interest that were interested

1 in moving forward quickly, have waned. We are
2 still moving forward though and that is still
3 on our list of things we hope to do in 2013.

4 In the mean time the Western
5 Pacific Council has taken up this issue and is
6 actively considering an aquaculture amendment
7 as well. As Randy might tell you, they are
8 also dealing with this.

9 I do not think they are looking
10 particularly to the Gulf and to our actions on
11 the Gulf. They're not delaying actions
12 because of that.

13 But all these do create unique
14 legal issues that we are struggling through.
15 I think we'll get there, but it's taking
16 awhile.

17 MEMBER NARDI: My only follow up
18 comment in regards to interest, I don't think
19 there would be interest until there is a path
20 forward for industry. I think industry just
21 assume look somewhere else, some other nation,
22 where until such a time there is the

1 opportunity, there is the path.

2 It does become difficult to create
3 interest. So I encourage you to continue in
4 the mode.

5 MALE PARTICIPANT: Yes, I am
6 ***9:34:25. I am a very big advocate of
7 aquaculture and you know half of all seafood
8 production in the world comes from
9 aquaculture, but in the United States it
10 essential doesn't existed you know. Shame on
11 us.

12 But I want to talk about a much
13 broader idea. And that is that I'm afraid
14 that the whole system is going to collapse
15 under it's own weight. Especially with a big
16 reduction in the budget.

17 Just what you said Dr. Lubchenco,
18 you have more and more requests for
19 assessments, when people don't get the result
20 that they like they demand another assessment
21 politically, which just keeps weighting the
22 system down. And we keep coming up with more

1 and more requirements for the councils under
2 NEPA and all those other things.

3 And the first fisheries management
4 plan was 200 pages long. 260 pages. I just
5 dealt with one not long ago that had 5,000
6 pages. And that just goes way to far.

7 And if we don't streamline the
8 system with reduced resources and demands from
9 the political side of the equation, were just
10 going to become non-effective. And so I
11 advocate that Sam and his group deal with us
12 and we can go deal with Congress, to think
13 about how fisheries actually, how the ocean
14 needs to be managed from the National Marine
15 Fisheries Services Perspective.

16 So that with reduced resources,
17 you can only get so much more efficient. With
18 reduced resources you don't get bogged down
19 where you just can't make any headway. And so
20 this is a suggestion, it's not a question.

21 And I hope that we can work
22 together to make all that happen.

1 DR. LUBCHENCO: So I think that's
2 exactly the kind of a big bold challenge and
3 are very useful for MAFAC to be making, so
4 thank you for that.

5 We are very open to ways of doing
6 things differently, more being efficient,
7 figuring out how to cut through some of the
8 red tape. We do have some constraints in our
9 ability to do that. They're called laws.

10 And so we have to be mindful of
11 what is required, for example under Magnuson-
12 Stevens. That said, there are periodic times
13 when laws are reviewed and revised and there
14 are ways to incorporate new changes.

15 We are significantly benefitting
16 from the revised Magnuson-Stevens that was
17 approved in 2006, I guess, and signed in '07.
18 And that actual has set in motion a lot of
19 things that are making huge changes in how we
20 manage fisheries.

21 And I think we are beginning to
22 see the benefit of many of that. Many of

1 those changes. And I see a lot of innovation
2 going on in many fisheries. A lot of new
3 things that are happening and it's that kind
4 of innovation and being smarter, doing things
5 differently.

6 And what one fisherman said to me
7 was, we're not fishing harder, we're fishing
8 smarter. And that's exactly what I think we
9 need. And I think that's what you're talking
10 about. What that looks like, I think is a
11 very appropriate thing for a good dialogue.

12 ***9:38:20 MALE PARTICIPANT: I
13 just follow up for a second. And that is, you
14 know you notice that I mentioned Congress. I
15 completely understand the legal ramifications
16 of all the Endangered Species Act, the Marine
17 Mammal Protection Act, the Magnuson-Stevens
18 Act, the NEPA.

19 All of those have to be dealt
20 with. However Congress is going to have to
21 deal with notion and they hate to take up the
22 Magnuson-Stevens Act, because you have 400

1 different interest groups that are all
2 conflicting with each other, get involved and
3 it's like Pandora's box.

4 And so, but you know, we can go to
5 Congress and we can make suggestions. And
6 that's really what I'm talking about. If you
7 can give us an image of what you would like to
8 see.

9 If you got to start with a blank
10 piece of paper and painted this mural, what
11 would it look like? And then we can go out
12 and we can add to that and then we can go help
13 try to make that happen.

14 CHAIR RIZZARDI: Dr. Lubchenco,
15 thank you so much for being here today. I
16 think it's been really reaffirming for the
17 committee to see how much you've been
18 listening and learning from the input that
19 we've been trying to provide.

20 I think you've heard from our
21 membership that we would like to continue
22 doing that and do it even more. Dave wants to

1 lobby congress on behalf of NOAA.

2 So and there --

3 DR. LUBCHENCO: I didn't ask him
4 to do that.

5 CHAIR RIZZARDI: And he's not the
6 only member who's willing to go out and do
7 outreach and education and we will continue to
8 contribute to NOAA however we can. And again,
9 we really appreciate having you here.

10 DR. LUBCHENCO: Thanks Keith and
11 thank you John we really appreciate what you
12 do. Thanks.

13 (Off the record comments.)

14 CHAIR RIZZARDI: So Sam has
15 volunteered to stick around and continue the
16 dialogue. But what I would like to do is just
17 throttle back and start with some of the
18 points that I would have liked to have opened
19 up our meeting with today.

20 And then I'm going to let us start
21 a little dialogue with Sam. Because I think
22 there's some stuff that we're all thinking

1 about and questions we didn't get to ask about
2 where we're heading.

3 I just want to point out, we are
4 in a very active mode as a body right now.
5 We've been generating a lot of comments and
6 you heard Dr. Lubchenco comments about our
7 work product. The National Ocean Policy,
8 various rules such as rules on coral species
9 or proposals to amend the national standards.
10 The National aquaculture policy we weighed in
11 on.

12 We've got these efforts now on
13 Endangered Species Act on sustainable seafood
14 certification. The Vision 2020 is coming down
15 the home stretch. I think we'll be finishing
16 that one up today.

17 So I'm really proud of how much
18 effort all of you members have been putting in
19 and what we've been generating. And I'd like
20 to see that continue and I want us to be
21 continuing to think about the long term and
22 multi-meeting agendas and what else can we be

1 working on over time.

2 Yesterday I had the opportunity to
3 attend a session with Sam on the annual
4 priorities. And it was a very worthwhile time
5 for me and what I was hoping Sam, is that you
6 can comment a little bit on your all hands
7 meeting yesterday and the big vision that you
8 cast for the agency? And how we fit in of
9 course.

10 MR. RAUCH: Sure, well I don't
11 want to recast what Dr. Lubchenco was talking
12 about or take a lot of time on this. But I do
13 think that we are looking at a situation of
14 limited or no growth. The only growth we've
15 seen, we've lost 11 percent of the fisheries
16 budget in the last two years.

17 Now that means we're sort of back
18 to the 2008 level. So that's not terrible,
19 but a lot of the good investment we saw we had
20 to give back.

21 That means that we can't do as
22 much as we did last year or the year before.

1 And the prospects for future growth is not
2 particularly good.

3 The one place Congress has been
4 investing in is fisheries science, not
5 protected resources science, but fisheries
6 science. That has grown even though we've
7 shrunk.

8 And at the moment, sequestration
9 and other things aside, there are some, seems
10 to be agreement on the Hill for some addition
11 increases in that area. So I think that's
12 good; that helps keep the system from crashing
13 over its own weight. Otherwise it might.

14 But we have to look for ways to do
15 things better. On the fishery side I think
16 the overarching theme that we need to look at
17 is how do you take advantage of the benefits
18 that we've got?

19 We recovered, in the last years
20 which we could record, we recorded a record
21 number of species recovered, we have the
22 highest amount of fish landings in commercial

1 fisheries in 17 years. The highest value of
2 those fish landings ever. And we also added
3 200,000 fishing jobs to the economy.

4 All those are very good news. And
5 yet fishermen still are not achieving the full
6 benefits of all of that. And it is costing
7 both the fishermen and the government an
8 enormous amount of money and resources to run
9 that system.

10 We need to figure out ways to do
11 it better and cheaper and allow access to
12 those healthier stocks. We've done some good
13 job recovering, it's time to do a little
14 paying back to the fishing industry for the
15 sacrifices they've made, but not fall back
16 into the same trap that we fell in to get us
17 into this place.

18 We have to make while we're doing
19 it we're not allowing those over fishing
20 patterns to continue. And we have to deal
21 with things in the longer term, such as
22 climate change.

1 In the Northeast, the Gulf of
2 Maine got warmer. We managed to an
3 environment that we thought was going to be a
4 certain amount of fish based on the
5 environment that we thought was going to be
6 there. But now with the warmer environment
7 the fish are not as reproductive as we
8 thought.

9 It's not the fishermen's fault,
10 not necessarily our fault, but the models are
11 all outdated. Which meant that if go back and
12 figure in the fishing you should allow at a
13 higher temperature, we were overfishing for
14 ten years.

15 That's not something we want to
16 do. And it is devastating in terms of the
17 economy. So we need to address those issues
18 and how climate change is going to effect the
19 fishery. Even if you manage it to the best
20 you can.

21 There are things in the
22 environment that'll come out that will cause

1 issues. I firmly believe going forward, one
2 of the things we need to look for in fisheries
3 is certainty.

4 I keep hearing from the fishermen
5 that they can handle a reduced quota, what
6 they can't handle is wide variations in quota
7 from year to year. You can't plan a business
8 on that.

9 And the recreational fishermen
10 just as much businessmen as the commercial
11 fishermen. We need to look for ways to give
12 certainty, particularly in the healthier
13 stocks.

14 On the protective resources, I
15 think we pulled our leadership in the biggest
16 gap between our responsibilities and our
17 abilities, is in protected resources science.
18 And that gap continues to grow as we continue
19 to potential list more and more species.

20 We are doing some things, we are
21 engaged in a broad based strategic review of
22 our science program to make sure that the

1 science resources that we have are being spent
2 on the right things. That they're
3 contributing to organization.

4 And we believe that will free up
5 some resources to focus more on protected
6 resources science or at least the right kind
7 of protected resources science. And are
8 general view is we should do it within the
9 constraints that we have. Because we're not
10 going to be growing.

11 My other belief on protected
12 resources is that we, are obligations are
13 going to increase and we need to work with our
14 partners more to fulfil them. We cannot fix
15 the protected resources problems alone, we
16 cannot federalize the problem, we cannot be
17 the policemen.

18 As I said yesterday, there are
19 sort of two models. You can either have a
20 carrot or a stick. And if you have a stick
21 you can make a very good impression on the
22 person at the other end of the stick, but

1 that's about all you're going to do.

2 You may not achieve broad based
3 recovery. And our ultimate goal should be
4 broad based recovery. And we need to focus on
5 big picture things to recover the species as
6 a whole and focus less on beating someone to
7 death with a stick over one individual
8 critter.

9 And we do, do that. Particular
10 when we have, I'm talking about we do look at
11 the species as a whole. Particular when we
12 have limited resources we need to take
13 advantage of states and of people like the
14 councils. And this work group that you're
15 working on to try to rehabilitate our
16 relationship with the councils on Endangered
17 Species Act issues I think a very good thing.

18 On science, we talked about
19 protected resource science. I think we also
20 are concerned about the overall expense of our
21 science enterprise.

22 We have engaged in an effort to

1 look at alternative, the next generation of
2 stock assessments and advanced sampling
3 technologies to try to collect the same
4 information better, more efficiently. We are
5 very concerned about the lack of ship time and
6 our observing platforms.

7 And that is causing us not to be
8 able to do the job the same way we were doing
9 it. We had to find a new way to do and a less
10 costly way to do it.

11 We have to be mindful of the
12 overall cost to the U.S. taxpayer of the human
13 observers systems that we have. We are being
14 pressured to put more and more human observers
15 on every boat and collect every bit of data we
16 can. Somebody's got to pay for that. Either
17 the taxpayer or the fishermen and it's very
18 expensive.

19 We need to look at what electronic
20 monitoring video cameras can offer. They can
21 never completely replace human observers, but
22 they can do some things and we're not taking

1 advantage of that.

2 On the habitat, we need to make
3 sure their habitat serves an overall mission.
4 We've got a habitat blueprint, I think this
5 groups been briefed on.

6 That lays out a fairly ambitious
7 schedule for integrating habitat into what we
8 do. Making sure that when we are engaged in
9 a habitat program it serves our broader
10 mission and that we fully take advantage of
11 that.

12 We laid out a number of other
13 things, but I think in the interest of time
14 though I'm going to cut it at that. And the
15 overarching message is we have to work with
16 our partners, we have to realize we're in,
17 probably a no growth situation, in terms of
18 the budget. And we have to look at national
19 things.

20 In order to continue to do what we
21 want to do we are going to have to quite doing
22 the minor things and focus on national things.

1 We are a national agency, we need to move the
2 national needle.

3 We are a federal agency we can do
4 that. But we can't do that if we are focusing
5 on distracting small things. We need to focus
6 on big things. Let me stop there and I am
7 happy to take further questions.

8 MEMBER CLAMPITT: Sam, I don't
9 know if you're aware but I'm sure you are
10 aware that we revamped the observer program
11 North Pacific here recently. And we ran a
12 pilot program with electronic monitoring in
13 Southeast Alaska, we ran it for about two
14 years.

15 We've got grant money and spent a
16 lot of effort at it. And thought we had a
17 pretty good workable program and we were able
18 to identify fish that was species leveled
19 through the cameras.

20 But we were kind of slapped down
21 on the whole thing after NMFS looked at it,
22 they came back and said, well you know, nice

1 job guys. This will take about six year to
2 implement.

3 And we felt that there must be
4 some kind of resistance to it that we didn't
5 realize before. We know that electronic
6 monitoring isn't going to be the entire
7 solution of course. But it's certainly, with
8 a small boat fleet, it looked like it was
9 going to help considerably.

10 And what the National Fishery
11 Service did after directed by the North
12 Pacific Fisheries Management Council, to put
13 more observers on fisheries that had large
14 amounts of poundage. They actually went and
15 said, we'll we have this much money, we're
16 going to put 13.5 percent coverage throughout
17 the fleet, regardless of poundage landing.

18 And it was a complete shock to
19 everybody when that came in front of the
20 council about two months ago. And I was
21 wondering, was it just a matter of scientific
22 implementation, where everything's got to be

1 perfectly random or what was the thought
2 process there?

3 Do you have any, can you help me
4 with this? Because we're dismayed.

5 MR. RAUCH: I can't help you on
6 the details of what happened in the North
7 Pacific, I don't know that yet. Although we
8 can get you with the North Pacific folks to
9 explain that.

10 What I can tell you is that first
11 Eric Schwaab, who's the real person that sits
12 here and myself, we firmly believe that we
13 have to take advantage of electronic
14 monitoring. That it offers more than what we
15 are currently using it for.

16 But we recognize there are
17 problems. There are, I'm glad to hear you
18 could identify species we've not been so
19 successful nationwide. And certainly then
20 we've not been successful with, even if you
21 could do that, identifying weights. Which is
22 often very critical.

1 We've had reliability issues in
2 some areas. I think all of these problems
3 should be able to overturn. I mean in my
4 view, if they could pick out the face of a
5 terrorist in an airport, why can't the video
6 monitor pick out a fish.

7 And there are good, I think
8 there's prospects for working on that. I do
9 think it is always difficult to incorporate a
10 new scientific methodology into a design.

11 What you have with a lot of these
12 stock assessments. Is you've got particular
13 survey designs that are years in making and
14 that you've got these long time series.

15 And if you bring new technology in
16 that needs to be calibrated, you can't just do
17 that and expect that to be immediately useful
18 the first year. So there are issues.

19 What I can tell you is that the
20 leadership at fisheries is very committed to
21 actually making this work. And it is not as
22 easy as you would think.

1 I actually talked to the
2 Norwegians about this last month and they
3 completely dismiss it. They think it will
4 never work. They refuse to have any of this
5 and then you talk to the Canadians who
6 actually use it.

7 So there is a wide range of things
8 we can do. Sometimes you need to change the
9 management system to take advantage of that.
10 Certainly full retention fisheries work better
11 than discard fisheries.

12 But as something we're working
13 through, I can't tell you exactly what
14 happened in Alaska. I can tell you that the
15 directive I gave to NMFS yesterday was, we
16 need to figure out a better way to make this
17 work.

18 MEMBER CHATWIN: Thank you, thank
19 you Mr. Chairman, thanks Sam. My question or
20 observation, well both, is to pickup where you
21 mentioned habitat and the blueprint. One area
22 where I haven't seen the clarity expressed in

1 the blueprint is with regards to essential
2 fish habitat.

3 Now I'm well aware of the learning
4 that's happened in designating EFH, but the
5 technical guidelines which I think are really
6 good, do call for EFH to be designated at the
7 highest level of information possible. And I
8 would like to see in the blueprint, explicitly
9 embrace a target to get essential fish habitat
10 designated at the upper levels.

11 Where I think that links, when you
12 talk about mainstream in habitat into the
13 mission, because Levels 3 and 4 are directly
14 related to productivity, that's where you're
15 going to be able to achieve that mainstreaming
16 in the mission.

17 And I just hope that in the
18 regional efforts that are ongoing, the pilots,
19 that you could consider working with the
20 habitat team and NOAA to actually develop
21 explicit goals to get EFH designated within a
22 certain time period, using productivity for

1 habitat type as sort of your metric.

2 MR. RAUCH: I will certainly look
3 into that. I agree with the overall concept
4 that we should try to be as specific as
5 possible. One of the primary drivers behind
6 the habitat blueprint is that we had not done
7 a particularly good job about connecting
8 habitat to productivity.

9 And once you can connect habitat
10 to productivity you can connect that to
11 economic and recreational use. And it becomes
12 obvious why we're doing habitat.

13 We had, habitat's somewhat
14 difficult. It's easy to say to do that,
15 sometimes it's very hard to do that. But even
16 where we could do that we weren't taking
17 advantage of that.

18 And we need to do, I think we had
19 an awful lot of money come through in the
20 stimulus package for fisheries services
21 habitat jobs, I mean habitat projects and I
22 think that sort of got us away.

1 We saw that influx of money and
2 then we sort of got us away from our core
3 mission about making sure when we do a habitat
4 project that it is tied to fish productivity.
5 That's why we're doing it and not the Corps or
6 somebody else.

7 We are trying to do that. We are
8 stressing in our habitat work now. The
9 blueprint is broader than these product
10 project. The blueprint is, what I said
11 yesterday to NMFS staff, I think the key thing
12 about the blueprint is integration.

13 When we do habitat we need to tie
14 it to productivity so that we can make sure
15 that it's tied to the mission. We need to
16 make sure that the other parts of the mission
17 understand what we can get from the habitat.

18 The EFH is just part of that. I
19 certainly agree we should strive to that. I
20 am concerned that we don't have, I think that
21 right now that they designated at the highest
22 level they have. And the problem is they

1 don't have that information.

2 And so it would take a substantial
3 commitment of resources well beyond what I
4 think the program has or is likely to have, to
5 actually achieve a visionary goal like that.
6 We can certainly ask for those kind of things,
7 but realistically I'm not sure that we would
8 get that.

9 MEMBER CHATWIN: Thank you. I
10 totally agree that it's a very ambitious goal.
11 And I'm just stressing this, because when you
12 mentioned that there is a comprehensive
13 science review taking place, I think that's an
14 area that I hope is being considered as well.

15 Is how can we, let's say over a
16 ten year horizon, have a concerted investment.
17 Even if it's not at the scale that we would
18 like to get an expressive number of EFH
19 designations at that level, but that there is
20 a, I think over a ten year period you can
21 achieve a lot even if you're investing a
22 little. Thanks.

1 MR. RAUCH: I would just followup.
2 We do have a habitat assessment improvement
3 plan on the science side that we did about a
4 year and a half ago. I'm not sure whether we
5 briefed MAFAC on that? We'd would be happy to
6 do so.

7 DR. HOLLIDAY: Yes, we had a
8 meeting at --

9 MR. RAUCH: We did. Right, so
10 have stock strategically and I think it is
11 part of the strategic science review to make
12 sure that we're doing to right kind of science
13 to support habitat. So it is something that
14 we recognized we needed.

15 MEMBER AMES: Thank you. On that
16 same line, there's been credible research of
17 late linking anadromous fish with coastal
18 populations of Gadus such as cod. And
19 especially along the northern crest of the
20 U.S. share of the Gulf of Maine.

21 And it would be valuable to have a
22 pilot project that examines that linkage

1 further. Jason Link has done very credible
2 research in fish diets. And George Rose in
3 Canada has had overlaps with prey species,
4 vis-a-vis, predators such as cod.

5 And I think there's a possibility
6 that, that could lead to reopening a credible
7 amount of habitat for codfish once again. Do
8 you see that as a possibility?

9 MR. RAUCH: Well so, the cod
10 decline has been mysterious. The Canadians
11 have been trying to figure out what caused it
12 for longer then we have.

13 We are know trying to face the
14 ramifications of it as well and our current
15 scientist believe it does have to do with the
16 changing temperature is effecting some of
17 there, the prey, the plankton that they eat,
18 the zooplankton. And that's causing a decline
19 in the cod stocks, not all the groundfish
20 stocks.

21 But I don't think we're certain
22 about that. And I think there are a lot of

1 other explanations of why that might be out
2 there. We're certainly interested in more
3 research into that.

4 In the short term, we have a
5 crisis in the cod fishery in that this is one
6 of the traditional historic fisheries in this
7 country and it may cease to exist in the near
8 future if we can't. So we've been working
9 very hard to try to keep it open.

10 And one of the current efforts to
11 the council right now is, I think you're
12 probably aware, is an effort to open a number
13 of areas to allow access. It's not without
14 controversy. Because if you allow access to
15 cod fishermen, there are other competing
16 fishermen and environmental concerns that you
17 have to deal with.

18 I do think in the broader scheme
19 though, a lot of our management in the
20 Northeast and elsewhere is designed on a
21 certain type of control. And if you change to
22 some of these catcher systems, like we did in

1 the Northeast, like elsewhere, maybe you don't
2 have to rely so much on closed area
3 management.

4 Maybe you can rely on and open up
5 these things. So I think we're looking at
6 those, at those kind of issues.

7 On the research you mentioned
8 specifically, I'm happy to discuss this with
9 Bill Karp, our Northeast Center director. And
10 to see what he thinks about this and whether
11 or not he believe this is something to pursue.

12 MEMBER AMES: That's great. The
13 interesting part about Gulf of Maine Cod is
14 that roughly half, the Northern half not the
15 Southern half, but the Northern half is
16 without Codfish. And it has juvenile fish,
17 but when they move they disappear when they
18 mature.

19 And again, that removes an
20 enormous amount of juvenile and adult habitat
21 for Cod. Because they don't reproduce there
22 anymore.

1 And I for one see it as a
2 difficulty in essential fish habitat,
3 understanding it and the need for perhaps
4 addressing multiply scales of management that
5 would protect these areas. In any case, I
6 appreciate your willingness to look at this.

7 MEMBER YOICHEM: Thanks Ted. Okay,
8 I have Pam, Julie and Randy who have stuck up
9 their hands and still want to participate.

10 I also have Sam only until 11
11 o'clock today and we have a budget exercise
12 that we want to work our way through. And
13 part of why Sam's here is to engage us in the
14 dialogue over our budget.

15 So I'm going to go with the last
16 three hands I had up. Sorry Julie. And I'm
17 going to ask everybody please by quick, let's
18 move through this quickly because we only have
19 Sam till 11:00. So Pam.

20 MEMBER YOICHEM: Thank you. I just
21 wanted to followup your comments about the
22 need for better science and for scientific

1 innovation. And traditionally that's been an
2 area where NOAA has partnered with the
3 academic community and others and has relied
4 on them.

5 And the concern that folks in that
6 community and I think this has been expressed
7 through the professional groups like the
8 Consortium for Ocean Leadership and National
9 Association of Marine Labs, is that when
10 budgets shrink, they seem to disproportionately
11 effect those funding areas where these
12 partnerships are supported and enhanced.

13 And so just as one example the
14 NOAA Prescott grants, there's a requirement
15 for non-federal matching for those grants
16 already and most of the groups that
17 participate in that protected resources,
18 research and response program, match many
19 times above what's required. And yet the
20 proposal is made to completely zero that out.

21 And that's just one of many
22 opportunities. So I would just encourage you,

1 on the one hand reaching out to partners to
2 increase these partnerships and focus on the
3 science.

4 Make sure that there's not mixed
5 messaging going back to these same groups in
6 terms of, as one of the members of the
7 Consortium of Ocean Leadership put it,
8 throwing them under the bus and
9 disproportionately taking the cuts from those
10 programs. Thank you.

11 MR. RAUCH: The one thing that's
12 been clear as we've been dealing with this 11
13 percent reduction, which is well over a \$100
14 million that we have to cut, is that Congress
15 on a number of occasions didn't provide a lot
16 of direction. They encouraged across the
17 board cuts and some fairly non-strategic cuts.

18 And we would like to have the
19 opportunity to engage in a more strategic long
20 term view. But of course with the budget
21 situation, with the way the budget works, you
22 don't necessarily get that.

1 The fisheries budget policy
2 doesn't drive the budget negotiations. And I
3 don't think it's going to start.

4 So it's been difficult. It's been
5 difficult to have that discussion and often
6 times we rely on the partnership community
7 communicate directly to the Hill their
8 concerns and they do. And it's of various
9 effectiveness.

10 Yes, part of the message with
11 Keith just yesterday, I stress the need to
12 work with partners. The belief that we cannot
13 do it alone.

14 You are right in that the tendency
15 and the shrinking budget is to federalize more
16 and focus on the federal answer. And that is
17 explicitly what I said we should not do.

18 We have to make sure, because we
19 won't solve anything. If we do that we've
20 lost already. There is no problem that we
21 deal with that can be dealt with by the
22 fishery service alone. I can't think of one.

1 So we need our partners and we
2 need to encourage that and we need to make
3 sure that we bring everybody along. But we
4 also, at the same time have to recognize that
5 budget is shrinking. And when the budget
6 shrinks you can't preserve all programs.
7 Difficult choices have to be made.

8 We should try to be open and
9 communicate that, but we need to recognize
10 that. So there will be people that are hit
11 and sometimes it will be external, sometimes
12 it will be internal.

13 I think you know my view is it
14 would have been better to have been more
15 strategic about the cuts we've taken in the
16 past. And hopefully we can be strategic about
17 the future, but it's hard to be strategic when
18 you deal with one year sequestration issues,
19 those kind of issues.

20 I don't have a better answer for
21 that. But we did stress, you have to include
22 the partners and realize that there's nothing

1 that can be done by the federal government
2 alone.

3 MEMBER MORRIS: Thank you so much
4 for being with us this morning. It's very
5 valuable to talk with you directly around the
6 table.

7 So a lot of the fish and living
8 resources that NOAAs responsible for and we're
9 most interested in. The challenges are way
10 beyond the management authority of NOAA and
11 marine fisheries.

12 And so we've got, we already
13 talked about ocean warming, but there's the
14 acidification and sea level rise issues.
15 There's the legacy dams, the fresh water
16 diversions, the pollutants and sediments that
17 are delivered to the coast and all those
18 effect these living resources we're trying to
19 manage.

20 So where are the mechanisms in the
21 federal government, in partnerships to really
22 work on these huge crosscutting issues that

1 are beyond the management authority of the
2 agency?

3 MR. RAUCH: Well a lot of those
4 issues are not beyond the management authority
5 of the agency. Because a lot of those issues,
6 particularly where they involve endangered
7 species and we have a lot of coastal
8 endangered species regrettably.

9 We do have authority, particularly
10 with dams and fish passage and those kind of
11 issues. There are some species like shad,
12 which are not listed, but which we work on
13 through FERC and other kinds of things.

14 But for those issues that are not
15 amenable to that kind of regulatory approach.
16 And I think even if it is regulatory approach,
17 regulation will get you so far.

18 We have to work in partnership.
19 The national ocean policy offers one
20 opportunity. If it continues to be a vigorous
21 issue and I cannot predict the future of that
22 policy right now.

1 It purports to create broad based
2 inner agency working groups on some issues
3 like this. It looks at regional issues, ocean
4 acidification is important. How we deal with
5 that.

6 Recognizing that there are
7 numerous federal agencies and other partners
8 that can deal with this. I think some of
9 these issues are daunting because they're big.

10 And part of my challenge to
11 fisheries is we need to focus on those exact
12 problems. The easy ones, which are the ones
13 that are small and packaged well, most of
14 those other people can do and should be doing.
15 We need to focus on the things that only a
16 federal agency can do.

17 That's easy to say, that's hard to
18 do. But I think that's the direction we have
19 to go in. Because otherwise we're not going
20 to do it.

21 I do think the structure of the
22 ocean policy setup is the right structure.

1 Has to be the right structure. There has to
2 be a form where we can talk to the Corps and
3 we can talk to EPA and we can look at what's
4 going on in Iowa at the farms, and how that's
5 effecting the Gulf of Mexico productivity.

6 You know that's a huge issue.
7 There are other issues similar like that. You
8 can't connect those just at a fishery
9 management council.

10 MEMBER CATES: Sam, you made a
11 couple statements that I want to comment and
12 then have a question, regarding the observer
13 program. And you mentioned Norwegians don't
14 think it will work and the Canadians, I would
15 add that, be careful that, that's not a
16 cultural issue so to speak.

17 In that in aquaculture, I've been
18 able to go to a lot of countries and there's
19 this, especially with Norwegians, they do
20 things a certain way just because that's the
21 way culturally they've done it. And they have
22 people that this is the job and they got to do

1 it.

2 Japans the same way and it creates
3 a huge inefficiency. So you'll see some
4 really impressive technologies and
5 efficiencies and then other ways they're very
6 inefficient. So think of, when you look at
7 technologies like that, keep that in mind that
8 it may be that tendency.

9 The question I have is, I don't
10 see it on the agenda, maybe it is here. But
11 can you update us on where things are at with
12 the proposal to move NOAA into a different
13 agency?

14 MR. RAUCH: Yes, I can do that. I
15 don't know whether that's on you agenda or not
16 but I'm happy to take the opportunity.

17 So the background of this for
18 those of you who are not aware, the President
19 earlier this year determined that it would be
20 more efficient to take the various trade and
21 commerce related agencies and put them
22 together. In a pro-business, pro-trade sort

1 of overarching department within the Commerce
2 Department.

3 He asked Congress for permission
4 to reorganize a authority that other
5 Presidents have had but no President, I think
6 in the last 16 years or so has had. And he
7 indicated that he wasn't go to move forward
8 until he got that authority.

9 He did not mention NOAA, but in
10 subsequent discussions it became apparent in
11 order to make room in the Commerce Department
12 for all those other agencies NOAA has to go.
13 And NOAA is 60 percent of the Commerce
14 Department, so we would go to interior.

15 That was part of the proposal. So
16 if Congress gives the President that
17 authority, the President has indicated he
18 would not only group those trade industries
19 but move NOAA, in total, to the Interior
20 Department.

21 Congress has done nothing with
22 that request. Has not moved it and we are

1 currently not doing any analytical preparation
2 or anything else like that for such a move.

3 If the President is reelected I
4 imagine he will not give up on his idea. He
5 will continue to work with Congress, but he
6 is, and depending on where Congress goes, that
7 may or may not happen.

8 The President's proposal though is
9 to move NOAA in total, as a unique agency. So
10 instead of Commerce, we would be in Interior,
11 but we'd be the same as we are now.

12 There is a congressional report,
13 an investigation been going on through the GAO
14 as to whether or not take fisheries and move
15 it independently to Interior, to either merge
16 with or be aligned more closely with the Fish
17 and Wildlife Service.

18 Certainly on the ESA, the
19 Protected Resources Side, we share those
20 statutes with the Fish and Wildlife Service
21 and we overlap there. There are things that
22 they do that we do not do, there are things

1 that we do that they do not do.

2 The most significant on our side
3 is managing the commercial fisheries. They
4 have nothing like that. But they manage
5 refuges and things like that, that we don't
6 do.

7 That report I suspect will be out
8 by the end of the year. We may see some
9 earlier drafts.

10 Once again, that's not the
11 President's proposal and so we are not
12 actively planning for that. Either although
13 a number of people have been interviewed, I
14 think this committee's been interviewed.

15 CHAIR RIZZARDI: I was. And I can
16 report back to the committee that not only did
17 I give them the feedback that you helped us
18 developed at the meeting, but the folks at GAO
19 were asking very intelligent and insightful
20 questions.

21 They were exploring the full range
22 of options and I think they were very

1 sensitive to the corporate culture issues, if
2 you will, and the recognition that there is an
3 ocean ethic within NOAA and where does that
4 fit within Interior. What would happen to the
5 ability to adeptly use resources if the
6 agencies were merged?

7 They were asking a lot of very
8 pointed questions that showed to me that they
9 had learned from a lot of people and were
10 really understanding the issues.

11 Okay so Sam, thank you for that
12 piece of dialogue and for following up on Dr.
13 Lubchenco's time. I'd like to take us back on
14 to the agenda for a little while and have Tony
15 and Mark work together.

16 Many of you, well all of you had
17 the opportunity to participate in the
18 budgetary exercises, helping us try to figure
19 out what would we recommend to NOAA in moving
20 around the dollars in the event of budget
21 increases, budget decreases, budget
22 stabilization.

1 And Tony and Mark worked together
2 to consolidate the feedback and to try to give
3 us some insights. And what I was hoping we'd
4 do is discuss that and share that with Sam.

5 MEMBER CHATWIN: So thank you,
6 Keith. You do not have this power point, I
7 was tweaking it until quite recently. So I'm
8 happy to send it out or maybe Josh can send it
9 out to the committee members. It's a very
10 short one and it just summarizes the efforts
11 and the results.

12 I'd like to acknowledge first off,
13 Mark, Josh and Heidi for the fantastic work
14 that they've done helping shepherd this
15 project over the summer. And I'd like to
16 thank all the committee members that did
17 provide input into this exercise.

18 It was an innovative effort in an
19 attempt to capture our collective
20 recommendations on the budget. And that's a
21 difficult topic.

22 It's a topic that has been of

1 interest for MAFAC for a number of years now
2 and it's not the first time we attempt to do
3 this. But this is a new effort to try to
4 provide NOAA and Commerce guidance on what our
5 collective opinions are on budgets.

6 And the objective here is two
7 fold. One is to show what the results look
8 like. But if the committee and NOAA feels
9 that this is an effective way for us to
10 communicate the collective input on budgets
11 and that you can find this useful, we would
12 like to keep doing this and figure out the
13 most timely, the best time to provide this
14 sort of input on a yearly bases as you develop
15 your fiscal budgets.

16 Anyway, okay next please. So
17 again, this is a prioritization exercise. In
18 May this year we received a briefing on the
19 2013 budget. And we discussed a number of
20 approaches to provide input on the budget.

21 I'd say we are still learning how
22 we can best provide that input, when we should

1 provide and how to provide it. And this is an
2 attempt.

3 There were, over the summer like I
4 said, we have worked on this budget exercise.
5 And it focused on ten activity areas that have
6 been identified by MAFAC as being of
7 importance to this committee.

8 There is a spreadsheet that has
9 tracked the performance of the budget on those
10 ten areas that MAFAC has been receiving
11 reports on, right Mark? It's something that
12 you've been doing.

13 And this exercise builds on that
14 spreadsheet of those ten areas and provides a
15 tool for individual members to actually
16 provide input into different scenarios of the
17 budget. Where they would like to see
18 increases and where they would like to see
19 decreases in the budget relative to the
20 President's request, under three different
21 scenarios.

22 Given that this is an unusual

1 fiscal year in that there is the prospect of
2 sequestration. Which is another decision
3 point in the budget, and we're in declining
4 budgets, as you've mentioned.

5 So we have three scenarios. One
6 is relative to the President's FY '13 request,
7 level funding. So if everything stays as in
8 the President's request, what MAFAC members
9 desires, where would they want to see
10 increases and decreases relative to that.

11 Second scenario is, if there is a
12 20 percent decrease in the budget through
13 sequestration or other congressional action,
14 how would that effect members opinions on
15 where increases and decreases should occur?
16 Again, relative to the 2013.

17 And then a hopeful scenario where
18 there is a ten percent increases in the budget
19 and how that effects the opinions of MAFAC
20 members. Next slide please.

21 So what you have here is an
22 illustration of what the tool looks like. So

1 the first column you have the ten categories
2 that they're the budget categories that are
3 important to MAFAC. I would turn them that
4 way.

5 And there is, although these are
6 MAFAC categories, one is able to cross walk
7 them to the budget categories that NOAA
8 operates under. And so we provided links to
9 the bluebook as a resource, if people wanted
10 to go in and look.

11 For example what's under other.
12 The way resource is available to MAFAC members
13 to go and do further research. Because by
14 it's nature these are broad categories and
15 there's a lot of things in them.

16 So then the first column you have
17 the President's request and what that
18 represents. What each of those lines
19 represents in terms of percentage of that
20 budget.

21 Under A you have the first
22 scenario, which is relative to sort of level

1 funding for 2013. And this is just an example
2 where you could then input a different
3 percentage for each line item. And that's
4 where members had the ability to differ from
5 the President's request.

6 The next scenario is the one with
7 20 percent decrease. And again, members could
8 input what percentage they would like to see
9 for each of those line items. And the same
10 thing for the third.

11 So it's a tool where it can
12 capture the input of different members in a
13 systematic way, which allows us then to
14 compile the collective input into averages.
15 We can see not only where there is agreement,
16 well not only the sort of the average opinion
17 of the committee, but we can also look at the
18 data and see whether there is a high level of
19 disagreement or a high level of agreement.

20 Which is masked by looking at
21 averages. So we can do that. Next slide
22 please.

1 And again, this is just a resource
2 where, this is where all the detail on the
3 budget is. Next.

4 So this is the result. It's a
5 shame it's hard to read, but basically what
6 you have here is the average results for each
7 of the scenarios. And I think there are a
8 couple of take home messages here. And I
9 apologize again that it's hard to read.

10 But data collection, research and
11 surveys receive the biggest allocation from
12 MAFAC members on average. Followed by
13 fisheries management and protected resources.

14 And I think, so that's one
15 message. And the other message is, what I
16 found very interesting is that, that did not
17 change with the different scenarios.

18 So it's kind of an indication that
19 these are the key areas that MAFAC, as a body,
20 supports. I think the level allocated does
21 change with different scenarios, but the fact
22 that those were the key areas didn't change.

1 I think we'll just go through it.
2 There's a few more slides and then we can go
3 back to these slides if people have questions.

4 This shows for three different
5 areas that there is disagreement, in terms of
6 the level. There's a range of opinions for
7 each one. So when you start diving into the
8 data you do start to see a lot more finer
9 resolution.

10 So protected resources. You had
11 different members, the minium allocated by a
12 given member was half a percentage point of
13 the budget to protected resources. The
14 maximum allocated by a given member was 22
15 percent, under scenario A.

16 And enforcement varied from seven
17 to 30 percent. And data collection from 25 to
18 40 percent. So there is variability in
19 opinions, but the averages suggest that there
20 is certain degree of consensus into what the
21 major areas are.

22 And then finally, next slide

1 please. So this again just shows all in one
2 picture, different way to represent the
3 average allocations. Where you have the
4 different columns, the hashed or blotted
5 column is the President's request, FY '13,
6 President's request.

7 The blue column is again, the
8 average from all input for scenario A. And
9 the red column is scenario B, and the green
10 column is scenario C, which was a ten percent
11 increase in the budget. And across the ten
12 different categories.

13 So next slide please. And we can
14 come back to these after this. But basically
15 just to summarize. So we had 12 members
16 complete the exercise. And again, thank you
17 very much for those who took the time.

18 As a whole the members prioritized
19 data collection, fisheries management and
20 protected resources, regardless of the funding
21 scenario. And the hope here is that, well we
22 want to know if leadership feels that this

1 sort of information, this is a good tool to
2 convey our budget priorities to NOAA as you
3 consider the budget development.

4 I think the first opportunity,
5 where you might be faced with decisions, where
6 could use some of this input might be in the
7 passback for 2014. Although I think Gary's
8 going to talk to us a bit about that.

9 Yes, and that may or may not be an
10 opportunity. But really the prize that we
11 have our eye on is how do we provide input in
12 a meaningful way as you develop your federal
13 budgets?

14 And I know they're developed years
15 in advanced. And so how do we time that and
16 is this a good tool for delivery of our input?

17 And also for the committee as a
18 whole, we haven't had a change to discuss
19 this. So we're going to be doing so today and
20 over the next few days, is this a tool that
21 you find interesting, useful and I think we
22 need to discuss how this and how our Vision

1 2020 sort of align or don't?

2 Our Vision 2020 is a longer term
3 proposition, this is looking at a shorter
4 term. We were looking at one fiscal year in
5 advantage. And so they're two different
6 perspectives from the same group of people.

7 And we need to discuss how they
8 align. So I'd say that is, in a nutshell, the
9 effort that we've done to date, Mr. Chairman.

10 CHAIR RIZZARDI: Thanks Tony. One
11 of my insights in going through this exercise
12 was learning much more clearly, how if you
13 take something from here, you have to put it
14 there. And realizing that it's all about
15 tradeoffs when you're looking at the budget.

16 And looking at some of the data
17 that's been parsed around, some people cut a
18 little bit extra from data collection, some
19 people enhanced aquaculture a little bit. And
20 there's a very big difference there.

21 Aquaculture is one percent of the
22 budget. So you can double aquaculture's

1 budget with relatively little impact to the
2 entire agency budget, where as data collection
3 is roughly a third of the budget and it's also
4 one of the key points of vulnerability in all
5 the litigation.

6 So you got to have your data, and
7 how much can you cut data? And to get a real
8 chunk of money out of that can come with some
9 big trade offs.

10 So a couple of my observations in
11 this where I was concerned that maybe this
12 was, we were all being to differential to the
13 agency. You start with a set of numbers and
14 your inclination is to sort of stay with it
15 and not create too much variability.

16 Another concern I had was, do we
17 have enough information to be informed to make
18 the budgetary judgement on this? How much can
19 I cut in a given area? And what would be
20 helpful from our prospective is to get a
21 little bit of dialogue going back and forth
22 between the administration and us.

1 What are our choices, what are our
2 ranges? What is the min max? And if you
3 could give us that kind of information, the
4 next time we did this budget exercise I think
5 you might see greater variability in the
6 outcomes.

7 MR. RAUCH: So I have a number of
8 responses. First of all I think this is
9 excellent. We try to do something very
10 similar with our senior leadership. Our
11 senior regional and science directors and that
12 and I do not think our results were nearly
13 sophisticated as this one.

14 So that was good. And I think the
15 last point you made about truly understanding
16 the budget, I think Gary truly understands the
17 budget, Paul truly understands the budget and
18 the tradeoffs.

19 But even within fisheries, not
20 everybody is on that same page. And so we all
21 could benefit from understanding the tradeoffs
22 and what it really means to our national

1 objective if you cut this. Whatever that is.

2 I think that, a couple of
3 comments. First of all, I don't know if you
4 could go back a few slides to that first
5 chart. Because I did have a question about
6 that. No, the one right before that, maybe
7 you can't.

8 Yes, where you summarized the
9 tool. No, one before that. Keep going. That
10 one.

11 So it seemed to be that chart,
12 there were a number of increases that paid
13 for. If you look at the data collection line.
14 And the President's budget is 35 percent, but
15 it is significantly reduced in the other
16 scenarios. And that paid for increases in the
17 other scenarios.

18 That seemed to me not supported by
19 your other charts. Which all showed that,
20 that line was increasing. And so that was
21 your highest priority.

22 MEMBER CHATWIN: This is just an

1 example.

2 MR. RAUCH: Okay.

3 MEMBER CHATWIN: And this is not
4 based on any data.

5 MR. RAUCH: Excellent. All right
6 then I will ignore this. Because, well but
7 that's, so that's good. Because you're other
8 charts did show us that data collection is
9 being increased in all scenarios above where
10 we are now. All right, so that's good to
11 know.

12 I think that it would, well let me
13 talk about how I think this can be used and
14 Gary and Paul can reiterate. We do, as you
15 mentioned, we work years in advance on the
16 budget.

17 2014 is submitted, from our
18 prospected, to OMB. And we may deal with
19 passbacks, but passbacks is a very narrow
20 opportunity to deal any issue. And then there
21 is this huge outlier.

22 Where this is really helpful is

1 2015. Which right now were are starting to
2 put together. And we'll be doing that over
3 the course of the next few months and going
4 into next year.

5 So this is a good time to talk
6 about 2015. But I just want to be, we should
7 all be mindful that where you really want to
8 impact us in budget formulation, if it's this
9 time of year we're talking about 2015.

10 And it's same for everybody. Same
11 for us. Our ability to influence our own
12 budget decreases as we get closer to the
13 release of our budget.

14 You mentioned how this relates to
15 the 2025. I think it would be interesting to
16 run the same exercise in 2025 today, right.
17 So right now, as you mentioned, you might have
18 been differential in only moving up and down
19 a little bit.

20 But if you looked at 2025, where
21 should we be going then based on what we're
22 doing now? Is aquaculture bigger?

1 I mean this group has always
2 favored a stronger investment in aquaculture.
3 And in any given year you may only increase it
4 somewhat, is that the right analysis?

5 We talked about cameras, video
6 monitoring. If that decreases our observer
7 cost, that will substantially decrease our
8 data collection cost. Is that where the
9 vision would be?

10 I think that would be something
11 that I would very much like to see, the wisdom
12 of this group, because that would help us
13 frame the broader strategic discussion. When
14 we deal with our budget on a year to year
15 basis, it's hard to look at it strategically.

16 But you're talking about, should
17 we do this to this person or not? And you
18 can't ever engage in that.

19 And we don't have a tool that
20 looks at where we should be ten years from now
21 or whatever the end point of your vision
22 project will be. I think that's something

1 that we would very much like from this group.

2 A couple of themes that we made in
3 our own leadership that I made in our own
4 leadership discussion, were we did something
5 similar. And the results were not all that
6 different then what you presented.

7 When we talked to our leadership,
8 we didn't set out data collection as the
9 number one priority because it supported
10 everything that we do. So it was sort of a
11 broad based business. It is the largest part
12 of our budget.

13 It is something that we,
14 everything that we do has to be based on good
15 sound science. What we decided was, our two
16 top priorities are the sustainable fisheries,
17 providing support for the industry. And that
18 includes aquaculture, recreational commercial
19 and the communities.

20 And there's a very large food
21 supply dynamic to that. So it's just not a
22 coastal issue. That's our one task and are

1 other one is protected resources.

2 Everything else that we do feeds
3 the two larger missions. Whether we're
4 talking about habitat or enforcement or other
5 issues that all feeds into those two missions
6 or else why would we be doing it.

7 And so this was fairly consistent
8 with what we did. The percentages may be off
9 a little bit, but I think we would agree with
10 those.

11 Two things that I stressed, we are
12 often in the short term budget scenarios
13 looking at short term issues, reactive issues.
14 We need to make sure that we preserve enough
15 for investment.

16 And when you have a declining
17 budget, it is hard to preserve enough for
18 investment. We need to continue to find some
19 ability to invest in video monitoring research
20 or the alternatives, next generation stock
21 assessments, new protected resources
22 engagement models.

1 That can't be our whole budget.
2 We have to deal with the issues of the day,
3 but we cannot be so wrapped up in the issues
4 today that we lose that investment.

5 And it's hard when you look at
6 these kind of data. And it was hard for us to
7 find where that is. But I thought that was
8 very important.

9 And along those same lines, and I
10 think this was mentioned in a comment either
11 to me or Dr. Lubchenco, we deal with stock
12 assessments. There's pressure to do the stock
13 assessment on whatever the stock that's
14 declining.

15 And once we get it done, if people
16 don't like it they want to do it again. And
17 that takes a lot of effort. And to some
18 extend we have to do that. We have to be
19 realistic, politically we have to do that.

20 There's a lot riding on these
21 assessments. But we gain the most not from
22 those stock assessments. We gain the most

1 from our broad based process level studies of
2 environmental change.

3 Our ecosystem based management
4 studies. And we need to appropriately balance
5 the need to respond with the need to preserve
6 the investment in those long term process life
7 studies.

8 And that's hard to do. It's hard
9 to find advocates for those kind of things.
10 But Dr. Lubchenco is an ardent advocate for
11 it, Eric is and I am as well.

12 And so those are the two messages
13 that we've said about these kind of exercises,
14 is investment. But we also need to make sure
15 that we aren't so reactive to the needs of the
16 day that we loss track of the long term
17 process studies. Which is where we really get
18 the understanding.

19 You talked about what's really
20 going on in the Gulf Maine. We don't get that
21 from doing the stock assessment and knowing
22 that there are less cod.

1 That doesn't tell us why they're
2 less cod or how to fix it. That just tells us
3 that there's less cod. All right, we need to
4 figure out the broader ecosystem dynamics and
5 make sure that we invest in that.

6 So those are I think some of my
7 initial reactions. Let me ask Paul, who is
8 sort of our point person on this, whether you
9 have any other thoughts?

10 DR. DOREMUS: I have just a couple
11 of comments that might be helpful. First of
12 all, certainly also think that this is a very
13 significant exercise and one that we could
14 benefit from greatly.

15 Sam didn't speak to the timing
16 issue and we can think that through a little
17 bit further. But I do think right around now
18 is about right if you look at the vector into
19 2015.

20 We're going to be doing our
21 considerations on early stage formulation in
22 early winter. That really gets put together

1 in the early spring.

2 It's a long and torturous path
3 from a fisheries proposal to an actual budget
4 as you all know. So that timing is about when
5 we would be able to factor the thinking that
6 you're presenting here into our considerations
7 in a formulation approach.

8 So that's on timing. I have
9 really kind of three comments about the
10 overall approach to add to the observations
11 that Sam made.

12 One regards the linkage to
13 strategy. If you really endorse efforts to
14 tie this into Vision 2020, and the process
15 that I can imagine we can go through over time
16 of sort of harmonizing the strategic vision
17 between this body and our organization.

18 The priorities document that we
19 just released to our staff yesterday, we are
20 making it available electronically to all of
21 you today. That's a sort of step in the
22 direction of articulating need and

1 articulation priorities.

2 And it did as Sam described,
3 emerge out of the similar type of thinking
4 that you went through here. So linking up
5 there is significant for some obvious reasons,
6 but also for a reason that I want to put back
7 out here.

8 And that is to not lose sight of
9 the magnitude of the problem. I think
10 somewhere in the, there was an observation
11 made in a discussion here were you start with
12 the budget you have, right? And you look at
13 adjustments off of that.

14 Well, theoretically what should it
15 be given the magnitude of the problem that
16 we're addressing? That's a real serious
17 consideration that is difficult, but I think
18 strategically significant. And one that we
19 should have a dialogue about.

20 Both internally and in thinking
21 about are framing our budget priorities and
22 also talking about national needs relative to

1 issue as they exist in the world that we're
2 trying to manage. With the resources, with the
3 communities that rely on the resources.

4 Second major point. I didn't hear
5 and think it would be very good to have a
6 dialogues with MAFAC on the criteria that you
7 used, either explicitly or implicitly in
8 making these choices.

9 And that's something that I think
10 would be very important to harmonize on. We
11 use a set of criteria internally and it would
12 be good to kind of have a discussion about
13 what those factors are that shape peoples
14 decisions when they evaluate tradeoffs.

15 And third point is, and this is a
16 little bit of, maybe qualification to Sam's
17 point. That this type of thinking could play
18 into '15.

19 I think that a combination of
20 these two things, of thinking about the
21 magnitude of the problem we're trying to
22 address, thinking about the criteria for

1 making choices puts us in a better position to
2 talk. Puts you in a better position
3 individually and as committee to talk to the
4 consequences of the budget profile that we
5 have now.

6 Going into 2013, the House and
7 Senate mark are in very different places.
8 2014 will be mediated by new, are there a new
9 mandate for the existing administration or a
10 very changed mandate for a new administration?

11 So being able to talk about the
12 consequences of different choices for the
13 nation, the consequences of our current
14 profile, the consequences of decision that
15 Congress is facing, will be really quite
16 significant.

17 That is always a challenge for
18 fisheries were you exist in a organization
19 where it's really easy for external
20 constituents to know what happens if you don't
21 have a hurricane forecast? Well, what happens
22 if you don't have adequate stock assessments?

1 That's actual one of the areas
2 where we probably have the strongest claims.
3 What happens if we don't serve our protective
4 resource requirements at the level that we
5 currently are.

6 So those are things that I think
7 are getting both some real thought going into,
8 but also some strong communication lines to
9 are budget policy stakeholder community about
10 the consequences of these choices, would be
11 really quite helpful. So those are the things
12 that I would add to the conversation here.

13 CHAIR RIZZARDI: Randy?

14 MR. FISHER: I appreciate the
15 comments, Sam and Paul. And we get involved
16 in this quite a bit. I don't think there was
17 any criteria really on the decisions that, at
18 least when I filled this thing out.

19 Because a lot of it has to do, we
20 don't know what the, the devil's in the detail
21 on a lot of this stuff. I mean, if you want
22 to talk about things like, if you want to

1 throw some real options on the table and you
2 say, well what happens if we just don't have
3 a national observer program?

4 Is the world going to come to an
5 end? The answer is no. What happens if we
6 cut enforcement by 20 percent and give that
7 money to the states to operate the enforcement
8 parts?

9 That's the kind of discussion I
10 would be interested in because we always go
11 back and now we're going to go hit the Hill as
12 the three commissions next month. And we're
13 going to go up there and say, we don't agree
14 with the way that National Fishery Services
15 prioritized some of their stuff.

16 And here's the areas where we
17 don't agree. And a lot of it is related to
18 the idea of partnerships, which we've talked
19 about before, and if you're not in the
20 President's budget you're basically screwed.
21 And that's kind of what happens.

22 So I would love to have those kind

1 of conversations, but it seems to me you got
2 to be open to say, if we don't have that as an
3 organization are there other ways that it can
4 get done? And I would argue there probably
5 are.

6 So I don't believe that we went in
7 with any criteria when we went through this
8 thing. I think it was everybody just sat down
9 and said, what do I think about this? But the
10 problem you run into is you don't know the
11 details underneath a lot of this stuff when
12 you're dealing at that level.

13 MR. RAUCH: So I think that we're
14 willing to work with you to educate you to
15 whatever level you have the stomach for on
16 this. I do think this body is particularly
17 well suited to engage in hypothetical
18 exercises that the fishery service probably
19 can't for various reasons, Like the observer
20 program.

21 What happens if you don't have
22 one, what happens if you require industry to

1 pay for observers? Or what happens if you
2 defederalize the enforcement branch?

3 Those are discussions this body
4 can have that I think is very difficult for
5 the fisheries service to have. There are lots
6 of other examples through this that you could
7 talk about and I would welcome those kind of
8 discussions. Because I think that's the kind
9 of strategic thinking that we need.

10 CHAIR RIZZARDI: I'm just going to
11 interject. I like Sam's comment about budget
12 2025. And that might be an exercise down the
13 road for us to engage in where we could work
14 with NOAA staff, get some really detailed
15 feedback on the push and pull and what happens
16 if we cut here and what happens if we give
17 there and engage in that kind of hypothetical
18 effort. And that's something that wouldn't be
19 binding us to finishing in the October cycle
20 and anticipation of getting into 2015.

21 Gary, I'll let you address and
22 then Julie had her hand up and then Randy had

1 his hand up.

2 MR. REISNER: I just had this one
3 quick question. This 2018 date, which is a
4 midterm date and this exercise, was this
5 exercise based on looking at '14 and '15 or
6 was the exercise based on looking at 2018?

7 Because I've seen that date a few
8 times on some of the tables that came around.
9 And I guess I have one other comment. I can
10 see min's and maxes and averages and means,
11 medians, and the same problem that Congress
12 has.

13 Can they come to a consensus or
14 how do they get to a point where they can
15 agree to put together a set of unified
16 recommendations and can we do that? Because
17 that's what we, we need not just the numbers
18 but the rationale behind them and why they're
19 there.

20 And is there a viable way to reach
21 a consensus or an agreement that we're going
22 to go with a majority rule or something like

1 that?

2 MEMBER CHATWIN: Just on those
3 questions if I may?

4 CHAIR RIZZARDI: Yes.

5 MEMBER CHATWIN: So yes. So the
6 idea of the 2018 was to get people thinking of
7 the decisions now that would then impact the
8 scenarios down the road.

9 Again, we were experimenting with
10 this tool. So this was just a way to, not
11 just think what you want this year. But
12 again, we were testing the tool.

13 And on the minimums and the
14 averages, I think that's a challenge to
15 anybody that's striving to get to consensus
16 faces. But I think it is possible. I think
17 this sort of exercise highlights the areas or
18 can highlight the areas where there is a lot
19 of diversion opinions and where the openings
20 are less diverted.

21 And I think that's, we can explore
22 that further within the subcommittee and the

1 committee as a whole. And I would just add
2 that I think I'm finding the comments so far
3 really, really helpful. And this idea of
4 looking at the criteria that people use.

5 We didn't set out criteria in the
6 beginning because we want to see if the tool
7 had something that folks could work with, and
8 I think that's a great next step for us to
9 explore. Thank you.

10 MEMBER BONNEY: So not really
11 being involved in the budget near like Randy
12 is and being the first one actually that
13 submitted the responses, the thing that really
14 blew me away is that the fact that salmon
15 drives 20 percent of the overall budget.

16 And it being from Alaska, where
17 the State of Alaska management is the salmon
18 resources and it's not part of the NMFS budget
19 or a minor component at best, it's really
20 difficult for me to understand why we're
21 spending \$200 million on salmon through the
22 U.S.?

1 And I don't understand if that's
2 protected resources, ESA issues, political
3 issues that drives that decision point. But
4 as a member of the commercial fishing
5 industry, my priorities is not salmon
6 restoration, because I think there's only so
7 much you can do for some of those stocks.

8 And I don't understand the legal
9 drive in terms of whether it's, so to me it
10 would seem like if we're going to further this
11 discussion farther and one of the discussions
12 was, do we understand some of the elements
13 within the budget?

14 To me that would be one component
15 that would be nice to understand. Why we're
16 spending \$200 million out of a billion dollars
17 on that particular line item?

18 In terms of priorities, I mean, I
19 put priority weights on things that affect my
20 constituency group. Whether it's bycatch
21 monitoring, fish stocks. But how you weight
22 that is difficult if you're doubling the

1 amount of money that goes to bycatch.

2 In terms of my priority, that
3 seems like a big weight, but in terms of the
4 way it comes out in the overall budget, it's
5 just a small signal because it was a minor
6 component anyway.

7 So those are just my thoughts. It
8 would be nice to understand why we're spending
9 20 percent of the overall NMFS budget on
10 salmon.

11 MR. RAUCH: On the one hand, what
12 I'm going to tell you now is not going to be
13 terribly, you're not going to like it so much.
14 But what NMFS spends is a fraction of what the
15 federal government spends on salmon.

16 If you look at what the Bonneville
17 Power Administration, the Corps of Engineers,
18 Bureau of Reclamation spends on salmon in the
19 Northwest and you add that to what all the
20 agencies in California are spending on salmon
21 and the effects it has. It's quite large.

22 And the reason that it is large is

1 because, first these are endangered species.
2 And so we have a certain obligation to recover
3 them. But they are pervasive.

4 They go from Los Angeles to
5 Montana and Idaho as endangered species. This
6 is not counting the ones in Alaska, which
7 hopefully wont ever get that status.

8 So when you deal with such an
9 integrated part of the economy, the dams on
10 the Columbia River fund a low power cost that
11 generate all the industrial capacity and
12 aluminum and other kind of things. The
13 agricultural water that goes through the
14 Sacramento Valley, funds much of the
15 agricultural production in terms of farms and
16 crops in this country.

17 So it matters, there's a huge
18 amount of the gross national product coming
19 from the West, that interacts in some matter
20 with the salmon. And if you compare that,
21 under some scale the investment is small.

22 Never the less, your point I think

1 is a good one and it is one that Congress has
2 been struggling on. When you look at what
3 some of the decreases in our budget has been
4 in the recent years, it has been in the salmon
5 line.

6 Because people in Congress and
7 others, have raised the exact same question
8 you have raised, which is, we have spent a lot
9 of money on salmon and what NMFS spends hails
10 in comparison to what some other agencies
11 spend on salmon.

12 What are we getting for it and is
13 it in the best interest of the country and
14 should we be managing towards single species
15 recovery, although there are 26 species, or
16 should we be looking at it more broadly?

17 But if we're going to invest in
18 protected resources, should we really single
19 out salmon as the most important? So you
20 asked me, why are we spending it?

21 That's why we're spending it, but
22 the debate that you raised is a debate that is

1 currently going on right now. And in any
2 given year the administration has proposed to
3 take out what's called the Pacific Coastal
4 Salmon Recovery Fund, which is a grant program
5 to the states.

6 And the Congress says, no you're
7 not going to do that. And so this is constant
8 battle between the administration, which has
9 traditionally wanted a broader, protected
10 resources approached. And Congress which has
11 said, no salmon is important and you have to
12 keep funding this.

13 And I think why they're saying it
14 is because it really does interact with all
15 these other industries and lifestyles. I
16 think that's the short answer. I don't have
17 a solution, but that's I think why.

18 CHAIR RIZZARDI: Okay, I am going
19 to call on Randy in just a second, but Tony
20 has chair of the strategic planing. I hope
21 you're taking notes.

22 And what I'm starting to hear here

1 is we're getting a lot of feedback, a lot of
2 commentary and I think this dialogue is
3 exactly the kind of dialogue that would
4 benefit the exercise the next time we
5 undertake it. Hopefully, we have Gary in the
6 room briefing us and Paul in the room briefing
7 us in terms of greater detail.

8 And maybe we should be thinking
9 about a 2025 exercise along these lines. I
10 want to make a similar observation to Julie's
11 and then I'm going to let Randy go.

12 But I looked at protected
13 resources in my little niche of expertise and
14 say, well if I'm thinking strategically I want
15 to bring that number down. We're spending 25
16 percent of our budget almost on protected
17 resources and the risk is that number could go
18 up as more species get listed and we have more
19 citizen suits and petitions and ocean
20 acidification and climate change.

21 But more species getting listed
22 means maintaining the status quo. And more

1 consultations. What we really need is more
2 bycatch reduction and more habitat improvement
3 and more of those kinds of things.

4 And I need to shift my investments
5 around in the budget if I want to reduce the
6 number of listed species and start achieving
7 recovery. You know you look at the breakdown
8 of protective resources, it's a zero on
9 recovery grants right now.

10 And yet that's where we need to be
11 investing if we want to solve the problem for
12 the long term. So if I'm going to have a
13 dialogue on 2025, I'm going to focus there.

14 And I think that's the discussion
15 that this body could have that would be of
16 real value to NOAA in terms of long term
17 thinking and where we haven't been able to go.
18 Because they're in a year to year exercise of
19 reacting and planning now for 2015 and what
20 are we going do in response to the next
21 lawsuit. So Randy, your comments.

22 MEMBER CATES: Sam, earlier there

1 was a discussion with Randy Fisher about the
2 issue of criteria and he made a statement that
3 the devil's in the details. And then you
4 commented that, that's a discussion that this
5 body could have and should have, but that you
6 necessarily couldn't have that.

7 And my question is why? I mean,
8 maybe I misunderstood or why can't NMFS have
9 that discussion internally about, if you don't
10 have an observer program what are the
11 implications?

12 MR. RAUCH: So first of all I
13 think we can't have a discussion with this
14 body about details, right. So that you can
15 understand the detailed level of the budget.
16 I didn't mean to imply that we can't do that.

17 I do think there are certain
18 questions and I've been in this position only
19 a few months, but I already know that there
20 are certain questions that are very difficult
21 for us politically to ask. For instance,
22 observers.

1 One of the questions is, can you
2 deal away with the observer program? This was
3 the example. That's not necessarily the
4 questions. I mean, at some point you can't
5 get away from monitoring the statistics.

6 I mean, the industry itself wants
7 to know how they're catching for various
8 reasons. There needs to be some sort of catch
9 monitoring.

10 And a more fundamental question,
11 not just can you get away with a national
12 observer program, but who's paying that cost?
13 Is it us, is it the industry? Should we shift
14 the cost of the industry, because right now
15 the taxpayers are paying for it.

16 That's a very politically
17 sensitive question. I don't know that we can
18 fully ask and elaborate that question in a way
19 that this body could more honestly deal with
20 it.

21 There are other kinds of
22 situations like that and I don't necessarily

1 want to go into it, you know the idea of
2 defederalizing the enforcement. That's a
3 difficult issue for us. Both externally and
4 internally to have.

5 I've got a large part of my
6 workforce is an enforcement agent. We could
7 have that discussion, it's a lot easier if we
8 start that based on some external, neutral,
9 honest advice.

10 There was a discussion about the
11 cameras, do we, and you mentioned this, do we
12 have wrong culture, right? Well, maybe we do.

13 Maybe we do have a culture that if
14 I ask the question, I'm already got the answer
15 preconceived in my head. I think that's where
16 this body could more openly deal with that
17 question and let us know.

18 MEMBER CATES: Real quick follow
19 up. I agree with you 100 percent. And I
20 wanted to draw that out.

21 And I think it's important for
22 this body to take on those issues and I'm

1 always reminded for when Ralph Rayburn brought
2 this point up, in one of my first meetings, is
3 that the reason why this body is to advise the
4 Secretary of Commerce is for that very issue.

5 That sometimes these hard
6 discussions, NMFS cannot discuss for political
7 reasons. So this advise needs to go to the
8 Secretary for that specific reason.

9 And that's an important thing for
10 everybody here to remember. And I've been
11 hammering on that my entire time, is because
12 maybe you guys can't politically have that
13 discussion. This body can and those
14 recommendations need to go to the Secretary.

15 CHAIR RIZZARDI: Back over to
16 Gary.

17 MEMBER CHATWIN: Thank you. So
18 yes I have been taking a lot of notes, I
19 apologize for having to step out.

20 One thing I would encourage us as
21 going forward is, is to ask the questions but
22 not so much should we cut this program or cut

1 that program or create a new program. But
2 what is it we want to achieve over the ten
3 year period?

4 What do we want to see? So in
5 your example of protected resources, do we
6 want to come to a level where you're having
7 more delistings then new listings? And then
8 have that frame, well what needs to happen
9 between now and then.

10 And this is what I think we have
11 been working on in the 2020 Vision. What we
12 haven't done is, okay so budget wise, how do
13 we get from where we are today to achieving
14 what we are recommending in the future?

15 I think the issue of which program
16 to cut and by how much should be secondary or
17 should be in the context of what is it we're
18 trying to achieve.

19 CHAIR RIZZARDI: Okay, we have
20 been at it for quite awhile, let's take a 15
21 minute break and then will come back. And let
22 Gary walk us through his piece of the budget

1 discussion and then Mark's going to lead us
2 through the spreadsheet that shows the status
3 of where we are with our various action items.

4 So let's reconvene in 15 minutes,
5 it's 11 o'clock, so 11:15.

6 (Whereupon, the above-entitled
7 matter went off the record at 11:00 a.m. and
8 resumed at 11:15 a.m.)

9 CHAIR RIZZARDI: Okay, we are
10 going to get started again. All right, Mark's
11 got an announcement, I have one, then we're
12 going to turn it over to Gary for a few
13 moments.

14 DR. HOLLIDAY: Thanks, Keith.
15 This is an unsolicited advertisement for the
16 National Fish and Wildlife Foundation. They
17 issued as press release yesterday announcing
18 the third year of grants onto the fisheries
19 innovation fund program.

20 These are funds that are supplied
21 by NOAA and other Philanthropic Organizations
22 to help fisheries around the country develop

1 ideas and test out new ways of doing business
2 to help sustainable fisheries succeed in
3 today's climate.

4 We've had two years of very
5 successful grants to fishermen, to
6 communities, to nonprofit organizations, for
7 them to try out new ideas. Whether it's been,
8 we have sponsored video camera pilot programs,
9 electronic reporting pilot programs, bycatch
10 reduction programs.

11 So it's a modest grant program but
12 it's one that allows small grants. There's
13 \$1.3 million I think available this year and
14 the grant period just opened yesterday.

15 There will be, NOAA fisheries will
16 be putting out some information to help
17 promote this, but I though I'd make this
18 knowledge available to you and you can help
19 your constituents both recreational,
20 commercial fishing, aquaculture, any of these
21 things that fit the criteria are welcome to
22 apply towards that.

1 So Tony's to modest to mention it,
2 but I thought I'd give you the heads up.
3 Thanks.

4 CHAIR RIZZARDI: Thanks Mark. I
5 just want to point out also, Martin Fisher is
6 not here. And Martin has temporarily stepped
7 aside as chair. He's been going through some
8 personal stuff and Dave Wallace has agreed to
9 serve in his capacity as vice chair.

10 Martin had hospitalization event
11 recently. He had a death in the family. He's
12 going through a tough personal time. I have a
13 card for Martin that I will be circulating so
14 that we can mail that off to him and just send
15 are regards as a body.

16 So I just appreciate you saying
17 hello to Martin and keeping him in your
18 thoughts. And I'm going to turn it over now
19 and let Gary take a stab at giving us a little
20 bit more of an education on the budgetary
21 issues that we've been talking about. I think
22 that was a really good dialogue.

1 And after Gary's done we're going
2 to let Mark talk to us about the spreadsheet
3 that shows the status of our various works
4 products and I hope many of you have your
5 laptops in front of you, because we'll be
6 using those to walk through the document. All
7 right, Gary, your turn.

8 MR. REISNER: Thank you very much.
9 You guys this is great. You guys know the
10 budget better than most other organizations
11 that I've talked to. So I should be able to
12 run through this fairly quickly and then open
13 it up for some questions.

14 Obviously the budgets under a lot
15 of pressure and there's a lot of uncertainty
16 as to where it's going to be and what it's
17 going to be. Often times when we talk about
18 the budget though, people forget that's for a
19 purpose. We're not just getting this money
20 for our own benefits it's really to meet our
21 mission.

22 So I generally try to start and

1 talk a little bit about that. And we've
2 talked about moving money around and why. It
3 really is our mission to focus on living
4 marine resources.

5 As Paul indicated in our
6 priorities document, we are real particularly
7 as our budget is shrinking, focusing on our
8 core responsibilities which are managing
9 sustainable fisheries and conserving and
10 protecting protected resources and are managed
11 stocks.

12 And all of are other programs
13 habitat, enforcement and our science
14 enterprise, which is the basis for all of are
15 work is based on that. And this year in
16 particular I wanted to point out that we have
17 gotten annual catch limits in place and
18 accountability measures for all of our stocks.

19 We're the first nation in the
20 world to do this so it's no trivial exercise.
21 And it's going to take some work to sustain
22 them.

1 And clearly as we go forward,
2 people are seeing, well what the implications
3 are of putting these in place and the
4 pressures that, that's putting on management
5 and stocks and assessments as we go forward.
6 Clearly the states and commissions have helped
7 us and the councils have helped us and some of
8 our international partners have helped us too.

9 Are next slide shows one of the
10 measures Jane said to look back as we look
11 forward too, the fish stock sustainability
12 index has been around for five or six years
13 now and while it seemed arcane at first, I
14 think it's gaining some understanding as an
15 indicator even if you don't understand each of
16 the pieces.

17 I don't know how many stocks are
18 in the Dow Jones, but I do know that it's an
19 indicator of performance on stocks. And the
20 same with the fish stocks sustainability
21 index, it covers both our management
22 capabilities, our assessment capabilities and

1 how well we're doing.

2 Plus it includes a component
3 related to things that we don't control as
4 well. When we get to optimal biomass size,
5 much of that is influenced, not necessarily by
6 fishing mortality, which we might be able to
7 control, but it could be related to dams,
8 pollution and environmental and climate
9 stressors that are occurring.

10 So the measure itself captures all
11 components of that and it's an indicator of
12 the way that we wanted to go. In fact we're
13 looking at the fish stock sustainability index
14 as I said, I think we started it in 2005 or '04
15 or thereabouts.

16 And they're looking at revisiting
17 the stocks that are in there. There's 230
18 stocks, they were covering 95, 98 percent of
19 the landings. And we're revisiting that mix
20 to see whether it's still the appropriate mix
21 of stocks to have.

22 As Jane indicated, by 2011 we had

1 fully rebuilt 27 stocks. That includes six in
2 2011. And also since then, just in 2012 we've
3 already recovered an additional three, so
4 we're up to 30 stocks. So we continue to make
5 progress.

6 Next slide shows our budget
7 trends. It's not quite as variable as this,
8 I just noticed this table starts at \$600
9 million and perhaps we need to go back and
10 change the y-axis so that it starts at zero.

11 But it's still, as folks have
12 indicated has, we've had a big change in the
13 direction of our stocks. You can see as we
14 move into 2008 and 2009, after those were the
15 first budgets after the re-authorization of
16 Magnuson-Stevens, we indicated at the time in
17 2007 that it would cost on the order of \$100,
18 \$150 million to implement all the additional
19 provisions of Magnuson-Stevens.

20 And worked with Congress and our
21 constituents and tried to get that. In fact
22 we were able to get that through 2010. But

1 since then things have been declining.

2 And you can see where the yellow
3 line is our President's request. In 2012,
4 things changed on the Hill and our inactive
5 budget started going down and our request
6 levels started down also.

7 And in part that's a reflection
8 of trying to support a declining economy,
9 dealing with the deficit in part, recovering
10 some of the costs associated with the Recovery
11 Act as we move forward. So our budget is in
12 the context of a larger Federal Government
13 budget.

14 And as Sam indicated, as Jane
15 indicated, we don't see that changing even
16 regardless of who wins the election in the
17 near terms. And so our budgets are going to
18 stay, hopefully in the \$800 million range.
19 It's hard to say what will happen if they go
20 further down.

21 The sequester itself, if it were
22 to occur would take another eight or a little

1 over eight percent out of our budget. Again
2 it's not clear exactly how that will be
3 implemented, but as a proportion of the
4 domestic discretionary budgets, they're going
5 to be going down another eight percent if that
6 were to be enacted.

7 So and you can see we have a
8 fairly good difference between the views the
9 House and the Senate, which is not unusual
10 we've had that before. So next slide.

11 Next slide shows the various major
12 sub-activities that we have in our budget. I
13 guess I would, Mr. Chair, like to get a copy
14 and I think I did at one time have a copy of
15 the crosswalk between the categories of the
16 budget that you have, yes.

17 DR. HOLLIDAY: So when staff
18 produces the paperwork.

19 MR. REISNER: Okay. So I will get
20 that to make sure that I can better understand
21 the components of each and how they differ.
22 And I know for example, aquaculture is

1 included in our other accounts at other
2 activities area and you've broken down some of
3 those things.

4 But as you can see between '10 and
5 '12, as folks have said, we've had a
6 substantial reduction. Much of that reduction
7 is related to earmarks that we use to have.
8 We had hard earmarks on the order of \$33
9 million.

10 We had some other soft earmarks.
11 A soft earmark is something that is in the
12 reports and not specified as what become known
13 as the table of earmarks that Congress put
14 out.

15 For example, New England fisheries
16 assistance had \$10 million in 2010. That's no
17 longer there. So that was around \$40, little
18 over \$40 million of those reductions.

19 We've also had reductions in
20 species recovery grants that we tried to move
21 some of our Pacific Coastal Salmon Recovery
22 Funds in there. We were supported for awhile

1 and then those have declined. On some of the
2 habitat areas like Open Rivers Initiative, we
3 had reductions and Pacific Coastal Salmon
4 Recovery Fund we had reductions.

5 In addition there were some
6 reductions in the fisheries and research and
7 management related to the Pacific Salmon
8 Treaty that had been planned. We had
9 commitments that we made in that Bilateral
10 Treaty, some capital investments that were
11 completed.

12 There's still some management
13 issues that we continue to fund. And then
14 there were some earmarks related to hatcheries
15 funding in Columbia River Basin and areas that
16 were put in there that we have since had come
17 out.

18 I wanted to talk a little bit
19 about '13, actually it might be easier to talk
20 about that on the next slide. These slides
21 are somewhat similar.

22 As we go into '13, at least in the

1 President's budget, we had proposed and you
2 heard the discussion here of reductions in the
3 Prescott grants. Community based restoration
4 program is reduced. Pacific Salmon Recovery
5 Fund, again, is reduced down to \$50 million
6 form \$60 million.

7 One of the issues that we've tried
8 to work on, well let me finish, so we also had
9 some cuts that cut across all of the lines
10 related to a West Coast consolidation effort.
11 It was about \$5 million that we have reduction
12 that will affect both management and science
13 on the West Coast.

14 And then we had again, reductions
15 proposed associated with the Salmon management
16 activities. And there's also reduction
17 related to the councils in the '13 request.

18 And one of the issues that I've
19 talked about before and we've talked about is
20 we have mandates. Having come from the
21 weather service, I'll say this quickly, that
22 all they have to do is try to predict the

1 forecast and they try to get it as good as
2 they can, but if they're off people are upset
3 but that's about it.

4 We not only have to predict and
5 project what the biomass levels are going to
6 be, we have to then put in place management
7 measures to get them to the appropriate
8 levels. And if we fail on either if those
9 accounts we get sued.

10 So it's a little different regime
11 that we have to work in. And so a lot of the
12 focus of our funding goes to those mandates to
13 cover those efforts.

14 I was mentioning Columbus, who use
15 to work in the Fish and Wildlife Service, how
16 listing activities are absorbing more and more
17 of our budget and we're trying to figure out
18 a way to contain that and still do recovery
19 efforts.

20 We have reductions in IEAs and
21 information and analysis also. Some of these
22 are support by the House and the Senate, some

1 of them aren't. I won't go to the individual
2 pieces in general.

3 The Senate has funded our efforts
4 to some degree. They have a couple
5 differences. And the House has taken our
6 reductions and added a few of their own.

7 If we go to the next slide we can
8 see some of the increases that are in our
9 request. We had about \$4.3 million in stock
10 assessment increases. Again this is
11 consistent with your proposals.

12 Both the House and the Senate
13 concurred with this. It's one of the areas
14 where we seem to have a consensus on the need
15 for better science.

16 For observers we had about a \$3
17 million increase and again, both the House and
18 the Senate are supporting that. Fisheries,
19 oceanography, which is where we're trying to
20 understand why stocks are going in the
21 directions they're going with our integrated
22 ecosystem assessments, IEAs.

1 The Senate didn't fund our request
2 and the House cut our request even below what
3 we had proposed in our budget. So we're
4 having trouble in a declining budget for them
5 looking at, how do we look to the future
6 strategically try to determine what some of
7 the overarching causes are of some of the
8 reductions in stocks that we might be seeing.

9 On the next slide I talk a little
10 bit about some of the reductions that we have
11 highlights in our request. One was in our
12 habitat and Chesapeake Bay Office where we
13 were cutting back about \$12 million.

14 Part of this was in the
15 restoration area. Most of it was in
16 restoration, part of it was in management
17 activities and the consolidation of our
18 Chesapeake Bay Office, making it smaller,
19 reducing our Chesapeake Bay information buoy
20 system and reductions in some grants.

21 The Senate provided most of that
22 money back, so they didn't support those

1 reductions. On regional councils, again we
2 had about \$5 million across the councils, the
3 commissions and Atlantic Cooperative
4 Management Act activities totaling about \$5
5 million.

6 The House supported those
7 reductions and added a couple more million
8 out. The Senate on the other hand didn't
9 support those reductions and put most of the
10 money back.

11 Prescott grants was a difficult
12 decision. Again in part, you have two edged
13 sword here and part it's because again, going
14 to the mandate that we have to recover
15 endangered species or manage species.

16 From a legal prospective doesn't
17 require us to address stranding's. Although
18 it is valuable and it is critical. I don't
19 want to undermined that importance.

20 And I use the weather service
21 analogy again. Again there is no mandate that
22 the weather service do a good job on their

1 hurricane projections, but it's critically
2 important to everybody.

3 So we don't have that luxury of
4 saying that this is more important than
5 something that's legally mandated though. I
6 wish we had a way around that. I don't think
7 we do right now, although we're looking at
8 opportunities to address that.

9 Obviously the Senate put that
10 money back in. At the end of the day I think
11 it will depend on, and I'll talk about his in
12 general later, whether that's supported in the
13 final enacted bill.

14 Pacific Coastal Salmon Recovery
15 Fund, we have \$50 million versus the \$65
16 million that was enacted. In past years it's
17 been \$80 million. Last few years it was \$65.
18 Both House and the Senate keep it there.

19 Sandy Hook lab closure proposal,
20 we had indicated in our budget we were looking
21 at doing this. This is part of the
22 consolidation of the Chesapeake Bay, East

1 Coast lab structure. There was no money
2 associated with it.

3 The Senate explicitly rejected it.
4 The House was silent on it. It didn't have a
5 money impact this year, but if it were
6 excepted and we go forward into '14 it would.
7 And again the West Coast proposal to
8 consolidate seems to be supported in the both
9 bills.

10 Continuing resolution, we're under
11 a six month continuing resolution. Presumably
12 funded at about the 2012 enacted level for six
13 months at the seasonal rate.

14 Which means essential the rate of
15 spending that we spent in the first six months
16 last year. It's not pro rata, it's the amount
17 that we spent last year.

18 I will say that there is language
19 in most CRs and this one too, that says we
20 should spend the minimum amount required to
21 sustain the program without unduly damaging
22 it, but not undermine the prerogatives of

1 Congress to make decisions in the future.

2 And therefore grants in
3 particular, tend not to be funded under CRs.
4 They are assistance discretionary assistance
5 are viewed and Congress in general tries to,
6 where they can, tell us to not fund grants
7 until they've made their final decisions on
8 appropriations.

9 When you have a six month CR
10 though, its start to impede our ability to act
11 on constituents ability to operate.
12 Particularly the councils which get all their
13 funding, they get no funding externally.

14 All their funding comes from us
15 through a grant. So that will have to be an
16 issue we have to deal with.

17 Sequestration, the next slide. I
18 talk about here and everybody has read about
19 this. It even came up in our national defense
20 discussions and debate last night.

21 I'm not sure what the solution is.
22 They have as much difficulty as we have here

1 trying to reach a consensus within the
2 administration. We have budgets that we
3 don't, if we were king or if we didn't have to
4 worry about other people's programs and
5 fundings we might have a different level of
6 funding in our requests.

7 However there are a lot of
8 committee priorities in the federal Government
9 that effect budget across the board. And in
10 our case that's why we're looking at
11 reductions.

12 I said eight percent below the 12
13 levels if in fact this were to happen. It's
14 a substantial amount of money and
15 substantially below are request levels in '13.

16 The next slide just shows how
17 we've been given guidance, at least at this
18 level, on how agencies should be looking at
19 this. Congress required the administration to
20 put together a report to go to the Hill on how
21 they would implement or what would be the
22 impact of the sequestration. And essentially

1 what they did was share the costs across all
2 of the offices.

3 Next slide is the '14 outlook. We
4 did a briefing of OMB of our budget in
5 September, so as Sam indicated, we starting on
6 the '15 process right now. OMB is looking at
7 the '14 budget.

8 Under normal circumstances they
9 would comeback to us in late November with a
10 passback and then budget rollout would be in
11 February. If President Obama is reelected, we
12 would probably stick pretty close to that
13 schedule.

14 In general, if new administrations
15 come in the budget rollout would be, the
16 passback would be delayed and the budget
17 rollout would probably happen not till April
18 timeframe at the earliest. And who's ever in
19 the White House, I think deficits are going to
20 remain high priority and something that has to
21 be addressed.

22 That's not going to be changed by,

1 at least from our prospective, changed by who
2 wins the election. And with that in mind we
3 are sticking to the focus that we have, which
4 is this issue of protected resources and
5 meeting our legal mandates associated with
6 that.

7 And recovering those species that
8 we can. Sustainable fisheries and the
9 associated economic benefits of that. And
10 then ensuring that all of our other programs
11 are directly tied to that and supporting the
12 mission an outcomes associated with that
13 effort.

14 I have included an number of
15 background slides for you guys. As I
16 indicated, seem to have a pretty goods handle
17 on what's in that. I'm not going to share
18 them, it's on the website and in your files.
19 So that's a quick summary of the budget as it
20 now stands.

21 CHAIR RIZZARDI: Okay, questions
22 for Gary? Randy.

1 MEMBER CATES: Does NMFS handle
2 the marine debris program?

3 MR. REISNER: So part of the
4 proposal was to transfer the marine debris
5 program from NOS to us. That's in the budget,
6 but it wasn't supported on the Hill, so it's
7 not in our program and probably won't be at
8 the end of the day that will stay within NOS.

9 We have a big role in that and
10 support them through our habitat efforts. But
11 the program itself resides within NOS.

12 MEMBER CATES: I bring that up
13 because in Hawaii we're living it right now.
14 In the last three or four weeks we're getting
15 it from the Japanese tsunami. And NOAA has a
16 staff that they've hired with no plan.

17 And we've had two big objects
18 swirling around and threatened, one came to
19 shore and one was threatening to come to
20 shore. And the State of Hawaii ended up with,
21 the State of Hawaii's lab and actually my lab
22 to figure out how to deal with it.

1 And I'm fearful that there is no
2 budget, there's no plan and there's no inner
3 government coordination. And they're
4 basically, between the Coast Guard and NOAA,
5 they're waiting till it comes ashore and then
6 it becomes a state issue. So it's a really
7 scary thought.

8 MR. REISNER: Yes, I don't have an
9 answer for that. It's NOS and it's certainly
10 through '12 and as we go through the CR where
11 were not really changing programs, ending
12 programs or expanding them.

13 It would stay in there and that's
14 where it is doing that process. I know Coast
15 Guard is looking at very large pieces and
16 tracking them.

17 In fact our OR&R, are response and
18 restoration program, and NOS has provided some
19 modeling efforts on currents to keep an eye on
20 it. But I'm not sure what else we've been
21 doing.

22 MEMBER WALLACE: Yes, I guess I

1 was not surprised but I wanted to ask a
2 question. The councils and the commissions
3 are going to take a reduction of about \$5
4 million on, like \$27 million.

5 And since sustainable fisheries is
6 driven by the councils and at best today
7 things do not move quickly because of the
8 paperwork requirements that the councils have
9 to provide. With less money, which would
10 equate probably to less meetings and less
11 staff, how are they going to meet all of these
12 mandates that are required in all of the acts
13 that they have to deal with?

14 MR. REISNER: So, I don't have a
15 full answer. The reduction to the council
16 line itself is around \$3 million. They get
17 between, I want to say, about \$30 or \$40
18 million in total from the various line. So
19 it's around ten percent.

20 If you look over history, over the
21 history of the last five or six years, they've
22 gotten increases that were greater than that

1 amount. I won't deny that it's going to be a
2 difficult transition for them.

3 And that the regulatory effort
4 they're involved in are going to have to be
5 coordinated to a greater degree with us. And
6 it could delay some rules and some actions
7 that have to have them.

8 MEMBER CHATWIN: Thank you, thank
9 you Gary for your presentation. I want to
10 make, I have a clarification question just to
11 make sure I am interpreting this right.

12 You know on the slide that has the
13 proposed FY 2013 NMFS budget increases, with
14 the fisheries oceanography, the request was
15 for an increase of \$5 million. So even though
16 the House reduced the overall request, you are
17 slaved to get an increase right? Significant
18 increase here, is that right? I'm I
19 interpreting that right?

20 MR. REISNER: Well we, so I think
21 if the House reduced our request below, if the
22 House were to prevail we would have a

1 decrease. If the Senate prevails we would
2 have no increase.

3 MEMBER CHATWIN: A decrease
4 relative to requested, but not decreased
5 relative to the action.

6 MR. REISNER: To the, hold on a
7 second. My understanding is that it would be
8 a decrease, but I should be able to hopefully
9 find it here in a second.

10 MEMBER CHATWIN: I mean we could
11 go back to that slide. If you go back to --

12 MR. REISNER: It's the increase
13 slide.

14 MEMBER CHATWIN: There, it says
15 the last bulletin there. Again, I just want
16 to make sure I'm interpreting it correctly.
17 So relative to the request there would be a
18 decrease, but the request was actually
19 represented an increase to current?

20 MR. REISNER: The request was \$7.1
21 million, The House provided \$6.4 million. So
22 we would still have a reduction, I'm trying to

1 find my --

2 MEMBER CHATWIN: What's the plus
3 \$5 million there?

4 MR. REISNER: The plus \$5 million
5 is monies that would go directly to our
6 integrated ecosystem efforts. And that was an
7 increase of \$5 million just for those
8 assessments. I don't know why I can't find my
9 fisheries oceanography line, but I can't.

10 MEMBER CHATWIN: Well that's ok.

11 MR. REISNER: But I can take it
12 off line and we can find the numbers and talk
13 to you about it.

14 MEMBER CHATWIN: And then I just
15 wanted to add an insight into Randy's comment
16 on marine debris. We've been thinking a lot
17 about that, how the foundation could help with
18 the marine debris.

19 I think one of the big challenges
20 that's keeping agencies from actually being
21 able to allocate money to it is the fact that
22 first, it can be extremely costly, but second,

1 the logistics of it are challenging. Where do
2 you recover the marine debris and once you
3 have it, what do you do with it?

4 The disposal costs are, and
5 sometimes they may not find a place to dispose
6 of that. So it really is a challenge. I
7 think also planning.

8 If you had a fund for marine
9 debris, and we actually run a marine debris
10 program in partnership with NOAA, but if you
11 have a fund for tsunami marine debris,
12 structuring it in a way that you can reactive
13 to where ever things wash up in very short
14 notice and get money to the right people is
15 really challenging. Because that's not how
16 these programs are setup.

17 You usually have a period to apply
18 for money and VET proposals. It's just really
19 challenging. I'm not, I'm just sharing my
20 experience.

21 MEMBER CATES: So the reality of
22 that issue it's a big problem. In my business

1 I'm the guy that the state tends to call to
2 deal with this stuff. And everybody's kind of
3 know that the potential is there.

4 Personally I didn't think, I
5 didn't believe that it would be as big of an
6 issue for Hawaii, but it is. And so we've had
7 a couple of objects that come ashore that are
8 real problems.

9 And so my only comment to this is,
10 the coordination with the Coast Guard, the
11 Coast Guard has absolutely come out and said,
12 we're not in the business of monitoring or
13 picking up trash. They just stated that two
14 weeks ago in Hawaii.

15 And wouldn't even let us put
16 tracking device on it. Which was very
17 troubling and the Governor got involved and
18 there's some tension there.

19 NOAA people there were trying to
20 provide input, but their input was basically
21 preventing the state from dealing with the
22 stuff. And so there's a real problem right

1 now in how are we going to deal with it.

2 For example, can we tow these
3 objects off and go and sink them? Can we sink
4 them before they come ashore? And you get the
5 EPA involved and EPAs saying, no you can't do
6 that. And then you have concern about
7 invasive species.

8 And there's just clearly no
9 coordination. Not even the money part of it,
10 but there's just no coordination in how we're
11 going to deal with these things.

12 And then there's objects that we
13 just don't understand what they are. So my
14 point on it is, everybody knows this stuff
15 coming and there's no plan and there's no
16 budget.

17 And the State of Hawaii's feeling
18 like this was left up in there labs, and
19 they're waiting to deal with it until it comes
20 ashore. And that's not being proactive.

21 CHAIR RIZZARDI: Gary?

22 MR. REISNER: I got the answer for

1 our fisheries oceanography. The amount in the
2 '12 spend plan was about \$2.1 million. Our
3 request was about \$7.1, that's the \$5 million
4 associated with the integrated ecosystem
5 assessments.

6 Senate didn't fund any of that
7 there at about \$2.2 and there House provided
8 us with about \$6.4, which still increased the
9 amount of money we had and provided some
10 funding for the IEAs in that.

11 MEMBER CHATWIN: Thank you.

12 CHAIR RIZZARDI: Okay Pam, last
13 budget question.

14 MEMBER YOCHER: Just a point of
15 clarification. You mentioned that with a
16 continuing resolution and possible also with
17 the sequestration, that NOAA Fisheries
18 interpretation of the congressional mandate is
19 to not damage programs.

20 MR. REISNER: Well --

21 MEMBER YOCHER: But that or to
22 spend the minium to not permanently --

1 MR. REISNER: I agree that it
2 would permanently damage them.

3 MEMBER YOCHER: Right, but that
4 regional, state and local partnerships
5 damaging those or potentially eliminated
6 those, things like the habitat restoration
7 grants and some of these other things, that's
8 not considered damaging.

9 MR. REISNER: That certainly
10 wasn't my intent. The dilemma we have under
11 a CR is that we're not suppose to undermined
12 the prerogatives of congress. And we run into
13 real problems when we have very large
14 differences between the President's budget,
15 the House or the Senate.

16 So let's take Prescott grants
17 where we're not funding them in the
18 President's budget, they're funding, I think
19 in the Senate, not in the House. If we try to
20 fund them and the Congress comes back and says
21 they're zero funding for that, then we've
22 obligated funds without having an

1 appropriation.

2 Because when a final appropriation
3 is enacted, it doesn't start from when the CR
4 ends, it essentially takes you all the way back
5 to October. So for those programs where
6 there's a large difference in funding, we will
7 tend to take the smaller of those three
8 numbers.

9 The House, the Senate or the
10 President's budget. To ensure that we're not
11 undermining their prerogative and also
12 spending more than they ultimately intend to,
13 which means we have to cover that with other
14 program funds.

15 So that creates a lot of
16 difficulty and uncertainty under CR scenarios.
17 Frankly this is the first time where I've been
18 in a situation. I've been in situations where
19 CRs ultimately have lasted six months, I've
20 not been in a situation where a CR was enacted
21 in September that was going to last for six
22 months at one time.

1 So that's a new wrinkle for me.
2 In the past they've lasted for a couple
3 months, three months at most and then they
4 would just get extended. Sometimes would have
5 one day CRs that got extended and they might
6 go out that long.

7 But it makes it very difficult to
8 plan. And particularly where you have large
9 differences in the amounts be requested and
10 the numbers between the House and the Senate.

11 CHAIR RIZZARDI: Okay, so we're
12 going to reshuffle the agenda a little bit
13 since we fell behind. We're going to push
14 Mark's piece and report on the various MAFAC
15 actions out until later in the meeting. I'll
16 figure out how to engineer our place.

17 Anybody else have feedback on the
18 budget issue? Julie, you want --

19 MEMBER BONNEY: Heidi can you put
20 the bar chart back up there? I'm just curious
21 how you set your priorities in terms of the
22 budget. So if you look at what you were

1 requesting in the President budget for 2012
2 and then what you actual got enacted, that's
3 a dramatic difference of a \$100 million.

4 So based on that feedback then, I
5 mean why didn't you ask for \$1 trillion again
6 2013? I mean when you asked for a budget are
7 you asking for a budget based on the money you
8 think you're going to be able to get or the
9 money that you need to run your programs?

10 MR. REISNER: Well it's a
11 combination of what's the reality of the
12 environment that budgets are being developed
13 under and also what's viable in a shrinking
14 budget. So our '13 budget was put together
15 and announced in February, which was early in
16 the FY '12 process.

17 Clearly in FY '11 and moving
18 forward it becoming evident that deficit were
19 skyrocketing and Congress had changed, at
20 least the House had changed parties, and that
21 the environment under which we could develop
22 a budget and support it was different. And

1 because of that the amount of money available
2 to us was less.

3 And so we had to prioritize under
4 that smaller number. We didn't have the
5 opportunity to ask for a billion dollars.

6 MEMBER BONNEY: I guess my
7 question though is, you obviously have some
8 amount of money that you need to maintain the
9 programs and do a good job. And at some point
10 you can't cut anymore.

11 And so how do you weigh, I'm
12 trying to be responsive to the fiscal crisis
13 we're in versus just saying, while you may
14 give us less we're going to still tell you how
15 much money we need to run our division?

16 MR. REISNER: So without getting
17 into all the pre-decisional machinations of
18 the budget process, we went forward with
19 requests that we though were the minium amount
20 that we needed to operate our programs. We
21 looked again at those that were core to our
22 responsibilities. Fisheries, research and

1 management, protected species and the other
2 programs that could sustain that.

3 I indicated before, habitat is a
4 critical program as an example. And if you
5 want to look at long term recovery, we can do
6 so much with fishing mortality. But if we
7 can't get are habitat restoration work, which
8 sort of the nursers of fisheries under
9 control, then in the long run we're going to
10 have problems there.

11 However, not funding that in a
12 particular year doesn't lead to lawsuits. And
13 so we have to, in a shrinking budget, focus on
14 those areas where Congress has dictated the
15 mandates that are of highest priority for
16 them. And that's what we funded and it's
17 reflected in our budget and you can see where
18 we have reductions because of that.

19 CHAIR RIZZARDI: Gary thanks for
20 an education on the budget today. And Mark
21 and Tony, thanks for all your efforts on the
22 strategic exercise.

1 I think it's important for this
2 committee to continue to engage in the budget
3 dialogue. I mean at the end of the day this
4 is where the policy is getting formulated.
5 This is where the options are being decided
6 and where the monies being spent and where
7 it's being laid out and programed is going to
8 determine what NOAA is able to do in the
9 future.

10 And I think it's really important
11 that we continue to work on this. And Tony,
12 I know you got some direction for the next
13 couple of meetings. So I think you'll be
14 seeing some more dialogue on this.

15 I appreciate the fact that all of
16 you engaged today. And many of you engaged in
17 the budget exercise and you'll get a chance to
18 do it again down the road.

19 This afternoon we're going to
20 being doing our seafood certification
21 workshop. And George Nardi is going to be
22 presiding as chair, for purposes of the

1 program. Both today in the afternoon and
2 tomorrow in the afternoon we're going to have
3 the opportunity for webinar participation or
4 online participation as well.

5 So later today we'll have some of
6 our MAFAC members potentially on the line.
7 Tomorrow there will be members from other
8 councils, from the CCC, who will be
9 participating as well.

10 Well be starting promptly at 1:15
11 for the seafood certification workshop and
12 we're going to take a break for lunch at this
13 time. So thanks everybody.

14 (Whereupon, the above-entitled
15 matter went off the record at 12:01 p.m. and
16 resumed at 1:20 p.m.)

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1 issue. I just wanted to cover, very quickly,
2 what the plan is for today.

3 We will have four panelists that
4 will be talking to us and helping MAFAC
5 educate itself on these issues. Our goal is
6 to be able to make informed policy
7 recommendations to NOAA down the road.

8 At 4 o'clock today, the workgroup
9 that George is leading will be convening,
10 having heard from our four expert panelists,
11 to talk about, okay, what's next? Are we
12 going to do a white paper? Are we going to
13 have a few more meetings? What are we going
14 to do from this point?

15 And we do have public comments
16 slated for Day 3 of our MAFAC meeting, if
17 necessary, so, for everybody back there.
18 Appreciate everybody coming back promptly on
19 time. We're starting just a few moments late,
20 I think we're waiting for one more speaker,
21 but we've got the folks who are ready to go
22 right now.

1 All right. So Laurel, you've been
2 very helpful in organizing our speaker list.
3 Would you do the introductions for us?

4 MS. BRYANT: Sure, and you've got
5 John Connelly, Director of The National
6 Fisheries Institute. John is in a really
7 unique position to address us today. He's
8 been involved in these issues a long time from
9 a variety of viewpoints.

10 Everything from The Marine
11 Stewardship Council Board, International
12 Sustainable Seafood Foundation Board,
13 currently involved in the Global Sustainable
14 Seafood Initiative, which is a retail and
15 industry-driven initiative.

16 So without further ado, do you
17 want me to introduce everybody through it?

18 CHAIR RIZZARDI: Yes, would you
19 please?

20 MS. BRYANT: John Connelly, and
21 then, who do we have up next? Is it going to
22 be David Long or is it Dawn Martin?

1 CHAIR RIZZARDI: David.

2 MS. BRYANT: David Long is from
3 Kroger Foods, who is both their seafood
4 procurement and manager and brings a unique
5 perspective on this. Kroger has always been
6 kind of at the cutting edge of some of the
7 sustainability and ecology issues and also is
8 a member of the Food Marketing Institute that
9 has been advising on this issue.

10 Dawn Martin, President and CEO of
11 SeaWeb, interesting environmental group that's
12 pretty much been dedicated to building a lot
13 of common ground and bridges with industry on
14 sustainable seafood and other ocean
15 conservation-related matters, but dealing
16 directly with industry and how to help them
17 and work together on those issues.

18 And then finally our own Dr. Tim
19 Hansen with our Seafood Inspection Program,
20 who also brings a wealth of information with
21 regard to government's role in this and
22 various certification models and programs and

1 requirements.

2 And then I also wanted to give a
3 shout out to our staff, Linda Chaves, who's
4 been very involved in these issues in trade
5 relations. And also Greg Schneider with our
6 Office of International Affairs. So with
7 that, Mr. Chairman, I --

8 CHAIR RIZZARDI: Thanks, Laurel.

9 MS. BRYANT: Lead on.

10 CHAIR RIZZARDI: George?

11 MEMBER NARDI: Thanks, Laurel, for
12 that information on the panel, and Keith, for
13 moving forward with this session. I'd like to
14 take just a few minutes to put some of this
15 into context for both the new members and the
16 audience here.

17 In the advance materials that the
18 staff sent around, you'll see this obviously
19 is not the first time this has been taken up
20 and looked at. And from our perspective, I
21 would like to think of this as somewhat akin
22 to a scoping session.

1 We're trying to get information on
2 seafood certification programs as it may apply
3 to both wild-harvested and cultured product.
4 And it's something that we're trying,
5 hopefully, to take a fresh look at.

6 It's being driven -- there's not
7 one of us that supplies seafood, whether it's
8 cultured or wild-harvested and processed, to
9 the retail industry, that hasn't been asked by
10 some of our customers to fill out this
11 questionnaire, or this form, or are you
12 certified by such and such a group? Or what
13 group?

14 And it is frustrating in some
15 regards that sometimes some of the products
16 that we produce may not be covered under
17 existing programs. So it's driven us to, and
18 me in particular, maybe to take a fresh look
19 at something where we could be included in
20 some of the certification programs.

21 I would suggest you also take a
22 look at, when you have time, if you haven't

1 already, to the 2008 document that Mark
2 included. And I'm just going to read a couple
3 of points from it that will help set this in
4 context for us.

5 In that directive of 2008, on
6 certification of sustainable fisheries, in the
7 third paragraph, there's a sentence that
8 states, "NMFS is often the primary, if not
9 sole, source of scientific and management data
10 and information needed by private sector
11 certification bodies to complete the
12 certification assessment."

13 So part of the thinking is, well,
14 if the private bodies are going here to begin
15 with, is there a role that NMFS could play
16 that would be beneficial to the U.S. seafood
17 production industry from the harvest side and
18 the aquaculture side where we could look at
19 NMFS or NOAA playing a role in this?

20 Conversely, just a few sentences
21 later, there is the objective in that
22 directive states, "it is NMFS policy to

1 neither endorse nor participate directly or
2 indirectly in the private sector certification
3 of fisheries."

4 So here's where we are bringing
5 this afresh. Because we are asking for NMFS
6 to change that objective and to look at, is
7 there a role, or is there not a role, for
8 certification by NMFS or other groups that
9 would be more inclusive? And, from our
10 perspective again, cost-competitive with some
11 of the private programs out there, which has
12 been a deterrent for some of us.

13 So that's one aspect. The other
14 part of that paradigm is that the program that
15 is envisioned, or could be envisioned, is that
16 acceptable to the buyers of our product? To
17 the retailers, to the chain restraints? Is
18 what we come up with acceptable? If it isn't,
19 we should stop. If it's overpriced, we should
20 stop.

21 So with that, I'm just trying to
22 put this discussion in context. And for the

1 MAFAC members here, I'm hoping, as it will
2 help myself, that the panel discussion will
3 elicit some healthy discussion and dialogue
4 back and forth to see if this is a goal we
5 wish to continue to pursue for future
6 meetings.

7 With that I would turn it over to
8 the panel and John to begin.

9 MR. CONNELLY: Okay. I would like
10 to stand, Keith, but I understand we have
11 folks on the webinar, so if they can't hear
12 me, will they let me know? I guess if they
13 can't hear me, they don't know I'm speaking.

14 I have 14 slides, so if you're
15 bored at number 10, just realize, bear with
16 me, four more to go.

17 And who is NFI? For those that
18 don't know, we represent that seafood industry
19 in the U.S., water to table, with a couple of
20 exceptions.

21 And we are dedicated to the
22 economic sustainable use of resources, which

1 means people need to understand that the
2 seafood industry actually has to make money in
3 this in addition to providing seafood now and
4 providing seafood for future generations.

5 And we rely extensively on
6 research in order to determine how to
7 communicate and some of that will be reflected
8 in some of the comments over the next 10
9 minutes.

10 A couple of definitions I thought
11 would be helpful to review. People often say,
12 certification and eco-label mean the same
13 thing, when they're really not the same thing
14 at all. Certification is a review of a
15 fishery. And it can take a couple of forms.

16 It can be a review of the systems
17 in a fishery to make sure they're robust to
18 reflect changes in stocks or fishing methods,
19 et cetera. Or it can be a review of the
20 system and results. Meaning it can review the
21 system to make sure it's robust, but then also
22 look at the stock status and bycatch levels,

1 et cetera.

2 A different way to slice this is,
3 there are things called First Degree
4 Certifications and Third Degree
5 Certifications. First Degree Certifications
6 are just self-declarations. So NOAA fishery
7 is saying, we are certifying that we do a good
8 job. New Zealand fishery managers saying, we
9 do a good job. That's a self-declaration or
10 First Degree Certification.

11 A Third Degree Certification would
12 be an external party coming in and looking at
13 what NOAA does, NOAA fisheries does, and
14 verifying that they, in fact, do a good job
15 both in their systems and/or their stocks.

16 Eco-labels are merely a tool to
17 communicate that a certification has been
18 accomplished. That's it. You can have a
19 certification and not have an eco-label, but
20 you can't have an eco-label without a
21 certification.

22 So you could have an MSC-certified

1 fishery in Alaska that elects not to put the
2 logo on the package. But you can't put a logo
3 on a package without someone certifying that
4 the fishery is well-managed. So really
5 fundamental to not confuse these two words.

6 Our policy at NFI is that
7 fisheries management is a government role.
8 This is the responsibility of NOAA, it's what
9 our government, our elected officials, society
10 broadly, has defined this agency is
11 responsible for fisheries management.

12 But our policy also is that
13 fisheries managers need to do a job in
14 communicating their efforts and their results
15 to key audiences. We also recognize that some
16 markets require a third party certification.

17 And for that reason, for market
18 reasons, NFI's members are engaged in that.
19 So our members are engaged like things like
20 Marine Stewardship Council because markets,
21 particularly in Europe, require that.

22 And as George said, and probably

1 David will expound on, there are a lot of
2 efforts around the world to develop third
3 party certifications. And oftentimes,
4 countries, or associations, or others, will
5 run out and develop a certification program.

6 And then they get to the market
7 and the market says, you've got to be kidding
8 me. That's basically joke. And so they've
9 wasted all this time in developing a
10 certification program without first checking
11 whether the market's going to accept it.

12 So we strongly urge, whenever you
13 think about developing a certification
14 program, check with your customers to see
15 whether or not it's going to be acceptable.

16 Our engagement, as Laurel said, I
17 remain on the MSC Board of Directors, or Board
18 of Trustees. I'm on the Board of Directors of
19 the International Seafood Sustainability
20 Foundation, which is the global tuna industry
21 effort. We represent about 85 percent of the
22 canned tuna capacity in the globe in

1 partnership with WWF and some others.

2 I'm also involved with The World
3 Bank in a group called ALLFISH, which is a
4 partnership to try to look at how to drive
5 economic considerations into fisheries
6 management. And that program has expanded
7 dramatically into something called Global
8 Partnership for Oceans.

9 And then because of some of the
10 things that you'll see in a moment, I'm
11 involved in something called the Global
12 Seafood Sustainability Initiative, which is an
13 effort to try to rationalize all these
14 programs.

15 And I am a former member of MAFAC,
16 but I'm actually a registered lobbyist. I was
17 kicked off because I don't think my views are
18 appropriate anymore. Someone doesn't think my
19 views are appropriate anymore.

20 So what is the purpose of an
21 eco-label? The purpose of an eco-label is to
22 communicate that a fishery is well-managed.

1 That's what an eco-label can do for you.

2 However, how do you document that
3 something is well-managed? You can either
4 have fisheries managers communicate their
5 processes and their results in a robust
6 fashion to the public, or you can have a third
7 party certify what fisheries managers do.

8 So two options to communicate.
9 But you have to have some method to
10 communicate if you're going to have an
11 effective eco-label.

12 So to whom should you communicate?
13 There are 500,000,000 North Americans;
14 Canadians and U.S. citizens. There are
15 700,000,000 Europeans, and we export a lot of
16 fish to Europe, so I added that number in
17 there.

18 And there are about 400
19 institutional buyers, people like David,
20 people like Butch Vidrien from Sysco, Roger
21 Bing from Darden. Companies like that.

22 So if I can influence 400 people

1 or work with 400 people or 1.2 billion, it's
2 going to be a hell of a lot easier, or at
3 least less expensive, to deal with the 400
4 than the 1.2. And this is certainly, the NGO
5 community has taken this path. It's much more
6 effective to deal with 400 than 1.2 billion.

7 But let's go to actually what
8 happens in the marketplace. This will begin
9 to get into the more controversial parts of my
10 topic. And every consultant that comes up
11 here will tell you -- not this group -- but
12 every consultant that you hear that's involved
13 in sustainability will tell you, consumers
14 want green products. Absolutely want green
15 products.

16 And if you look at what actually
17 they do versus what they say, consumers do not
18 pay for an eco-label. They absolutely do not.
19 And there's little evidence that they do. I'm
20 going to share some quotes from three regions
21 of the world that a large PR, communication,
22 and advertising firm, wanted to understand

1 fisheries eco-labels and how seriously people
2 took them.

3 And this is a quote from the U.S.,
4 and they actually went out and did shopping
5 with these consumers in Germany, Japan, the
6 U.K. and the U.S. And one of the Americans
7 said, "I base most of my choices on the
8 health, but if the food has traveled a hundred
9 mile or more, I'm less likely to buy it."

10 In fact, Jeff examines price
11 exclusively, doesn't articulate health or food
12 mile issues for the rest of his trip. So
13 again, he knows that food miles are supposed
14 to be something that he says, but when he
15 actually makes the purchase? Totally on
16 price.

17 Moving to Germany, "Well, I still
18 buy fish here. I'm not going to pound the
19 streets to find a retailer offering
20 sustainable fish. You know what? I know it's
21 not ethically correct, but the marinated sole
22 looks so good, I just have to have it."

1 So here's someone that says the
2 right thing, catches himself, and then says,
3 I want the sole. And I'm going to have the
4 sole.

5 And lastly, frankly my favorite,
6 because I do have to go over to the U.K. a
7 fair bit for some things and I am constantly
8 told about how Americans are selfish people.
9 So I love this quote, "I don't see why we
10 should go without. Someone else will come
11 along and buy it, the breaded cod, instead of
12 me. That's not fair. If there's a real
13 problem, then ban it so no one gets the fish."

14 Which, I just loved that attitude.
15 If I can't have mine, kind of screw everyone
16 in the deal. So what people say and what they
17 do are very different, so be very careful
18 about people pitching you an easy answer in
19 this area.

20 I'm sorry, one other thing. All
21 the research says, though, that brands are
22 what people trust. They trust packaged goods

1 companies and they trust retailers and food
2 service. They assume those companies have
3 done all this work for them.

4 So when you think about it, you
5 don't go into a store and decide. When you go
6 to Kroger tonight, you're not going to decide
7 what fish you're offered. David has already
8 made that choice for you. He's already done
9 the work in sustainability. And now you have
10 a choice among what he's already done.

11 So it's their buyers have actually
12 preselected and done all this work, and that
13 is what consumers say they expect.

14 So, challenges for NOAA, if those
15 were some questions. Competition. There are
16 probably 75 different labels out there. Some
17 are more well known than others. These are
18 just some from both the aquaculture and the
19 wild side.

20 There's already demand in the
21 marketplace to reduce this. Whether it comes
22 from the harvester who has two processors

1 telling them two different programs they have
2 to do because Costco says do one thing, and I
3 guarantee, if Costco says do one thing, Kroger
4 is going to tell you to do another thing.

5 And if Kroger says, or, well,
6 Costco says another thing, Wal-Mart's going to
7 do a third. Just, that's the competitive
8 nature of the retail market. And so there's
9 already a demand from harvesters, from
10 processors, from branded companies, to try to
11 reduce the number of labels in some way, or at
12 least provide some means to determine what's
13 a credible label or program.

14 Second challenge for NOAA is brand
15 interests. Here's two fish brands. Okay?
16 And the NOAA logo is essential to that. So
17 what fish brand number one is saying is, I'm
18 the same as fish brand number two from a
19 sustainability reason.

20 So we're teaching the consumers,
21 if you get on this path, branded companies
22 don't like labels because they're teaching

1 consumers that competitive products are the
2 same. And you're teaching people to look for
3 the logo on the bottom rather than that iconic
4 fisherman at the top. And branded companies
5 don't like that, because they covet the space
6 on the box.

7 Think about this thing here. Who
8 is this? Einstein's has researched every word
9 on this label, on this cup. And they've
10 figured out how much they could put on and how
11 much they can't. And they figured out the
12 wording that's going to get a consumer to
13 react.

14 And when you think about
15 sophisticated brand companies, that is, they
16 spend a ton of money, research individual
17 words and logos. And to put someone's
18 competitive logo on there is really concerning
19 to them. So NOAA would have a competitive
20 issue with brands.

21 Challenges for implementation. An
22 eco-label, to make an eco-label robust, you

1 have to go out and talk to the consumer. And
2 I just looked up yesterday, the U.S. has \$130
3 billion advertising industry in the U.S.
4 alone. So we spend \$130 billion in the U.S.
5 on TV, print, and social media advertising.
6 So NOAA would need to find a way to crack
7 through that to get to the consumer if you go
8 down an eco-label path.

9 Would you work first with retailer
10 food service to get them to accept that?

11 Would you work with the branded companies, the
12 packaging companies, to accept a label on
13 their package? And then how do you treat
14 aquaculture in addition to wild capture?

15 So what does NOAA do well? NOAA
16 runs a transparent, participatory, open, and
17 science-based system. There are few systems
18 in the world as robust as this system that
19 NOAA operates. It operates after a lot of
20 legislation in a very open system in getting
21 legislation passed.

22 Our regulatory system in the U.S.

1 is very open. There's opportunities for
2 litigation if someone doesn't like the
3 regulation. And then there's opportunities
4 for the council process.

5 So the 10 national standards
6 provide a lot of opportunity for stakeholder
7 input. More than any other program in the
8 world. So we have a very good system, and the
9 result is, most of our stocks are actually in
10 great shape.

11 Are there high nails that need to
12 get pounded down? Absolutely. But most
13 stocks managed by NOAA are actually in very
14 good shape.

15 But what doesn't NOAA do well?
16 NOAA needs to buy a printing press. They are
17 terrible, terrible communicators. Terrible.
18 Don't talk to the public in a forceful way.
19 Do not talk to buyers on a regular and
20 individual way. And don't really defend
21 itself robustly or quickly.

22 And the result is others now

1 define the status of stocks and the market
2 requires others to certify what NOAA does.
3 And the result is, in some ways, NOAA has
4 ceded its authority on third parties.

5 Now that's a market force that we
6 have to deal with, our organization has to
7 deal with, our members have to deal with. But
8 NOAA has ceded a lot of its authority because
9 it doesn't communicate.

10 So other alternatives for NOAA to
11 consider. No matter what NOAA does, it's going
12 to have to communicate. If you get on the path
13 of an eco-label, you're going to have to
14 communicate about that. And I'll show you two
15 different ways to look at this.

16 So you have to do good, but then
17 you have to tell people about the good that
18 you do. So if we try to communicate our way
19 out of something, this is something that we
20 try to think about a lot in our organization,
21 you can't really communicate your way out of
22 something unless it's based in good

1 performance.

2 You have to have good information
3 in order to communicate. If you don't, you're
4 going to be found out to be a fraud. However,
5 if you do all these good things, a la what
6 NOAA's doing, and you don't tell anyone, then
7 it's a waste. It's a wasted effort.

8 Scientifically it's good, but
9 we've ceded all that. Now the area where NOAA
10 does do a good job is the area of FishWatch,
11 but that's a small program and hasn't really
12 burst though to a significant way in the
13 market so that the market recognizes, I can go
14 to FishWatch and get accurate, good, simple
15 information. And I would say that's because
16 we don't communicate enough.

17 So if NOAA needs to communicate
18 more, what's the added value of the eco-label?
19 So to look at this graphically, we spend about
20 \$900 million at NOAA fisheries. I believe
21 that's the budget, roughly, the request for
22 this year. \$900 million.

1 That's all to pay for strong
2 science, the staff, et cetera. That doesn't
3 count all the supplemental science that's
4 done, that's provided into the council system.
5 That doesn't provide the countless hours of
6 the industry and academics and conservation
7 community, academia, coming to the council
8 system.

9 So there's a lot of money spent in
10 this system. That is the performance that has
11 generated good results at NOAA. If you ask
12 for a certification in an eco-label, those are
13 going to be based on NOAA's performance. It's
14 exactly what George said.

15 Certification programs, a third
16 party certification program, has to come back
17 to NOAA and say, can you tell me the status of
18 the stocks? Can you tell me what you're
19 doing? It's all based in the foundation of
20 performance.

21 So why go down the path of having
22 an eco-label when the fundamental is still

1 about communication? And that's my message
2 today, is NOAA needs to do a much more
3 forceful job in communicating forcefully,
4 regularly, and I would argue, individually, to
5 retailers and food service companies, about
6 the status of U.S. stocks.

7 And it's not just going to an FMI
8 meeting, but it's having Eric Schwaab or Sam
9 or Mark, whoever it is, at the senior level,
10 go and meet with the executives of a retailer
11 and explain, this is how U.S. stocks are run.

12 So it's inappropriate to ask for a
13 third party certification of the already
14 hundreds of millions of dollars that we
15 already spent.

16 So, Mr. Chairman, I'm not sure if
17 you're taking questions now, or you want to --

18 MEMBER NARDI: Actually, I'd like
19 the Committee to write down their questions,
20 because some of your questions may dovetail
21 for another panelist. I'd rather have all the
22 panelists make their presentations, if that's

1 okay, and then let's ask them all of our
2 questions at the end.

3 MR. LONG: As Josh prepares the
4 slides, as Laurel said, I am David Long. I am
5 the Seafood Coordinator for the Kroger
6 Company. I'm responsible for merchandising
7 and procurement.

8 The Kroger Company feels very
9 strongly about our responsibility towards
10 sustainability. Overall sustainability. And
11 the sustainability tree, I call it, that's our
12 overarching communication to our customers
13 that we are improving today to protect
14 tomorrow.

15 We issue a sustainability report
16 once a year that shows all the wonderful
17 things that we're doing in water, in waste
18 management, and of course, seafood. And as
19 the nation's largest traditional grocery
20 retailer, we recognize that we have a very
21 important role to play in responsible sourcing
22 of seafood.

1 We believe that to be a
2 responsible steward of the environment goes
3 hand in hand with providing high quality
4 seafood for our customers. We communicate --
5 this is a brochure that you'll see in our
6 stores that we just put out this October.

7 And ensuring fresh,
8 responsibly-sourced seafood for generations to
9 come. As John alluded, our customers want to
10 know that we are doing the right thing, that
11 we are doing practices that will provide fresh
12 seafood and not harming the ecosystems for
13 depleting fish species.

14 Also, I'll note that I only have
15 three slides, so it's a lot less. We are
16 committed to responsibly-sourced seafood.
17 Kroger formed a partnership with the WWF to
18 help ensure that our wild-caught seafood is
19 sourced responsibly.

20 We also work with the GAA's Best
21 Aquaculture Practices Program to ensure that
22 farmed seafood sold in our stores meets strict

1 standards for sustainability.

2 Our company has invested in
3 several fishery improvement projects, and we
4 will continue that work. And we make our
5 sourcing decisions based on science and
6 consulting with our NGO partners and our
7 government and of course, customer
8 preferences.

9 Laurel also told you that I am on
10 the FMI's Sustainable Seafood Committee. We
11 are made up of retailers and we sit in a room
12 just like this twice a year. We have webinars
13 ourselves, we have conference calls throughout
14 the year. And we talk about the work that
15 each of us are doing to better educate our
16 associates and to how we can better
17 communicate sustainability to our customers.

18 Now, John did a wonderful job
19 there explaining certification and eco-label,
20 but imagine doing that as a clerk behind the
21 counter to someone who asked you that in the
22 store. It is a very complicated issue.

1 As a seafood coordinator, I'm
2 responsible for merchandising and procurement.
3 I started in the company 30 years ago behind
4 the counter as a seafood clerk, selling
5 seafood. I can remember, I was telling John,
6 I can remember selling redfish in our stores.

7 And I was, happened to be part of
8 the first fly-in of Alaskan silverbright
9 salmon into our stores in July 4th. And we
10 brought in those whole fish and I cut up
11 thousands of them, folks. And it was
12 wonderful. It was the beginning of a great
13 relationship we have in the Alaskan products
14 that we sell in our stores.

15 Much has changed over these 30
16 years. And I represent the seafood expert for
17 my company. And even though I have 30 years
18 in this business, I do not possess the
19 expertise to judge certification programs or
20 the many eco-labels in the marketplace.

21 We rely on our NGO partners and we
22 use heavily the NOAA FishWatch website that

1 John talks about. And I encourage all of us
2 to do that. We show it to our associates, we
3 talk to them about it. We show it to our
4 customers. And we use that as a great voice
5 of the truth that we can go to.

6 It is difficult, as a retailer, to
7 determine the validity of all these
8 certification processes and these eco-labels.
9 That's why we are interested in the GSSI,
10 because we would benefit from a single source.

11 There is a lot of confusion in the
12 marketplace, and our customers, as John
13 alluded to, they come into our stores and they
14 trust us. We are doing everything that we
15 can, and we will do more. I represent only
16 one retailer. I'm not saying that I represent
17 all retailers.

18 But I want you to know that Kroger
19 Company is very -- it is very, very important,
20 the work that we do. Even though I'm over
21 merchandising and procurement, at least the
22 majority of my time is spent on

1 sustainability. Because it's that important
2 for me to learn more so that I can make sure
3 that we are doing the right things.

4 Laurel asked me here today to
5 speak as a retailer. And I will tell you that
6 as a customer, as I shop, and having children,
7 my children ask the same questions. And we
8 want to have the right answers. We will
9 continue to work and to learn and to do
10 better, because that's what our company is
11 about. Thank you.

12 MS. BRYANT: Mr. Chairman, can I
13 just say, I did not solicit or pay David to
14 say anything about FishWatch.

15 (Laughter.)

16 MEMBER NARDI: Thank you, David.
17 I think -- is it Tim? Tim, are you up? Oh,
18 Dawn? Okay.

19 MS. MARTIN: Great, good
20 afternoon. Thank you all for having us here
21 and a special thanks to Laurel and NOAA and
22 the Committee for addressing this issue. We

1 think it's a really important one. It's
2 clearly been getting a lot of attention these
3 days and we're really honored to be here and
4 to be a part of this panel with our friends.

5 I thought I would start with just
6 a basic introduction about SeaWeb. And one of
7 our primary programs, as Laurel mentioned, is
8 called the Seafood Choices Alliance. We run
9 a number of programs that are really aimed at
10 trying to work together with the industry,
11 with the NGO community, with the scientific
12 community, and also with the media.

13 So I have to say, I was very proud
14 of my friend over on the other side of the
15 table here, John, who spoke about the
16 communication challenges. Because it's not
17 just NOAA that has a problem communicating.

18 It's what we do for a living, and
19 it's really hard for us to do it. These are
20 complex and complicated issue, but I think
21 many of them can be solved with more efficient
22 and effective communications.

1 One of the approaches that we have
2 found to be most helpful for us in our work is
3 a convening called the International Seafood
4 Summit. And that's a forum we've been running
5 now for 10 years that's aimed at bringing all
6 of these multiple stakeholders in the
7 fisheries world together, with the
8 understanding that collaboration and
9 conversation and discussions is going to get
10 you further along the process and move the
11 issue of sustainability a bit further than
12 some of the older days of sort of the
13 Hatfields and McCoys.

14 And the, I hope -- John's smiling,
15 maybe not completely older days -- but I think
16 we've made a lot of progress in coming
17 together to try to resolve issues and to
18 address them with a focus aimed at solving
19 problems and not just casting blame.

20 So in many cases, we serve as a
21 facilitator, a convener, a promoter of
22 innovation and building partnerships and

1 dialogues that some of these issues develop.
2 We do business roundtables, we do aquaculture
3 tours and fisheries tours, because one of the
4 things that we've learned is that hands-on
5 experience is really, really valuable.

6 Whether it's going in the back
7 room of a retailer or actually going out on a
8 aquaculture farm to see the challenges as well
9 as the opportunities that present themselves.

10 We also run the Seafood Champions
11 Program. We've been doing that now for about
12 six years. And that's aimed towards giving
13 recognition to people who are doing the good
14 thing on this pathway to sustainability.

15 Because again, the idea, as well,
16 for us, is about the carrot as opposed to the
17 stick. And when people get thanked for doing
18 the right thing, they generally like to come
19 back for more. And we do a variety of other
20 trainings and workshops and communications
21 efforts.

22 This visual is just an attempt to

1 show the diverse array of stakeholders we
2 engage with in the seafood movement. Our
3 primary function is really to try to keep the
4 conversation going among all of these
5 different aspects of the sector in the
6 marketplace.

7 A lot of our other colleagues on
8 the NGO side of the equation here are really
9 focused on working with maybe one sector of
10 the seafood industry. A lot of folks are
11 really focused right now, for instance, on the
12 retail industry. Some are working on the
13 policy issues as well and not really engaged
14 at all in the marketplace.

15 So we work with businesses, as I
16 said, who are trying to shape good
17 sustainability practices, and also the
18 government bodies who are trying to do the
19 right thing. So we have the opportunity to
20 actually work with NOAA on their website and
21 to address some of the challenges that
22 FishWatch was experiencing from the NGOs in

1 terms of credibility and accessibility and all
2 of that.

3 And I think it's -- I have to say,
4 NOAA has done a tremendous job in moving that
5 forward. And she didn't pay me, either, to
6 say that. But I think it's actually helped
7 the information flow and it's helped mitigate
8 a lot of the sense of accusations, et cetera,
9 that we have been hearing in the past and the
10 concerns about the status of U.S. fishery
11 stocks by making that so readily available to
12 folks.

13 I'll say that we also hold a lot
14 of confidential, private consultations and
15 sort of a fee-for-service model with
16 companies. We have folks that have worked in
17 the certification area for some time that are
18 looking to try to help advance this issue with
19 some of our colleagues on the business side
20 who want to go beyond just the sustainability
21 issue, but are looking at some of the other
22 issues we've talked about, like the human

1 element, the social element, the carbon
2 footprint that is clearly of growing concern
3 to a variety of companies.

4 Through our Seafood Summit, as
5 I've mentioned, we've actually seen a lot of
6 progress on this issue. So one of the things,
7 messages I want to impart upon the committee
8 is a sense that there has been a lot of work
9 done in a relatively quick time frame on this,
10 so I imagine you get a lot of pressure to act
11 on this and to make some decisions and to try
12 to figure out where the government's role is.

13 But I would encourage you to
14 really think about the progress and what the
15 role is of NOAA versus what's the role of the
16 marketplace and how some of these issues may
17 naturally resolve themselves.

18 You're probably feeling there's a
19 lot of pressure on some of them now, but they
20 may work themselves out, as it seems from our
21 perspective, in terms of where we sit as
22 almost observers and facilitators of a lot of

1 this, a lot of positive momentum and movement
2 here.

3 Our very first Seafood Summit, ten
4 years ago, was held here in Washington, D.C.,
5 and MSC was the big topic of conversation and
6 we, you know, had several panels and
7 discussions around what MSC was going to be
8 doing.

9 And it really focused on the
10 certification process. One example of the
11 progress that we've made is that there's been
12 numerous sessions, and our last summit just
13 last month was actually in Hong Kong, and it
14 was the first foray into Asia for this
15 dialogue, and I have to say, we were greeted
16 with really open arms.

17 It was a sold out house, a couple
18 hundred people more than we anticipated and 45
19 countries represented. This issue has a lot
20 of work that's being done and a lot of people
21 who are really, really engaged in it.

22 And so, you know, there are now,

1 obviously he conversations at our summits and
2 in our other workshops and panels have grown
3 beyond MSC, obviously to ASC and GlobalGAP and
4 all the other logos that John had out there.

5 I have other slides with similar
6 logos and I'll try to skip through those more
7 quickly. So we've basically seen the progress
8 of moving from the very specific aspects of
9 what's a criteria going to look like, to now
10 talking about some of the benefits that
11 companies have seen as a result of moving down
12 this pathway and ways to improve that and gain
13 even greater value for their work in this
14 area.

15 Because, you know, I think,
16 according to the market research that we've
17 seen in our own experience, you know, it's not
18 consumers that are really driving this.

19 There's a self-interest in the industry that
20 they're seeing some of the scientific data
21 presented by NOAA.

22 They understand that it's in their

1 own economic self-interest for their industry
2 to pay attention to these, and a lot of
3 companies are doing great things that should
4 be acknowledged and should be rewarded.

5 I will also note that just in the
6 context of communications, we sometimes, you
7 know, call these things assurance schemes
8 because they're really about trying to assure
9 confidence in a variety of different audiences
10 that are out there in our society.

11 And there's probably no perfect
12 assurance process for anyone and it'd be
13 interesting to see if NOAA can overcome that
14 and tries to go down that pathway.

15 But I guess I would say that it's
16 important to understand what NOAA's audience
17 would be and why you would be doing this if
18 you were to go down this pathway. There's,
19 you know, some questions that would have to be
20 asked, based on who that target audience is
21 and it's worthwhile to determine whether or
22 not there's a common level of understanding

1 among the stakeholders who you're trying to
2 serve. Obviously, differences between
3 processors, buyers, consumers, and producers.

4 When you look at where things
5 currently stand now, and one of the biggest
6 challenges, or problems, in a sense, that we
7 hear from folks is, it's about coordination.
8 Coordination, coordination, coordination.

9 I had my staff working on some of
10 these slides and I had literally 18 slides on
11 coordination. Let's just put them all
12 together. I think the point will be heard
13 loud and clear here that there's a need for
14 coordination among the existing certification
15 programs, between certifications and other
16 tools, like fishery improvement programs or
17 aquaculture improvement programs that are
18 already underway and that are led by the
19 industry and some NGO partnerships.

20 A coordination of marketplace
21 efforts with the government regulatory
22 efforts, with a particular focus, I might add,

1 on data collection. I think there has been a
2 real acknowledgment that the U.S. has done a
3 terrific job on, the U.S. government, and NOAA
4 in particular, in its work around this area.

5 But this is a global marketplace
6 and there are global standards, global
7 aspects, of this whole issue that are
8 important for NOAA to realize and think about
9 it, it can serve in a leadership role in
10 helping other countries make some progress on
11 this issue.

12 And many of the folks that we
13 talked to would say that's actually more the
14 appropriate role for NOAA, to be out there and
15 talking to some of the other government
16 leaders and making sure they understand what
17 has been successful in their regulatory
18 experience and what has been not and how do
19 you sort of make adjustments based on
20 different regional and cultural issues and
21 sensitivities.

22 One of the other efforts, clearly,

1 on this issue, has been expanding the
2 geographies and moving into new markets. And
3 when that happens, of course, there needs more
4 coordination. And then a growing trend that
5 we're starting to see now is that people are
6 using certification to meet conservation goals
7 around things like the spiny dogfish, who
8 probably some of you are familiar with it, and
9 other issues that are starting to become a
10 more common and familiar process.

11 I think, you know, finding value
12 in the marketplace is really what all of this
13 is about. Because the industry has taken hold
14 of this issue, they're moving forward with it.
15 They see the value.

16 Our role, and I think where most
17 of the environmental community is really
18 moving, is trying to find more value in the
19 marketplace, as well as in the environment and
20 for the natural resources, so that both goals
21 can be met.

22 I think it's fair to say that what

1 we're hearing is that there appears to be
2 growing agreement that the move in this
3 direction around sustainability of fisheries
4 and the progress in the seafood marketplace
5 can really happen hand-in-hand, and that the
6 NGOs understand the profit margin issues that
7 the industry is looking at.

8 But I think also, more and more,
9 our partners are seeing the value of
10 protecting the resource on the NGO side and
11 seeing that there are ecosystem impacts in
12 everything that we do and we really do need to
13 pay attention to those issues.

14 So while I think it's fair to say
15 that, you know, SeaWeb, NOAA, NFI, Kroger, you
16 know, all the people, you know, in this room,
17 as well as a lot of other companies that
18 aren't here, folks like, you know, Phillips
19 Seafood and High Liner and Safeway, they've
20 all made very significant business and
21 economic commitments to this issue, and as
22 we've heard, and you will continue to hear,

1 it's about creating value in the marketplace.

2 But we want to make sure that there is a
3 return for sustainability.

4 And that these commitments that
5 these companies are making, the labels that
6 they'll get, or the certification standards
7 that they comply with, are really providing us
8 with a return on the investment for the
9 resource.

10 And I would say it's important to
11 sort of look at that progress as compared to
12 some of the other things that are in play,
13 like the fishery improvement programs, other
14 partnerships and methods to achieve some of
15 the same goals that are currently underway.

16 So I think I will skip through
17 that, since John already said a lot of this.
18 John, I'm missing my whole communications and
19 branding thing. I think I'm going to have to
20 ask you to join our board now, too. You see
21 more of the logos here, and again, I think --
22 and I talked at the end a little bit about

1 some of the folks that are actually in this
2 room.

3 I see, in the back of the room,
4 some of the leaders that have been working on
5 this issue for a long time and when you delve
6 into more of the details, I think it'll be
7 really important to bring some of these people
8 to the table where they can talk very
9 specifically about some of the detailed issues
10 and problems and concerns that they're seeing
11 and suggestions for how to improve the
12 certification processes.

13 NOAA's role, you know, I feel that
14 probably it's safe to say that while there's
15 communication challenges, you know, for sure,
16 I think we still haven't really gotten a
17 hundred percent clarity on what we're going to
18 do with those fisheries that we're not feeling
19 really good about in terms of the management
20 role that NOAA has.

21 In that, we still are in need of
22 better information in some fisheries, and it's

1 important that with shrinking budgets and
2 other challenges that NOAA's facing, that we
3 make sure that that role of data gathering and
4 information sharing is protected in this
5 process if it were to expand its reach.

6 Because there's no one else who
7 could really do that for us, and that's the
8 fundamental underpinning of any certification
9 scheme is making sure that you have the right
10 resources. And I'd also just emphasize the
11 point about NOAA's role, leadership role, in
12 promoting data gathering, too, as something
13 that they can do with other countries.

14 I know they've started to do that
15 in that in the EU and in other places, but
16 there's still a lot of work to be done on the
17 international and the global scale.

18 The challenges, I'm happy to
19 submit more of this, I think, for the record,
20 if it's helpful, some of the questions that
21 we've seen. So I'll just sort of skim through
22 these.

1 Standards and processes is
2 probably the biggest area of concern, still in
3 terms of what would, questions like, what
4 would the standards and the type criteria be
5 for, regarding, for certification regarding
6 state-managed species and pelagic and
7 international-managed species.

8 Who would help inform that
9 criteria? How would it be developed by other
10 regional, national, and international food
11 standards? How would those things be taken
12 into consideration? Things such as FAO, ICO,
13 IFFO?

14 Branding and communications, we've
15 talked, oh, did I list my, somehow I lost my
16 top bullet, but that's the most important one.
17 I lost, there. But branding and
18 communications, clearly with the conflicting
19 labels, is an important issue.

20 There's lots of questions about
21 the differences between aquaculture and wild
22 caught species and whether or not we want to

1 have different certification bodies or
2 processes. That's certainly the way things
3 are moving, except for, you know, I think
4 maybe Friends of the Sea, maybe a couple of
5 other, that are trying to do both.

6 But, you know, I think the
7 capacity to take on chain of custody assurance
8 and seafood traceability are also important
9 components of the process that we'd like to
10 see NOAA think through and MAFAC and we'd like
11 to help with that process if necessary.

12 The third area is in financing of
13 certification and accessibility of products.
14 Eco-label certification, you know, comes with
15 a significant cost to businesses that have
16 engaged in it. Largely on the proposition of
17 the entity that they'll be able to see a
18 return on their product and sell it at a
19 higher price.

20 And as we've heard, in some
21 places, that's working, and in other places,
22 not so much. So there's a lot of questions

1 here in terms of things related to cost, like
2 who would actually pay for the certification
3 label and whether or not it's appropriate to
4 use government dollars for that process.

5 What is the value impact that a
6 certified product has on non-certified product
7 taken from the same waters and using the same
8 harvest methods or from farms operating on the
9 same performance or best practice standards.

10 And then finally, there's the
11 human and social element. Certification
12 schemes have largely been developed with an
13 emphasis on ensuring that the process has
14 positive net benefits to the ecosystem. But
15 the human element has become a growing concern
16 over the last several months, for sure, in the
17 news media.

18 And we expect that that will
19 probably only grow over time. And so there's
20 a lot of considerations in this regard in
21 terms of the impact on the livelihood of the
22 producers and the impact on the certification

1 process and what the government's role would
2 be in considering whether a product imported
3 from abroad is socially responsible.

4 And if it's found not to be
5 socially responsible, what are the
6 ramifications between those countries and
7 between the government and those industries?

8 Credibility elements, if you were
9 to go down this pathway, I'll just run through
10 these here. You know, obviously clear
11 objectives and scope, transparency. Should
12 the multitude of stakeholders in this field
13 all be engaged in the process?

14 What are the relevant, measurable,
15 and objective criteria? And of course, the
16 local applicability and global consistency
17 needs in taking up an endeavor like this.

18 There's issues around
19 impartiality, consistency, accessibility and
20 traceability, too, that all have their own
21 level of details and controversies and players
22 to address. There's also the need for

1 accurate claims. Oops, I got way ahead of
2 myself. Sorry about that.

3 Accurate claims about the value
4 and the success of these individual programs
5 or a government program, ensuring that there's
6 some appeals process and a commitment to
7 continual improvement.

8 And so with that, I just wanted to
9 flag, and you saw that up there for awhile, I
10 guess some of the other people that are really
11 the real experts in this. This is not
12 SeaWeb's role or the Seafood Choices role.

13 I was attempting to provide to you
14 a lot of the input that we've heard over time
15 through our convenings, and in particular, in
16 the last year or so as this issue has really
17 moved to the top of a lot of peoples'
18 attention. Thank you very much.

19 MEMBER NARDI: Thank you, Dawn,
20 for that detailed presentation. I think we'll
21 wrap up the panel presentation with Tim
22 Hansen.

1 MR. HANSEN: Thank you, George.

2 Just a word, I'll wait a minute until Josh
3 gets his PowerPoint up. Okay. Little bit
4 about the Seafood Inspection Program. We've
5 been a part of NOAA fisheries for 56 years
6 now.

7 We're a fairly small organization
8 within NOAA, but we have a significant role in
9 the seafood industry. We inspect over 2
10 billion pounds of seafood per year, certify
11 that product, which results in about 47
12 percent of the consumption of seafood in the
13 country.

14 About half of that gets shipped
15 overseas, so it ends up being 20, 25 percent.
16 Our main driver in our business is export
17 certification and very much meeting the needs
18 of the retail business, the Krogers and the
19 Wal-Mart's of the world use us as, I guess a
20 tool for their risk management purposes.

21 We inspect their product and
22 assure quality of it and also examine overseas

1 firms for them and so forth. That's a little
2 bit about us, so, let's see, this thing was
3 mighty sensitive for you. Let's see if I can.

4 Just to get started here, it's
5 probably worthwhile to just go over what I
6 think are some of the problems we have faced
7 with eco-labeling. And John said there were
8 70-some worldwide, I know there's at least 60
9 in Europe where a lot of these things are very
10 much favored and in use.

11 And the demand is increasing.
12 People everywhere are more focused and
13 concerned about these issues and as other
14 speakers have pointed out, we probably will be
15 spending more and more of our time addressing
16 them than the seafood industry itself.

17 Even though it's an industry that
18 pretty much plays by the rules as far as, you
19 know, fisheries management and legal fishing
20 and so forth, still has a challenge trying to
21 convince the public that they're harvesting
22 sustainably and legally.

1 And because there are so many
2 private eco-labels, I think it's, personal
3 view is, it's somewhat confusing to the
4 consumer what these things mean.

5 So just, well, again, we've been
6 around for 56 years and the Seafood Inspection
7 Program has always issued marks and logos, and
8 here are some of them. And each one of them
9 has specific meanings, such as Grade A, that's
10 a product that's of high quality, very few
11 defects, produced in a regulatorily-compliant
12 plant.

13 It's been examined by an inspector
14 and is properly labeled. And the same thing
15 for our service called Packed Under federal
16 Inspection, which is for no standardized items
17 such as a crab cake or something like that.

18 The other three were developed
19 within the last 25 years for the retail
20 business. From time to time, a retail chain
21 will ask us to do, could we use some evidence
22 or show some evidence that this product has

1 been examined by a federal inspector?

2 And so these are our response to
3 them. Long and short, is, that we have quite
4 a bit of experience in attaching logos to
5 labels.

6 Now just a little bit about our
7 process and using inspection marks. If a
8 processor wants to, under our inspection
9 program, they must be, want to use the mark,
10 they have to file an application for a
11 specific label and have some pictures of the
12 label effigies, as I say, to show what the
13 label actually looks like.

14 And this label must meet all FDA
15 labeling requirements. And we have a
16 compliance officer who happens to, and staff,
17 that sits in Pascagoula, Mississippi, and we,
18 this is her job to examine these things and
19 approve them.

20 So just going forward, maybe
21 there's some kind of a process, if eco-labels
22 were something the agency wanted to embrace,

1 there would be a process, perhaps, for that as
2 well. So here's some possibilities.

3 They should be specific to the
4 fishery, obviously, because not all fisheries
5 are sustainable. And I should have added,
6 there that there should be some evidence that
7 the fish came from a specific fishery that's
8 sustainable.

9 And I'm suggesting that maybe the
10 harvested fish meet the tenets of FAO Code of
11 Responsible Fishing and the Magnuson-Stevens
12 Reauthorization Act. We don't charge our
13 program participants for label review, but in
14 this case, we probably would do a small
15 charge.

16 And I do mean a small charge,
17 maybe two hours at our consultative rate,
18 which would be about 300 bucks. Again, I
19 think these labels would have to meet all FDA
20 requirements or foreign country competent
21 authority label requirements, whatever they'd
22 be.

1 And I think there would need to be
2 a process established for approval withdrawal.
3 So not all fisheries may stay sustainable and
4 some unsustainable ones may become
5 sustainable, so we'd have to have some kind of
6 a way to move these things back and forth and
7 withdraw certification and so forth.

8 Okay, well, why should NOAA
9 fisheries consider using the eco-label? I can
10 think of a few good reasons. If we've
11 implemented the Magnuson-Stevens
12 Reauthorization Act and most overfishing is
13 pretty well stopped, as the other speakers
14 have pointed out.

15 And I think that we should be
16 proud of our success because there's a lot to
17 be proud of there. I think our fisheries
18 managers have done a tremendous job in towards
19 sustainability. And we should communicate
20 that to the interested public.

21 And maybe having one meaningful
22 mark or logo would reduce consumer confusion

1 instead of 70-some, have one from the horse's
2 mouth, if you will, from the fisheries
3 managers that know most about this sort of
4 thing.

5 And it could possibly reduce cost
6 and all the aggravation comes with complying
7 with a private eco-label standards.

8 Going on, seafood inspections, I
9 must say, is already in the certification
10 business for some sustainability, at least a
11 portion of that, and that's for the European
12 Union.

13 We certify that wild caught
14 fishery products are caught legally and we
15 issue that with every consignment. There's
16 30,000 consignments a year that go to Europe
17 from the United States and so each one, except
18 for scallops and molluscan shellfish and
19 aquacultured fish, all need this current
20 certification.

21 And we don't -- what they want to
22 know, basically, is if a product is caught

1 legally and some countries are required to
2 show the harvest vessel, and so forth. We do
3 it a little differently. Every quarter, we
4 randomly check 50 consignments and go to the
5 industry and ask for trace back.

6 And this has been pretty
7 successful. We're between 95 and 99 percent
8 on most of these trace backs. And the ones
9 that didn't go all the way back are generally
10 fisheries like salmon or lobster, which
11 there's a tremendous amount of commingling
12 going on.

13 So you can only go back so far.
14 And considerations, and I think you've heard
15 this from other speakers as well, I guess I'm
16 saying it a little differently. Having had
17 some experience with the retail folks and what
18 marks mean.

19 So it needs to be symbolically
20 effective, so it's also aesthetic and conveys
21 whatever intended meaning you want to convey.
22 And I'll touch a little bit on what John was

1 talking about. I, too, think, in John's
2 parlance, a third degree auditory function
3 would be probably necessary to prove the
4 effectiveness and satisfy everybody,
5 particularly the NGOs.

6 So, you know, seafood inspection,
7 we do audits every day, so we're quite good at
8 the auditory function, but if we're part of
9 the process, we can't audit ourselves. So
10 there would need to be some function, which
11 could be in-house, say the Office of
12 Sustainable Fisheries, or something, that's
13 not directly involved in this could do that,
14 or some other part of the organization.

15 But I think that, for verification
16 purposes, I think you need to have that.

17 Quick recap, it's doable for us.

18 We've been doing something like it
19 for a long time. And we think it should be
20 simple, as I've outlined the process. And of
21 course the marketing and the logo messaging
22 should be well-designed. And it could be a

1 part of NOAA's communication process that
2 we're actually pretty successful and better
3 stewardship of living marine resources.

4 So with that, I think that's it.
5 And that slide, for those who can't see, I
6 guess everyone can see it? Discussions or
7 questions, which I think we're ready for.
8 Thank you.

9 MEMBER NARDI: Yes, we are ready
10 for questions. Tony?

11 MEMBER CHATWIN: Thank you. Well,
12 thanks to all the presenters today. And John,
13 my question was for you. I wanted a
14 clarification of what you meant when you said
15 NOAA has ceded its authority. It wasn't clear
16 to me what you were referring to.

17 MR. CONNELLY: NOAA has a
18 responsibility to manage fisheries. And if
19 NOAA has a third party come in and look at
20 what it has already done, and the question in
21 the public's mind is, what has NOAA done?
22 What job has NOAA done?

1 So for instance, the clam fishery
2 that Dave's involved with, and or, I'll, yes,
3 I'll use the clam fishery. Well-run fishery.
4 Strongly science-based, ITQ. We have letters
5 from NOAA that say, 162 percent above biomass
6 for maximum sustainable yield.

7 No overfishing going on, not
8 overfished. You basically jam some water into
9 a sandy bottom, and up pops the clam. I mean,
10 this is a good, clean, fishery. Managed under
11 the council system, why would we need a third
12 party come in to certify that NOAA's done its
13 job?

14 In a way, that is merely telling
15 the consumer that maybe NOAA's not really
16 doing its job and we need someone else to
17 check on that. And so in my mind, in our
18 organization's mind, that is ceded almost the
19 moral authority of NOAA to say that we're
20 doing the right, we've done our job.

21 By requiring someone else to come
22 in to check on this, after \$900 million, if we

1 can't get the job done for \$900 million, I'm
2 not sure what the third party is going to do
3 for us.

4 MEMBER NARDI: So just a quick
5 follow-up, John, so what I think you're saying
6 is, why isn't NOAA stepping out there and
7 communicating the job that they've done to the
8 industry or their buyers?

9 MR. CONNELLY: If I wasn't clear
10 in my 15 minutes, then yes, George, I think,
11 whether it be FishWatch, which we were strong
12 proponents of, or FishWatch on steroids or
13 something significantly enhanced, NOAA being
14 able to go to the retailers and talk about, in
15 these waters, in the 200 miles of the EEZ,
16 here is how well managed we are.

17 And they really ask them, why do
18 you want another third party certification
19 after the hundreds of millions of dollars of
20 science, all the open and participatory
21 process, everyone's had a chance to comment on
22 this.

1 So why do you want a third party
2 to come in yet again, when that just increases
3 cost?

4 MEMBER NARDI: Randy?

5 MEMBER CATES: Thank you. Jim,
6 you remind me of how much I miss having you on
7 MAFAC, with your presentation. This issue has
8 been a very important one. I would say, I
9 made a statement in 2008, it's probably the
10 most important issue that I got to deal with
11 on MAFAC and it kind of went away.

12 The history of it, to my
13 recollection, maybe you can remind me if I'm
14 right or wrong, but I was asked, by our
15 fishery, to bring it to MAFAC in our New York
16 meeting. And I was asked because our longline
17 fishery in Hawaii had met all the standards
18 out of FAO.

19 And there was attempts by some of
20 these certification groups, some would call it
21 other things, I would call it blackmail. It
22 was clearly blackmail, in my opinion, to come

1 in and have a third party certification on a
2 fishery that met all the standards, was
3 sustainable under the NOAA terms, sustainable
4 under FAO.

5 And my business in aquaculture was
6 under the same pressure, so to speak. And it
7 was an experience that, it opened a lot of our
8 eyes. And so the question that Dawn asked is,
9 why would NOAA want to have a certification or
10 an eco-label and the answer to that is, is
11 because we asked for it.

12 We, the constituents, asked to do
13 that to fend off the blackmail that was going
14 on. And that was what was occurring.

15 And so the fundamental question
16 that I asked back in 2008 and I think is
17 pertinent today is, if our fisheries, if our
18 fishermen and producers and retailers,
19 everybody stand with NOAA in making our
20 fishery sustainable and the evidence is there,
21 as earlier stated, 30 have now recovered,
22 then why can't NOAA stand with us and allow us

1 to put a label on our product that says,
2 simply, NOAA Sustainable Product?

3 And there's been this resistance.
4 And that's the fundamental question that I
5 brought to the table and I think is still
6 pertinent today. If we're going to all work
7 together and we're going to make our fisheries
8 sustainable under Magnuson-Stevens Act, then
9 we have a right to be able to state that and
10 put that label on the product.

11 Anything short of that, in many
12 people's minds, and mine, is unacceptable. As
13 John said, why do we need a third party?
14 We're spending \$900 million a year, that's the
15 least that I think we could do.

16 So that's the history and that's
17 why we are where we are. And all fisheries in
18 the U.S., whether they're, have fully
19 recovered or are on the road to recovery, in
20 my opinion, are being managed under
21 Magnuson-Stevens in a sustainable manner.

22 Just because they're having

1 problems and their fishermen and NOAA are
2 taking corrective action, that's not a bad
3 thing. That's a good thing. That's what we
4 should be telling the public, that they should
5 eat that product because it is being managed
6 properly.

7 MEMBER NARDI: Bob, then Julie.

8 MEMBER RHEAULT: So, you know, as
9 I see it, we're here because the industry is
10 tremendously frustrated by the cost and
11 proliferation of these marks and the failure
12 to harmonize. And my question, I guess, is,
13 if we develop another brand, will it replace
14 these other brands, or will it just supplement
15 it and be Brand Number 71?

16 And so if that's the case, is
17 there a better way to drive harmonization? Is
18 there a federal role in driving these groups
19 to harmonize so that we're dealing with a
20 handful of groups instead of 70, paying
21 blackmail to 70 different buyers instead of,
22 you know, that's my question.

1 MEMBER NARDI: Would any of the
2 panelists like to follow-up on that?

3 MR. LONG: No.

4 MS. MARTIN: I'll jump in with
5 just a quick comment, I guess, on that part.
6 I think the answer is, maybe I'm wrong and
7 I've forgotten my Civics 101 class, but I
8 think that basically, it can't replace the
9 other market forces that are going to be going
10 on.

11 So it would be another, you know,
12 Logo Number 71 and I guess the ultimate sort
13 of political/publicly issue is whether or not
14 NOAA is prepared to do it and if it wants to
15 going there with the communications challenges
16 it has and with some of the other competition
17 that's out there, to be perceived as adding to
18 the confusion/chaos around this.

19 And to be subjecting its own
20 reputation to criticism if the standard, the
21 certification, isn't independently verified in
22 that third level, that third party

1 verification or other mechanisms that some of
2 the other independent bodies have been done.

3 What does that do to NOAA? Now
4 I'm not in charge of NOAA's brand, nor do I
5 want to be, but I just throw that question
6 back at you in terms of the credibility that
7 NOAA needs to have to continue to manage these
8 fisheries in an effective way and to maintain
9 its primary role in data collection and
10 information sharing.

11 MEMBER NARDI: Sure, but John, I
12 think, same question, I think, Tim wanted to
13 comment. And then back to John.

14 MR. HANSEN: Well, I think to
15 begin with it would be Number 71, but there s
16 an inherent advantage in the marketplace in
17 the, this is going to be the relative cost of
18 this is going to be negligible compared to,
19 let's say, MSC or some of the other certifying
20 bodies would charge you.

21 I'm talking about, you know, \$300
22 for a label, something like that, which would

1 have to be somewhat less expensive than what
2 some people are being charged right now.

3 Thank you.

4 MR. CONNELLY: Bob, well, and as
5 John mentioned, it's not possible for the U.S.
6 government to squash all the competition in
7 the marketplace, but this is very similar to
8 where the food safety systems were 10 or 15
9 years ago.

10 There were multiple food safety
11 systems. Processors were being required to do
12 multiple food safety verification systems
13 across different customer bases and then that
14 flowed all the way down the value chain to
15 primary producers.

16 And so the retailers in Europe
17 started something that, and then spread to the
18 processors in Europe and has subsequently come
19 to the U.S. called GFSI, which is the Global
20 Food Safety Initiative, which established a
21 benchmark of what a credible food safety
22 system looked like in the third party world.

1 And if a system wanted recognition
2 by that, they got GFSI recognized. In all
3 retailers, all major retailers around the
4 globe, now accept, if a system is GFSI
5 recognized as being credible, they will all
6 accept it.

7 So you can do the British Retail
8 consortium and Wal-Mart will accept it, Kroger
9 will accept it, Tesco will accept, AEON Japan
10 will accept it. But if Kroger's preference is
11 for SQF and SQF is certified under the GFSI
12 system, then everyone has to accept that.

13 So it's a way to really drive down
14 cost that has worked extraordinarily well in
15 the food safety world, and is a very, very
16 credible program. And that's what Laurel
17 mentioned, the GSSI is a similar initiative
18 that some retailers, processors, and some of
19 the conservation group are interested in
20 seeing whether we can replicate in the
21 sustainability world to establish, what is a
22 credible, what are the components of a

1 credible sustainability initiative?

2 So that's, Bob, more of a private
3 sector answer to your government question.

4 MEMBER NARDI: Thank you. Julie?

5 MEMBER MORRIS: Thank you, George.

6 I was confused. You said we were supposed to
7 write our questions down and now we're just
8 raising our hands and?

9 MEMBER NARDI: No, so you remember
10 your question for when we were done at the end
11 of this.

12 MEMBER MORRIS: I, okay, sorry. I
13 thought we were supposed to pass them to you
14 or something.

15 MEMBER NARDI: No, no, no.

16 MEMBER MORRIS: So I, I guess
17 everybody hears, you know, we all hear the
18 same thing, but we process it differently. So
19 what I heard from the panelists was largely
20 that NOAA should continue FishWatch and the
21 basic program of managing fisheries for
22 sustainability and leave the eco-labeling and

1 certifications to this very active marketplace
2 that has emerged.

3 And like Bob, I'm thinking, what
4 can NOAA do to harmonize or make everything
5 consistent with each other as that marketplace
6 settles in instead of creating our own
7 NOAA-led mark?

8 And so that's the sense I was
9 hearing from the panelists and it's
10 interesting that other people were hearing the
11 panelists recommending that we initiate our
12 own extensive eco-labeling and certification
13 process.

14 And I would say that our
15 fisheries, stock assessment, and overfishing,
16 overfished kind of statuses that we determine
17 through the NOAA programs, you know, hidden in
18 that are bycatch problems.

19 We don't really address working
20 conditions. And so there's things that I
21 think some of the certification processes take
22 into account that really aren't right down the

1 center line of what NOAA's doing when it says
2 a fishery is either sustainable, not
3 overfished, not overfishing. There's other
4 components in the certification world that we
5 aren't really working on as strongly at NOAA.

6 MEMBER NARDI: Dave?

7 MEMBER WALLACE: Alan's had his
8 hand up, so I'll follow him

9 MEMBER NARDI: Oh. Okay, well
10 actually, I'm sorry, Keith was, okay, Alan?

11 MR. RISENHOOVER: The pressure is
12 on, huh? Well, thanks, and I do think that
13 was a real good panel. I'm not sure yet what
14 I'm coming out of it with, but I think we got
15 some very good perspectives.

16 The one thing is clear, though,
17 John, something about communication, I think,
18 will stick. So there's that. But I think we
19 need to think very carefully, and Julie
20 brought this up a little bit, about, what's
21 our goal here?

22 You know, we kind of all have the

1 same vague goal and maybe we differ a little
2 bit on how we get there, but, you know, a real
3 clear goal statement on, what are the problems
4 we're trying to solve, you know?

5 Is it market problems? Is it
6 competition from other marks? Is it simply on
7 sustainability, overfished, overfishing? Is
8 it something broader than that? And I think
9 we all have a little different perspective on
10 that.

11 And so my question, I think I'll
12 start with John on this is, are there other
13 government marks? And the other folks can
14 chime in on this as well. Are there other
15 government marks that work? Or are the
16 governments doing other, similar marks?

17 And the one that comes to mind to
18 me is the USDA Organic. Because organic may
19 be one of those things that means a little
20 different to everybody. But does the USDA
21 Organic mark segregate, separate, highlight
22 things in the marketplace?

1 Or is that another thing where
2 Alan goes to the store going, I'm buying the
3 organic only, but boy, that processed highly,
4 whatever, really looks good today. And I buy
5 it anyway.

6 Do we have a success mark out
7 there from the government that we can model
8 ourselves after if we do go down this?

9 MR. CONNELLY: Well, I can't vouch
10 for your buying habits as far as organic or
11 not, so you're going to have to figure that
12 one out yourself. Organic, as folks know, is
13 just such a highly contentious issue, that for
14 those who are, I want to say true believers in
15 organic, I'm not even sure they trust the USDA
16 mark because that was a very political
17 process.

18 As you know, seafood did not, is
19 not able to take advantage of that, so the
20 organic mark is very difficult. I would say
21 the puffy label and other things from seafood
22 inspection is highly regarded in the

1 marketplace as, for food quality, you know, as
2 a retailer or as a processor, if you use that
3 system, you know you're going to get what you
4 asked for.

5 And I would say that in the
6 marketplace also, the mark on USDA product is
7 generally, not organic, but for food safety,
8 is generally recognized as safe, although I
9 would argue that FDA does at least as good a
10 job.

11 MR. LONG: in 1987, we, Kroger,
12 contracted with the USDC and started
13 inspection of all our seafood. That system
14 continues to this day. In the beginning we
15 used the shield in our stores, in our ads, but
16 over the years, more consumer research told us
17 that consumers didn't know what it meant.

18 It just confused them because all
19 of these other labels and logos had come into
20 play. And so we stopped using it. We still
21 use USDC, but our consumers don't know that
22 our products are inspected.

1 I'll hearken back to one thing,
2 and John brought it up. That is why, you
3 know, first of all, the GFSI, we made an
4 announcement to all of our seafood suppliers
5 this year that by March of 2014, all seafood
6 will be sold in a Kroger store will be from a
7 GFSI-certified facility.

8 We have all of our corporate brand
9 products that way today, but in 2014, all of
10 our products will be from a GFSI-certified
11 facility. We would benefit from a GSSI,
12 because just the things that John said.

13 It gives us a single source that
14 we can go to to benchmark.

15 MEMBER NARDI: I think back to
16 Keith, and then Dave.

17 CHAIR RIZZARDI: Okay, so I came
18 into this dialog expecting it to be, as you
19 characterized it at the beginning, George, a
20 scoping effort, and now I'm just trying to
21 shape the questions that I'm thinking about.

22 All right, so I'm coming back to

1 two basic questions. It's sort of the can we
2 and the should we? All right? And what I
3 hard is a lot about the can we as applied to
4 wild caught fisheries. I think there's a
5 little bit of a disconnect on how it fits into
6 the aquaculture scheme, but I think what I've
7 heard here is, so we have Magnuson-Stevens,
8 which gives us some national standards.

9 We've got a seafood inspection
10 service that's sort of similar to the process
11 here and we've got FishWatch, which is
12 communicating all sorts of information. And
13 we can take those three things that already
14 exist and potentially repackage them and try
15 to reshape it and maybe we could have some
16 sort of NOAA brand down the road.

17 That applies to wild caught. It
18 leaves a question about what happens in the
19 aquaculture arena and how does it apply there?

20 Well, we're not really applying
21 the same concept of maximum sustainable yield
22 the same way to aquaculture. Okay, I think

1 that's one of the things we'd have to sift our
2 way through. And that's okay. I would just
3 like to hear more about how it would apply in
4 the aquaculture context.

5 I just, I'm not ready to say,
6 okay, I'm a hundred percent there. And the
7 other piece is simply the should we, which I
8 think breaks down to two points, and one of
9 them is, why are we doing it?

10 And Bob brought that out, and
11 Alan, you brought it out, all right, you know,
12 why, do we want NOAA to do this as opposed to
13 third parties to do it? And then relatedly,
14 how much is it going to cost?

15 And that may be the reason to do
16 it, is the expense, and maybe this is going to
17 be a significantly cheaper process, but I'm
18 trying to get us to think through the policy
19 layers here, and I hear, there's one push to
20 get NOAA on board with this, but I'm still
21 just trying to be more methodical in my
22 approach to the policy.

1 And I guess my baseline point here
2 is, how does the distinction work between
3 aquaculture and wild caught and next, is this
4 really a cost savings that's going to matter
5 or are we still going to end up with other
6 brands emerging that are just going to be a
7 little bit more expensive, but hold to a
8 higher standard?

9 MEMBER NARDI: So were you
10 directing that to any of the panelists?

11 CHAIR RIZZARDI: I would love to
12 hear the panelists who have thoughts on wild
13 caught as opposed to aquaculture, for
14 starters.

15 MEMBER NARDI: Sure.

16 MR. CONNELLY: Since I miss my
17 time here, I'm going to keep starting the
18 conversation, at least. I think the standards
19 that are set, the national standards that are
20 set, and so well vetted throughout the
21 process, again, beginning with the debates in
22 Magnuson-Stevens and working through the

1 regulations and litigations and the council
2 process.

3 There is no other system where
4 every stakeholder who wants to participate can
5 participate like that. So I think in wild
6 capture we have a very good standard, and set
7 of standards, against which NOAA operates.

8 I don't think there's the same
9 kind of standard in aquaculture. So I think
10 that it makes it much more difficult, Keith,
11 to set a standard against, which I don't think
12 one exists right now. And that's really the
13 struggle for business people that want to
14 invest in this is, we don't know what we're
15 going to be held accountable to.

16 MEMBER NARDI: If I could just
17 follow-up, John, I think I would like to
18 re-ask that question, but in the context of
19 U.S.-produced aquaculture product where there
20 are systems in place as opposed to maybe
21 cultured product you don't quite know about.

22 And if your response would be any

1 different.

2 CHAIR RIZZARDI: For example, you
3 know, you do have Clean Water Act compliant or
4 you have FDA compliant. I mean, there are
5 some standards, but I just don't know how they
6 would fit in the context of the branding
7 exercise that we're talking about here.

8 MR. CONNELLY: Randy may answer
9 this a different way, but most of the
10 aquaculture in the U.S. is done in state
11 waters. So if you look at the big aquaculture
12 industry, it's catfish and trout and a little
13 bit of Pacific Northwest salmon.

14 And then if you include oysters,
15 et cetera, but all that's done in state
16 waters, which have state-level, obviously,
17 given our federal system, state-level
18 requirements, which NOAA does not have
19 responsibility for.

20 But as we move to any kind of
21 offshore aquaculture or aquaculture in federal
22 waters, one of the challenge is, and this is

1 why there doesn't exist a flourishing
2 aquaculture industry in the U.S., is
3 businesses cannot look at all the different
4 permitting or laws that they would need to
5 apply for offshore aquaculture in the same way
6 that they can do with NOAA.

7 When you fish, you follow NOAA's
8 laws. Yes, you have EPA laws, OSHA laws, et
9 cetera. But your primary regulator is here in
10 this room. When you move to aquaculture,
11 you're dealing with EPA, you're dealing with
12 DOT, you're dealing with DOD, you're dealing
13 with NOAA. It just becomes a huge problem
14 because there is no central set of standards.

15 MEMBER NARDI: Randy? And then
16 back to, or is, Dave? Did you have your hand
17 up? Okay, Dave, then Randy.

18 MEMBER WALLACE: Yes, I want to go
19 back to this notion, I guess I'll reframe it.
20 There are 70 labels out there, should NOAA be
21 the 71st or the 72nd? And the answer is,
22 absolutely. We brought this up a long time

1 ago.

2 We've talked about this. If you
3 remember, it got rejected by NOAA because of
4 the notion that, you know, you had to have
5 chain of custody and you had to manage that.
6 Well let me tell you why it is important, and
7 it's important for economic reasons if nothing
8 else so that we can export our products
9 without having to go through the Marine
10 Stewardship Council.

11 And John will be able to tell us
12 more about this than I will, but to get
13 certified by MSC, start off by supplying them
14 all the government stuff, and then sending
15 them \$270,000 or \$280,000. And that doesn't
16 get you much because every year, then, they
17 reevaluate you and then every five years, they
18 go through a major evaluation and every time
19 they do that, they add new compliance measures
20 that you must meet, which just drives your
21 price up.

22 And so a little industry will just

1 not have the resources to do that, which means
2 that they can't sell maybe to Kroger, but
3 maybe they can't also export it to Japan or
4 China or Europe who demand that they won't buy
5 it unless they have been certified.

6 Because our system of making sure
7 that every seafood is under the
8 Magnuson-Stevens Act, everyone is supposed to
9 be sustainable, we haven't reached that 100
10 percent yet. We're working on it.

11 But probably the best fisheries
12 management system in the world. And to have
13 the, to have to pay \$250,000 to \$300,000 for
14 a third party to say, oh, we think NOAA did it
15 right is impossible.

16 It's a joke. And so we need to be
17 able to have a reasonable amount of cost to a
18 industry to become certified. And if NOAA's
19 stamp of approval isn't going to be good
20 enough around the world, then they're going to
21 have, somebody's going to have to prove what
22 the big deficiencies are. And I don't think

1 there are any. Thank you.

2 MR. CONNELLY: As I was referenced
3 in that, I'd just like to respond briefly.
4 First, on exports and particularly to the EU,
5 Linda and Tim Hansen did an excellent job.
6 When the EU require health certificates, or
7 excuse me, yes, IUU certificates, the rest of
8 the world has a much greater burden than the
9 U.S. does.

10 Because Linda and Tim and the
11 negotiating team basically convinced the
12 Europeans to accept that if it's fished in
13 U.S. waters, it's harvested in U.S. waters,
14 it's harvested in a sustainable manner.

15 So we have a great advantage in
16 exports to Europe compared to new Zealand or
17 Canada or other folks because the Europeans do
18 recognize our system as good.

19 And as the group considers this,
20 also, china will become increasingly
21 important. I think that's probably one of the
22 reasons that Dawn and her team went over to

1 Asia this year. The Chinese are not going to
2 look at sustainability issues.

3 So as more and more U.S. product
4 moves to China, that's not a selling point for
5 the Chinese. Price is a selling point and
6 high end products, scallops, lobsters, et
7 cetera, are a selling point.

8 Just on pricing of MSC, Dave is
9 right, it can be very expensive for some
10 fisheries, particularly controversial
11 fisheries, because it's going to be, there's
12 a lot of stakeholder engagement, et cetera.

13 So it can cost, the flip side,
14 though, Dave, is I do think MSC has done a
15 much better job in the last couple of years of
16 trying to stabilize what are the requirements
17 so that there is not a new requirement every
18 time you go through that.

19 And they've recognized that
20 problem and I think addressed that. Not to
21 perfection, but they're moving down well in
22 that area, so I give them kudos in that area.

1 MEMBER NARDI: Randy and then Bob.

2 MEMBER CATES: Some of the issues
3 we've talked about I would like to have
4 comment on. The first one is the idea that
5 wild fishery is somehow different than
6 aquaculture. Having come from commercial
7 fishing and then going into aquaculture, I can
8 share with you that it is much tougher and
9 there are a lot more rules to play by in
10 aquaculture than there is in wild fishery.
11 Far more.

12 So whether you're a good player or
13 a bad player, it's much more regulated on the
14 aquaculture than it ever is on the commercial
15 fishery. So I would argue that we need to
16 think in terms more as one industry, seafood
17 producers, and that there are just different
18 standards, as there are different standards
19 for a longline fishery, as there are for a
20 trawl industry, you know, it's different, but
21 it, well, it can be done.

22 The second point is, was brought

1 up was, will this become the 71st mark or will
2 the buyers accept it? And I would argue that
3 they will. When you go to Hawaii, you really
4 don't see these labels.

5 In fact, there's only one place
6 that I know if that has any labels and we call
7 that place Whole Paycheck. Some call it Whole
8 Foods. We call it Whole Paycheck. And the
9 reason is, is because when this was becoming
10 an issue, the seafood industry and the
11 messengers got together and asked, how are we
12 going to handle this?

13 And we're talking about the high
14 end restaurants, and some of the retail
15 supermarket chains. We all got together and
16 said, this is an issue, how are we going to
17 handle it?

18 And they all agreed that it was
19 unfair to the local fishing industry, what was
20 occurring. And they chose not to utilize
21 labels. And that's the reason you don't see
22 it very much in Hawaii. But what they did ask

1 for was, why can't NOAA do this?

2 The same as Roy's restaurant, who
3 brought it up, said, when I buy a piece of
4 meat, it has USDA Choice or USDA Prime and we
5 accept that. And our consumers accept that.
6 You don't find these labels on other products
7 such as meat and poultry.

8 And so I argue that it would be
9 acceptable. It's not going to eliminate some
10 of these other labels, but the consumer, at
11 the end of the day, will feel better about
12 choosing and will be more educated about
13 choosing a fish that comes from a label that
14 says NOAA Sustainable Product.

15 MEMBER NARDI: Bob?

16 MEMBER RHEAULT: So just real
17 quick, I did participate in the World Wildlife
18 standard setting process and it was very
19 straightforward. I don't think that
20 certifying aquaculture is going to be a
21 challenge.

22 In terms of the 71st brand issue,

1 it only saves you money if they will accept
2 the NOAA brand and say it's as good or better
3 than the MSC brand. If they still require the
4 MSC brand, then the 71st brand doesn't help us
5 at all.

6 And my view of that is, is that
7 this whole process is not being driven by the
8 consumer. The consumer is only 3 percent of
9 the consumers know. It's being driven by the
10 big buyers who are being blackmailed by the
11 NGOs.

12 So if the NGOs want to keep this
13 going and say MSC is good, then you're going
14 to have to get MSC, too and it's going to
15 continue to cost you \$280,000 for your
16 fishery. And then you've got additional costs
17 for NOAA.

18 So until we can break that cycle
19 of what's driving the whole process, then I
20 don't see this as helping.

21 MEMBER NARDI: Just before we go
22 to the next question, I just want to offer a

1 comment that I've been distilling, and it goes
2 back to the communication word that we've had
3 before. And I think the label, the logo, or
4 whatever it does, what that essentially is, is
5 communication.

6 And I think what we're driving at
7 here is developing what are the words, what's
8 the goal, what's behind that label that is the
9 communication we're trying to get across to
10 the buyers? And I personally would also
11 agree, we aren't trying to talk to the 1.2
12 billion people.

13 We are trying to talk to the 400
14 institutional buyers, and how do we
15 communicate? Just, I continue to hear that in
16 this discussion. Pam?

17 MEMBER YOCHER: There was a
18 question about national certification for
19 aquaculture and the USDA does have a mechanism
20 for registering aquaculture facilities.
21 Annual inspections and evaluating all sorts of
22 things about the either processing or

1 transport or hatchery operation.

2 And I'm just wondering if that
3 sort of certification that already exists by
4 the federal government, if that was something
5 that the panel thought would be viewed as an
6 acceptable benchmark of, you know, quality or
7 sustainability?

8 If the USDA -- if the Department
9 of Agriculture certified an entity, would NOAA
10 then also agree? Would the Department of
11 Commerce agree?

12 MR. LONG: It's hard for me to
13 answer that, you know, without seeing a formal
14 plan and that, but that sounds very
15 encouraging. It makes a lot of sense, to what
16 you just said. I think the customers would
17 accept that, our customers would accept that.

18 But, you know, without knowing
19 more, it'd be hard to answer that.

20 MEMBER NARDI: Just as a quick
21 follow-up on that, our facility decides FDA
22 and all kind of other permits. We also are,

1 we went through the USDA certification process
2 and it was principally, we were driven for our
3 sales, our export markets.

4 The EU is requiring that your
5 facility be certified by USDA and a number of
6 other countries, especially in Latin America
7 that don't have their own program, kind of
8 default and say, well, we want you to have
9 that, too, because if the EU wants it, then it
10 must be good.

11 But I would say it's -- I would
12 agree with Dave, if I were you, I'd be asking,
13 too, what they were looking for. They're in
14 the early phases, but it is another
15 requirement, or hurdle that we have to go
16 through to move our product.

17 Randy?

18 MR. FISHER: Yes, I'm kind of
19 curious about something. If Frank Dulcich,
20 which he's the biggest processor on the West
21 Coast, suddenly decided to stick a NOAA label
22 on everything that he was putting out the

1 door, would the label cops come and get him or
2 something? I mean.

3 MEMBER CATES: Yes, I guess Tim
4 could probably -- I mean, you actively look
5 for if anyone's using their mark, your mark.

6 MR. HANSEN: Yes. Well, that's
7 been a problem for us on and off over the
8 years, that somebody just decides that they
9 want to use Grade A and they have no
10 association with us. And generally speaking,
11 we'll refer them to fisheries enforcement
12 people who will follow through and make sure
13 that they stop doing what they're doing.

14 MEMBER NARDI: Keith?

15 CHAIR RIZZARDI: Yes, as this
16 conversation is evolved, I just want to go
17 back to the distinction I drew on wild caught
18 versus aquaculture and I think John expressed
19 it pretty well in pointing out, with wild
20 caught, you've got Magnuson and you've got
21 sort of a complete program that's very linear
22 to NOAA.

1 And I guess the point I'm making
2 is, aquaculture is a little bit more diffuse.
3 You've got USDA regulation, you've got Army
4 Corps of Engineers 404 permits. You've got
5 Environmental Protection Agency NPDES permits.

6 So you've got these different
7 regulatory programs that are all being
8 overlaid, but at the end of the day, what
9 you're asking for is a NOAA label and a NOAA
10 brand. So there's this intergovernmental
11 coordination component to things that needs to
12 be addressed.

13 And I just wanted to articulate
14 that so that you could take that back into the
15 working group and chew on that and if we were
16 going to exploring this, those are the kinds
17 of issues that need to be thought about.

18 MEMBER NARDI: Julie?

19 MEMBER MORRIS: Thanks, George.

20 So it would be helpful to me to see the, you
21 know, if it's the Marine Stewardship Council
22 or one of the third party, like, what are the

1 categories? What are the things that they --
2 what's on their checklist for whether they
3 certify something as sustainable or not?

4 And compare that to seafood
5 safety, which we're already doing and the
6 things that are, you know, legitimately
7 considered in an MSA determination about
8 overfished, overfishing, bycatch.

9 Because I have a sense that
10 there's more stuff on third party
11 certification list for sustainability than are
12 currently captured if you put together the MSA
13 stuff and the seafood safety stuff. Seems like
14 it's -- somebody made the point that organic
15 was a good model to look at and I think that
16 sustainability is a bigger, more complicated
17 topic than what we're already doing in seafood
18 safety and what we're also already doing in
19 our MSA kind of things.

20 And so does somebody have those
21 lists and has anybody made that comparison?

22 MEMBER NARDI: Mark?

1 DR. HOLLIDAY: Thank you. And it
2 was mentioned briefly earlier, the term,
3 sustainable, is actually not defined in the
4 Magnuson-Stevens Act. And so what a
5 sustainable fishery is, is in the eye of the
6 beholder, and that's part of the problem.

7 Because what MSC would define as
8 sustainable may not be what the federal
9 government defines as sustainable, or any
10 other third party certification element.

11 You are correct, and I think you
12 alluded to it earlier, some of the third party
13 certifications look at social goals and
14 objectives for a workplace environment. This
15 is something that is very important in forest
16 products and other certification standards.

17 Those are not part of the national
18 standards for fisheries conservation and
19 management. So when we developed our initial
20 policy on certification of fisheries in 2005,
21 we said that the nation's standards for
22 fisheries conservation and management, these

1 10 national standards, were the reference
2 points that we were going to use to certify
3 whether or not a fishery was in compliance
4 with federal law and the standards that
5 Congress and the public have come to expect as
6 the benchmark for fisheries.

7 If those are insufficient or
8 inadequate, Congress and the American people
9 could change them. But under the current
10 guidelines, regulations, and national
11 standards, these are the rules under which the
12 commercial and recreational and other
13 aquaculture fisheries under the act, are being
14 asked to monitor and be compliant with.

15 We do in fact have, I mean, we --
16 our current policy is that the de facto
17 certification. Randy mentioned the 2008 MAFAC
18 meeting in New York. At the conclusion of
19 that meeting, Acting Assistant Administrator
20 Balsiger said that if any U.S.
21 federally-managed fishery wanted to receive a
22 letter certifying that it was compliant with

1 the national standards, and that we had an
2 amendment or a fishery management plan that
3 was approved by NOAA and implemented by the
4 secretary, that NOAA fisheries would be
5 willing to write such a letter, have done so
6 on a few occasions.

7 But that is not the same thing as
8 implementing a decal or a label, as John very
9 clearly pointed out, there are very distinct,
10 very different things between an eco-label and
11 certification itself.

12 So your original question is, you
13 know, have we looked at these different
14 standards? Yes. There are indeed, and
15 that's, differences between what one calls
16 sustainable in the FAO Code of Conduct, in the
17 guidelines for eco-labeling, they talk about
18 sustainable fisheries, what that means.

19 But again, it's not defined in
20 federal law, and so we've adopted our policy
21 interpretation to be consistent with the terms
22 and the references that are defined in the Act

1 and the implementing regulations.

2 MEMBER NARDI: Thanks, Mark.

3 Julie?

4 MEMBER BONNEY: I guess I have
5 three thoughts. One is kind of a story in
6 terms of what's happened in Alaska where our
7 wild salmon fisheries were certified by MSC.
8 And because many of the, what conditions and
9 benchmarks were becoming very arbitrary, they
10 decided to disband and move away from MSC and
11 actually go with a different certification
12 process.

13 There's been huge controversy in
14 terms of -- that MSC is basically trying to
15 kill the alternative certification within the
16 marketplace, which has been very painful for
17 ASMI in general. And so I guess when we talk
18 about a certification Number 71, if we decided
19 to do that, I think we'd want to make sure
20 that we're committing for the long haul.

21 In other words, that we're going
22 to communicate. Because I think it's a good

1 benchmark to have the government say they're
2 doing a good job. That's why we're around the
3 table. But that means that that conversation
4 has to go on for 10 years, not just a one year
5 commitment.

6 Because I think if we were
7 committed into the marketplace for a 10 year
8 horizon, we would move from 71 up to number
9 one because that would be the same, consistent
10 message.

11 The other thing that I get
12 concerned about, because I've been involved
13 with some of the conditions on the MSC side,
14 is that really, the only way that you can meet
15 the condition is to have the government help
16 in doing a lot of the analyses or data
17 collection or whatnot.

18 So even though the government
19 isn't supposed to take on that role, they do.
20 Otherwise we can't meet the conditions and
21 continue to have the eco-label for our
22 fisheries. So the government's already taking

1 a role in terms of the eco-label and the
2 certification process, even though it's kind
3 of being behind closed doors.

4 The third thing, I guess that in -
5 - where we talk about inconsistencies is, we
6 talk about federal fisheries. But what about
7 state fisheries? Because they have a
8 different set of criteria similar to
9 aquaculture.

10 So you'd have to come up with
11 some, you know, if we're trying to take care
12 of the U.S. fisheries in general, state
13 federal, and aquaculture, you'd have to come
14 up with some kind of a system that dealt with
15 all those components.

16 Or you could just stay with wild
17 fish as a start. But I think if we get in the
18 game, we need to be in the game for the long
19 term, and that's a 10 year horizon.

20 MEMBER NARDI: Thank you, Julie. I
21 also think that with 50 states, that's even a
22 lower number than 400 buyers that I think the

1 federal government can work together with the
2 states when it comes to aquaculture or state
3 fisheries to develop something that's good for
4 the long haul.

5 And Tim's division at NOAA has
6 been around for 56 years so I think if this
7 moves forward, I would think they'd be in it
8 for the long haul. I think John wanted to
9 follow-up
10 with Julie's comment.

11 MR. CONNELLY: Just briefly,
12 Julie, on your second point about the
13 government, and Tony, I think it goes back to
14 your question about ceding authority. This
15 was a particular burr for the Canadians
16 because the Canadians had fisheries on the
17 West Coast -- excuse me on the East Coast,
18 that were certified, but they had certain
19 conditions that had to be met.

20 In DFO, which is, you're now this
21 organization or agency in Canada, was being
22 forced to spend money in Eastern Canada and

1 they said, our problem is in Western Canada.
2 And so we have ceded almost budget authority
3 to a third party.

4 Because in order to keep the
5 markets open for the eastern Canadian products
6 going into Europe, we have to divert money
7 that was supposed to be spent in western
8 Canada where we know the problem is.

9 And so in a way, the budget
10 authority was ceded to someone outside of the
11 system. And that was a particular burr for
12 the Canadians and it sounds like Alaska may be
13 having the same issue, too.

14 MEMBER NARDI: I think we have
15 time for one or two more questions before we
16 go to break. Mark?

17 DR. HOLLIDAY: I don't know if
18 you've had -- if people have had time to look
19 at the existing policies in place, but to
20 John's point and Julie's comment about funding
21 conditions, I just read you, from the current
22 policy, the NMFS will not develop budget or

1 spending plans to accommodate anticipated or
2 ongoing certification obligations and is under
3 no obligation to change its scientific or
4 management operations to satisfy the
5 conditions of continuation of any private
6 sector certification award.

7 And so this was our policy
8 implemented in 2005 to prevent the ceding of
9 authority to third parties to condition or
10 somehow influence the research.

11 We go on to say that any changes
12 that are desired, with respect to scientific
13 information or management, should be addressed
14 to the formal public Fishery Management
15 Council process of FMP development or
16 amendment and the NMFS planning, programming,
17 and budgeting process that's available to all
18 members of the public.

19 So we made a very conscious
20 attempt not to relieve the responsibilities or
21 stewardship and good science practice by
22 changing our approaches, you know, to

1 accommodate, as requested very seriously by
2 the applicants to MSC.

3 But this was, again, one of the
4 drivers, one of the triggers for the policy in
5 the first place, that we were being torqued to
6 do this and it was sort of an aggregation of
7 our responsibilities under the normal course
8 of a federal responsibility.

9 MEMBER NARDI: Turn it back to
10 Keith.

11 CHAIR RIZZARDI: Thanks, George.
12 So I know we'll break out and have our working
13 group discussion after this and see what we
14 think as a body and what we can do with this
15 over the coming months.

16 But I wanted to say a big thank
17 you to the four panelists, because I've
18 certainly learned a whole lot today about, the
19 big questions of can we do this and should we
20 do this? So to John, Dave and Dawn and Tim,
21 thank you so much for being here today.

22 MEMBER NARDI: Was there anyone in

1 the outside world listening in?

2 (Off the record comments.)

3 CHAIR RIZZARDI: Reconvene in 15
4 minutes? Okay. Thanks, everybody.

5 (Whereupon, the above-entitled
6 matter went off the record at 3:15 p.m. and
7 resumed at 3:44 p.m.)

8 CHAIR RIZZARDI: Well, I think
9 we'll continue with our discussion on
10 certification.

11 But before we do so and before we
12 maybe lose some of the people that have made
13 the effort from the public to come in, I
14 understand it's our normal procedure on Day 3
15 to open it up to the public, but for some of
16 them that might not return on Day 3, I'd just
17 like to take this opportunity for them to
18 introduce themselves to the Committee if we
19 could do so and if you don't mind.

20 We could start in the back, if you
21 wouldn't mind introducing yourself to the
22 committee.

1 (Off the record comments.)

2 MR. TROMBLE: I'm Galen Tromble.
3 I work with Sustainable Fisheries at NOAA.

4 MS. SEMON: Hi. Katie Semon. I
5 work for Fisheries Communications on our
6 FishWatch program.

7 MR. WILDMAN: Hi. My name is Mark
8 Wildman. I'm in the Office of International
9 Affairs for Fisheries.

10 MS. CRAIG: Hi. My name is
11 Valerie Craig, and I manage the Ocean
12 Initiative at the National Geographic Society.

13 MS. GUTIERREZ: Hi. I'm Alexis
14 Gutierrez and I work for NOAA Fisheries in the
15 Office of Protected Resources.

16 MS. BUNSICK: I'm Susan Bunsick
17 and I work for NOAA Fisheries in the Office of
18 Aquaculture.

19 MR. FAIRBANKS: My name is Luke
20 Fairbanks. I'm a PhD student at Duke
21 University and I've been collaborating with
22 the Office of Aquaculture.

1 MR. CHILES: My name is Benson
2 Chiles. I'm a consultant. I work with
3 environmental groups.

4 MR. MARTENS: Good afternoon,
5 everyone. Oleg Martens, WWF Fisheries and
6 Markets.

7 MR. ZELAYA: Oscar Zelaya, and I
8 work with the WWF aquaculture program.

9 MS. BRYANT: And I also understand
10 Timothy Fitzgerald is here from Environmental
11 Defense Fund, and he just stepped out for a
12 few moments.

13 CHAIR RIZZARDI: Thanks,
14 everybody.

15 MEMBER NARDI: At this point we
16 need to discuss a little bit about where we go
17 from here. I'd like make a couple of
18 comments.

19 I think from what the earlier
20 discussion -- I think it does seem that
21 there's the mechanism if we wanted to move
22 forward with certification as a committee to

1 further discuss it, could perhaps get some
2 additional presentations to help us refine,
3 between ourselves, the benefit of
4 certification.

5 I think the question that Alan
6 raised earlier we need to address and answer
7 is, you know, what's the goal for the
8 certification process? That goal may be a
9 little different, whether it's an aquaculture
10 product and the steps that those products may
11 have to go through to qualify versus a fishery
12 which has, as has been commented, standards
13 and regulations in place that could be more
14 readily reviewed and 50-state aquaculture
15 programs.

16 So I think it's still an open
17 discussion here. I would like to get the
18 feeling from the committee to maybe move us
19 forward on how we think certification would be
20 a benefit. And it would start addressing what
21 we need to do to help us answer the question
22 of what's the goal, you know, why are we doing

1 this, from a both a culture and fishery
2 standpoint.

3 So I'll turn it over to the floor
4 for a continued discussion.

5 Dave?

6 MEMBER WALLACE: Well, I'm only
7 speaking for the wild-caught sector. Those
8 fisheries that participate in the federal zone
9 that operate under a fisheries management plan
10 and are sustainable.

11 And I recognize either Alan or
12 Mark's comment that in the Magnuson-Stevens
13 Act sustainable is not defined. However,
14 maybe we should, in this exercise, see if we
15 could define that term that so that we can use
16 it, or have a new term which essentially means
17 the same thing that already exists.

18 And the question is, why should we
19 do this? And the answer is, first,
20 communicating how good a job each well run
21 fishery is and that it will go without
22 environmental changes in perpetuity. And so

1 if you use those kinds of terms, then the way
2 I understand sustainability, that essentially
3 means the same thing.

4 And what this does is allows the
5 environmental community, and to recognize that
6 most fisheries in the United States, federal
7 managed fisheries in the United States are
8 extremely well run and they are sustainable in
9 the long term.

10 This then gives us the opportunity
11 to sell that or to inform the rest of the
12 world that if we have a stamp or a seal of
13 some kind that says that this product was
14 caught in a wild state, legally, and under the
15 auspices of the National Marine Fisheries
16 Service or the federal government and it is
17 for all intents and purposes being managed on
18 a sustainable basis, then we can use that to
19 convince people like Kroger that that is good
20 enough for them and so they would not
21 necessarily then require something like MSC or
22 another brand to allow them to carry them to

1 carry the product.

2 And I think that that's very
3 important. And why shouldn't everybody just
4 go get MSC? Well, because small fisheries
5 cannot afford to pay \$250,000, or Jeff Kaelin
6 just said that the dogfish fishery that just
7 got certified by three companies cost \$500,000
8 to get it certified and, you know, that there
9 are many, many fisheries in the United States
10 that are well managed that could not raise
11 that kind of money because you have to have a
12 return on your investment.

13 This is a huge investment, and so
14 you would have to have like a 20 percent
15 markup above the normal price just -- if
16 you're selling millions of dollars worth of
17 stuff just to have a reasonable return on your
18 investment.

19 So I think that it's important and
20 I think that it's justified for this committee
21 to work on it. And Mark read us the policy.
22 I understand the policy, but we're a policy

1 advocate group for the Secretary, and so we
2 could suggest that the policy be changed if we
3 can come to a consensus. Thank you.

4 MEMBER NARDI: Ted, then Pam?

5 MEMBER AMES: Thank you. I tend
6 to agree with Dave with the stipulation that
7 we can define what a sustainable fishery
8 should be within the construct that NOAA NMFS
9 can do without increasing expenditures as
10 greatly. Defining it is, the devil's always
11 in the details, so that needs to be where we
12 need to start looking.

13 MEMBER YOCHER: I think it's been
14 said already that communication is key. And
15 I think the -- I would just reiterate that one
16 of the great things, I think, about the United
17 States is the transparency of its processes
18 and the fact that you're required to define
19 what you mean by every term.

20 And I think the mechanisms are in
21 place, you know, we talked about for harvest
22 fisheries, for also for aquaculture with, you

1 know, preexisting USDA certification, for
2 example, and what goes into being registered
3 or certified by the USDA and, you know, those
4 parameters are very clearly defined.

5 And so it seems as though there is
6 a process for incorporating that information
7 should National Marine Fisheries Service
8 decide to move forward, there are criteria
9 that could be used.

10 And I think for all the reasons
11 that have been stated for the wild-caught
12 fisheries, it would be the same issue for
13 farmed products.

14 MEMBER NARDI: Tony?

15 MEMBER CHATWIN: Thank you,
16 George. If the subcommittee is indeed going
17 to have a working group on this, one thing
18 that I think hasn't been stated enough today
19 is that the U.S. is not alone in this issue of
20 fishery sustainability. In fact, most of our
21 seafood comes from outside of the U.S.

22 I've heard some really strong

1 terms stated today in terms of the
2 certification companies blackmailing industry.
3 I think that the need for third-party
4 certification arose outside of the U.S. where
5 you don't have the same robust management
6 system.

7 And I think now what we're seeing
8 is that it's coming to the U.S. It's been
9 here for awhile and there might be some
10 conflicts there. I think the U.S. is in an
11 advantageous position for having such a robust
12 management system.

13 And when the working group looks
14 at this, I think they need to be able to
15 understand or articulate how a NOAA
16 sustainability certification will compare to
17 a non-NOAA certification, because 80 percent
18 of the seafood that we consume here will be
19 non-NOAA certified.

20 So I think that's just an aspect
21 that I haven't heard much discussed here
22 today, and I think it's something that the

1 working group should take into consideration.

2 MEMBER NARDI: Paul and then
3 Julie.

4 MEMBER CLAMPITT: Thanks, George.
5 The halibut and sablefish fishery in Alaska,
6 I think, was one of the first ones that was
7 MSC certified. And the reason why was at the
8 time there wasn't a requirement for it. We
9 don't sell much fish in Europe, but we wanted
10 to differentiate ourselves from other
11 fisheries in that we were ecologically
12 harvested.

13 And I really don't believe that
14 just because NOAA decides or we decide to have
15 NOAA make a label that NGOs or other
16 environmental groups are going to accept it as
17 a blanket. That everything that's caught in
18 the United States is going to be what they
19 feel is sustainable.

20 I mean there's a real controversy
21 about bottom trawling no matter where it's
22 done. There's a lot of unreported removals in

1 the fisheries. And I don't believe that MSC
2 certification or third-party certification
3 will go away. That's just my observation.

4 MEMBER NARDI: Thanks, Paul. Just
5 a quick comment. I don't think, at least for
6 quite some time, we're expecting any third-
7 party certification to go away. It's an
8 alternative that may be more applicable to
9 some industry participants.

10 Julie?

11 MEMBER MORRIS: The most promising
12 idea that I heard in the panels was this idea
13 that somebody's working on something similar
14 to the GFSI, which they call it GSSI, which is
15 a Global Seafood Sustainability Initiative
16 that would be an umbrella under which this
17 third-party certifications would be sort of
18 blessed by this.

19 Am I understanding that correctly?
20 Yes, okay. And so I think if NOAA could work
21 with Europe on this GSSI that that would be
22 another way to solve the problem that Dave is

1 experiencing. That there would be this kind
2 of international set of standards that third-
3 party certification projects would have to fit
4 under, and that that would help solve the
5 problems that producers are experiencing, and
6 it would also be better for consumers.

7 I mean it seems like consumers are
8 confused, and if the U.S. and Europe could get
9 together on a global thing that helped
10 everything harmonize, as Bob said, that might
11 be the best place to put our efforts.

12 MEMBER NARDI: Thanks, Julie.
13 I'll pass it over to Linda and maybe she can
14 also address some of that.

15 MS. CHAVES: Gave me a lot to talk
16 about. First thing I wanted to mention was
17 that FAO has prepared technical guidelines on
18 aquaculture certification which could be used
19 by us as the basis for providing a
20 certification. We were very much involved in
21 the development of those guidelines.

22 Second I wanted to say that, what

1 was my second comment?

2 (Off the record comments.)

3 MS. CHAVES: When we were
4 negotiating with the EU to be able to meet the
5 requirements of filling out a catch
6 certificate, which we had to demonstrate that
7 our fisheries were IUU-free, we did include
8 state fisheries.

9 We actually included every
10 fishery, commercial fishery in the United
11 States. We provided the information on the
12 management systems for each one. We also
13 provided them with all of the reporting
14 requirements, observer requirements, et
15 cetera, et cetera, et cetera.

16 And what was most impressive was
17 the enforcement capabilities that the United
18 States has. And so as was mentioned, we're
19 the only country in the world that does not
20 have to identify the name of the vessel that
21 the fish is harvested on.

22 So I think that, you know, we can

1 do a lot and yes, we have to communicate
2 better. And I know that some NGOs are not
3 going to like, or would not like the fact that
4 we would be doing this, but the people we have
5 to convince are the buyers overseas.

6 And that's going to take a
7 roadshow, if you will, where you go in and you
8 provide them the same types of information
9 that we have provided to the EU. That's
10 information that we have on FishWatch. And I
11 think that that would go a long ways to
12 beginning to try to convince people.

13 The other thing, I don't think
14 that GSSI is going to get to the problem that
15 has been raised by several people, which is
16 the cost, because all you would be doing is
17 standardizing what the criteria are. The
18 different sort of NGOs are still going to be,
19 or MSC is still going to be charging a lot of
20 money for certifying a fishery, if I
21 understand it correctly. You may want to
22 comment on that.

1 MS. BRYANT: And Linda, also,
2 isn't GSSI primarily being driven by outside
3 and it's not involving government, I mean in
4 terms of NOAA participation? This is really
5 something that, or are governments
6 participating? I don't know. I think it's
7 all industry.

8 (Off the record comments.)

9 MEMBER WALLACE: FAO also has a
10 set of guidelines for wild-caught fish to be
11 sustainable and what they, for any
12 organization that would like to start a
13 certification program they have a whole group
14 of published guidelines, and I've read them.

15 And then you look at our fisheries
16 managements plans in the federal zone, we
17 dovetail into those almost completely, and so
18 there's really nothing we would have to do
19 additionally to comply with what the FAO
20 thinks needs to be part of a certification
21 program. We already do it.

22 MEMBER NARDI: Randy?

1 MEMBER CATES: So the question was
2 asked, should we do this? And my answer would
3 be MAFAC should recommend to the Secretary of
4 Commerce that we should do this. And we
5 should do it for several reasons.

6 One is simply, it's the right
7 thing to do for the fishermen who are partners
8 in this effort to maintain our fisheries and
9 our conservationism, in my mind, and
10 partnering with conservation to be
11 sustainable. It's the right thing to do for
12 the consumer to let them know that we're doing
13 a good job with our fisheries and that it's
14 okay to buy and eat this product, because they
15 are getting confused.

16 And it's the right thing to do to
17 prevent some of the problems that were
18 outlined today. Whether you're a small
19 fishery or a big fishery, it's just simply not
20 right some of the tactics that have been done
21 and continue to be done.

22 Now some of these certifications

1 have a role, and the consumers can choose
2 whether they're going to continue to buy only
3 MSC-certified fish or, you know, all these
4 other certifications. They have that choice.
5 But they should also have the choice to know
6 that if the fishery is sustainable under NOAA
7 standards that you can put that label on it.

8 Stand with the fishermen. It's as
9 simple as that. Stand with the seafood
10 producer whether you're aquaculture or wild
11 caught. If they're doing things right then
12 they should be able to say so.

13 MEMBER NARDI: Ted?

14 MEMBER AMES: Thank you. I'm new
15 to this game of certification, but I find it
16 hard, especially when it deals with the
17 sustainability, which is undefined. And I
18 feel as though before we went very far we had
19 to define what sustainability meant, because
20 it may well involve habitat, in addition to
21 factors including whether or not a stock is at
22 MSY or approaching it or is declining, et

1 cetera, et cetera.

2 There's a whole suite of variables
3 that to me in terms of defining the
4 sustainability of the fishery itself as to
5 what the parameters are we're dealing with,
6 and we haven't enunciated them.

7 MEMBER NARDI: Keith?

8 CHAIR RIZZARDI: I think Ted hit
9 on an important point there, and I think
10 that's one of the key distinctions in what
11 we've been talking about is the threshold of
12 sustainability.

13 It seems to me that going back to
14 my simple, basic two questions, we tackled
15 "can we," and we're sort of transitioning into
16 this "should we." What I heard earlier was
17 all this dialogue. Yes, we could develop a
18 mark but what would the mark mean? What level
19 of sustainability does it mean?

20 And I think we're talking about,
21 whether you're talking about a wild-caught
22 fishery or an aquaculture fishery, a mark that

1 says, you're legally compliant. And on the
2 Magnuson side that means you're compliant with
3 the national standards on, and you're wild-
4 caught fishery.

5 If you're on the aquaculture side
6 it means you're complying with all your
7 permits. There are other entities out there
8 that are going to continue to provide
9 certifications that are going to hold
10 themselves to a higher level of
11 sustainability.

12 So to go to your point, Ted, there
13 are other groups that will say, well, Magnuson
14 represents the floor or compliance with the
15 permits in the aquaculture process represents
16 the minimum floor. They will view
17 sustainability as aspiring to some higher set
18 of values, and it could be, you know, just
19 like think in terms of coffee.

20 You have your fair trade coffee
21 and you have your rainforest coffee and
22 they'll set all their different standards that

1 are in the context of the fishery, and they'll
2 inject their own values into that.

3 All right, so what I think we're
4 talking about right now is a certification
5 that represents the minimum standard, and
6 you're either Magnuson compliant or you're
7 legally compliant. And I think what I learned
8 from Tim is, we could do that. And we could
9 even do it if it involved EPA's permits and
10 the Army Corps' permits.

11 And so if you're an aquaculture
12 operation and you want this and you want an
13 inexpensive pay-for-your-certification process
14 that allows you to put some sort of NOAA brand
15 on it, I think we can do it and we could
16 contract, NOAA could contract with the other
17 agencies and say, okay, what's your checklist?
18 Have you complied with your permit conditions,
19 check, check, check, and you get to brand
20 yourself as legally compliant.

21 And I think on the Magnuson side
22 we're already doing that to some extent, so it

1 wouldn't be that big a leap. I think we're
2 still wrestling though with the "should we"
3 question. Should we do this? Does it have
4 value for the aquaculture folks? Does it have
5 value for the wild-caught folks?

6 And I think I'm hearing more the
7 aquaculture folks made it very clear why they
8 want it. They don't have an alternative. I
9 think, Dave, you've now expressed from the
10 wild-caught perspective why you want it. It's
11 a lot less expensive than the MSC options.
12 All right, so I think we're starting to tackle
13 the "should we."

14 And it seems to me that over the
15 course of the coming months, the white paper
16 that walks through all these issues and how
17 this could be implemented and what its value
18 would be, would be a major accomplishment for
19 MAFAC to deliver to NOAA.

20 MEMBER NARDI: Thanks, Keith. I
21 think I saw three hands go up simultaneously,
22 so Dave, Bob and Paul, and Greg. And

1 Columbus. I've got to write it down now.

2 MEMBER WALLACE: I heard the
3 statement that said that we, if NOAA had a
4 mark and we could go sell that overseas, well,
5 let me suggest to you that I see it at just as
6 valuable selling it here.

7 There are lots and lots of
8 fisheries in the United States that have the
9 same fish being imported into the United
10 States with no marks on it. And if we then
11 could say that these clams, unlike the clams
12 from Chile, from other South American
13 countries, from Canada, from Iceland, from
14 Europe don't have this mark, and these are
15 caught on a sustainable basis, and most of the
16 other ones are not even regulated and they
17 significantly undercut our market as far as
18 quality and price, then it would be very, very
19 advantageous for us to have, this is a product
20 of the United States. It's caught on a
21 sustainable matter and is wholesome and what
22 have you. And I think that that would be

1 extremely valuable. Thank you.

2 MEMBER NARDI: Bob?

3 MEMBER RHEAULT: So we do have the
4 GAA and the ASC, and they're on the verge of
5 being able to certify most of our aquaculture
6 fisheries. And those programs will take into
7 account certain things that we would not, I
8 assume, in this program take into account such
9 as cumulative impacts, ecological carrying
10 capacity, social things like that.

11 But my real question is whether we
12 want to do this is what's it going to cost,
13 and where, what other programs we all treasure
14 are we going to pull it out of? Because we've
15 already heard how important it is to do the
16 communications, and probably in my mind even
17 more important is defending the brand.

18 When Greenpeace stands up and
19 says, oh, that certification is lousy, or when
20 somebody sues us and says, oh, you're not
21 really sustainable, who's going to, you know,
22 there's quite a bit of money involved in

1 defending the brand. And that's been part of
2 my complaint about some of the existing
3 programs is they're not very vigorous in
4 defending themselves when they get attacked by
5 the more radical groups.

6 So I think that we really want to
7 come up with at least a ballpark for what
8 we're anticipating this program to cost, and
9 then decide, you know, is that something we
10 want to spend on this when there's all these
11 other priorities that we were talking about
12 this morning that are also very important to
13 us. And I'll shut up.

14 MEMBER NARDI: Paul?

15 MEMBER CLAMPITT: Yes, that's
16 exactly what I was thinking about. You know,
17 on the, do we want to do this, and the other
18 question is, how much is it going to cost?
19 And I mean if you're operating in the wild
20 fishery I mean would you have to pay?

21 I mean you don't really need that
22 certification now and, you know, would it be

1 cheaper? Because we were paying for a private
2 observer program here for quite a few years,
3 and now the government's imposing a new one on
4 us that they're going to run and it's quite a
5 bit more expensive.

6 MEMBER RHEAULT: Just to clarify,
7 I wasn't talking about what it's going to cost
8 the fishermen. I was talking about what it's
9 going to cost NOAA.

10 MEMBER NARDI: What's it going to
11 cost?

12 Greg?

13 MR. SCHNEIDER: Yes, thank you. I
14 just had a couple of comments. I found this
15 very interesting. I've been part of various
16 certification exercises including the FAO both
17 on aquaculture and wild capture, so it's
18 something that I've paid attention to for many
19 years.

20 The question has arisen here about
21 the definition of sustainability and, in fact,
22 there is no international definition for

1 sustainability. And if you think that there
2 needs to be one, then you might as well give
3 it up because it's going to be quite awhile
4 before that's agreed to.

5 That said, I think it's very
6 interesting, and I've noticed a number of
7 speakers saying that of course there are
8 people who will take exception to whether in
9 its totality the MSRA and international
10 standards, in fact, adds up to a criteria for
11 sustainability. At some point you have to
12 make that decision.

13 And MSC has a set of criteria.
14 The FAO has set out in various documents,
15 including the code of responsible fishing and
16 a number of other instruments, sort of a body
17 of work which I think is agreed is, again in
18 its totality, adds up to sustainability. So
19 you just have to decide what it is.

20 In fact, certification is
21 certification against something, some set of
22 criteria, and I think MAFAC needs to decide

1 that if our system in the U.S. including
2 enforcement, including everything else that's
3 associated with it is, in fact, a proxy for
4 sustainability then you can move forward.
5 Anyway just my way of comment.

6 MEMBER NARDI: I appreciate that,
7 Greg, because that last statement you made was
8 essentially where this topic originated. That
9 being, you know, the sustainable fisheries but
10 well managed fisheries and permitted
11 aquaculture operations living up to their
12 permit conditions.

13 You know, by in themselves what
14 are we saying? Is the government going to
15 stand behind those permits and fisheries that
16 they're managing in saying they're well
17 managed, and if they are what can we say about
18 that as the people that prosecute those
19 fisheries or produce those fish?

20 So we're trying to get at the
21 heart of that, you know, what is NOAA standing
22 behind? Are they standing behind, do they run

1 away from their permits? Do they run away
2 from the fisheries they're managing? And I
3 don't think they do, so we're trying to point
4 that, construct that into a program that has
5 a higher value is what I think.

6 But anyway, I'm supposed to be
7 chairing this thing not commenting.

8 Columbus and then Tim?

9 MEMBER BROWN: The first question
10 that came to my mind is, who's going to
11 benefit? Is it the producers, the middle
12 people or the consumer?

13 And then that followed with
14 another bigger question. If in this country,
15 let's see, 80 percent, 90 percent of the fish
16 are imported, what impact is this going to
17 have on what I as a consumer see in the fish
18 case in a market?

19 So how important and how relevant
20 will this mark be in commerce so to speak?
21 And what's it going to do to improve upon the
22 message of sustainability beyond what others

1 are doing?

2 So whatever we do, I think part of
3 our analysis needs to really scope it out in
4 terms of the breadth of the impact of this, on
5 the bigger picture of fisheries and
6 sustainability. And also look at how this is
7 going to relate to the confusion that people
8 get when they walk into a grocery store and
9 they're scratching their heads and they're
10 trying to figure out, well, it's sustainable
11 but is it safe to eat?

12 You've got FDA doing certain
13 things, you've got other groups doing certain
14 things, so what value added are we going to
15 get and can it be best arrived by a separate
16 mark from commerce, collaboration with FDA on
17 things that they're already doing, or maybe
18 going to the GSSI?

19 But I think all these things
20 really need to be fleshed out in terms of, you
21 know, where they sit and what the positive
22 benefits and the cons are for those things.

1 MEMBER NARDI: Thank you,
2 Columbus. And I think those are some of the
3 things that we'll have to address if this goes
4 forward.

5 Tim?

6 MR. HANSEN: Yes, thank you,
7 George. Just to address the cost issue, I
8 think from my standpoint what we're looking at
9 is determining once fisheries' managers
10 decided if a fishery is indeed sustainable,
11 somebody wants to use marks if we have one,
12 then we would have to figure out and determine
13 whether the fish did actually come from that
14 fishery and do our normal label review
15 process, and we're not talking about a lot of
16 cost there.

17 People come to us all the time and
18 ask our advice for development of a label to
19 make sure it's compliant with FDA and so
20 forth. And generally the people that aren't
21 normally associated with our program,
22 generally it costs them, you know, between

1 \$150 and \$300 to do that.

2 So that's what we're talking about
3 in the label review, and a little more to sort
4 of trace back and make sure that the fish that
5 come from this firm actually come from a
6 sustainable fishery. In any case, so we're
7 talking hundreds of thousands of dollars here
8 for a firm. We're talking about, you know,
9 much, much less.

10 But I think it's fair, once you
11 folks develop this concept a little more that
12 Seafood Inspection would be more than happy to
13 provide some rough cost estimates for your
14 white paper that is helpful to the committee.
15 Thank you.

16 MEMBER NARDI: Tim, if I could put
17 you on the spot for one of your customers.
18 Could you give us an idea, you know, their
19 annual cost, the ones that are in the program
20 that you provide a seal for, what are they
21 looking at as an annual cost to the service?

22 MR. HANSEN: Well, most people

1 these days that get the various marks are in
2 our so-called HASP QMP program, which is based
3 on HASP and its preventative control program,
4 and also we apply it to quality and other
5 things that FDA doesn't.

6 And if you're in that program you
7 can use a Grade A mark and the cost vary, the
8 high end is about \$12,000 a year. Now if you
9 want an inspector in your plant every day
10 that's going to get real pricey.

11 And so when people opted to go to
12 the system, they have to do HASP anyway to
13 satisfy FDA requirements, so it isn't a lot
14 more, a big stretch to use our services. And
15 you have the full range of those marks if you
16 successfully show that you've got a reliable
17 HASP system.

18 MEMBER NARDI: And does that
19 include the third-party verification or the
20 third degree as John talked about?

21 MR. HANSEN: This would be a third
22 degree audit, yes.

1 MEMBER NARDI: Thank you, Tim.

2 Mark?

3 DR. HOLLIDAY: So if you remember
4 back to our discussion at the May meeting in
5 Seattle, we talked about a number of these
6 issues that were important to moving forward
7 on certification or not, and why didn't the
8 2008 policy get implemented.

9 It gave a list of things that
10 included cost as being one of the issues,
11 including the demand that Columbus made, I
12 mean, you know, what's the demand and the
13 value added for that. Who's going to benefit
14 and then who's going to pay?

15 I don't think we're at a position
16 to make any cost comparisons between MSC and
17 any other alternative at this point other than
18 peoples' conjecture about what some of the
19 costs would be, but we have concerns about
20 who's going to bear those costs and the idea
21 of are we going to get something out, would we
22 be happier giving up a stock assessment to do

1 this because there will be costs for the
2 monitoring, the marketing, the administration
3 and the enforcement.

4 One has to protect the mark, the
5 integrity of the mark. These were things we
6 discussed in May. We heard John Connelly talk
7 about if you have a mark, to be effective you
8 need to do some marketing to ensure people
9 understand what its value is if you're going
10 to go to the point of issuing a label versus
11 just doing a certification.

12 The traceability, I mean Tim
13 talked about doing a sample of, you know, 50
14 per quarter. Who's going to assume the cost
15 for conducting and maintaining traceability of
16 the product? Is that a government cost? Is
17 that an industry cost?

18 So I don't know the answers to all
19 these questions, but I think that an
20 evaluation of moving forward on some of these
21 things would have to have a fairly strict cost
22 accounting of, where are these costs going to

1 get paid for? If they're government costs are
2 they going to be new appropriation funds that
3 we're anticipating or are they going to be
4 redirecting of funds from some other program?

5 So my point is, I think a number
6 of the issues that we raised about where we
7 stood after 2008 are on the table for the
8 committee to help try to answer, and that's
9 why we empanelled the workgroup of people from
10 various, the sustainable fisheries
11 international, the communications people, Tim
12 and the Seafood Inspection Program to help get
13 to that point.

14 So I just wanted to kind of, I
15 guess I'm making a recommendation not to get
16 the cart before the horse here on endorsing an
17 outcome before we have all of these
18 evaluations and factors on the table.

19 MEMBER NARDI: If I could ask
20 Mark, in 2005 when you gave this consideration
21 was it also being considered as a fee-for-
22 service program or not?

1 DR. HOLLIDAY: The 2005 policy was
2 different than the revision for 2008. So I
3 just want to clarify, what we proposed in 2008
4 was a form of certification but not issuing an
5 eco-label, using John Connelly's distinctions
6 from his talk.

7 So we were proposing, and in fact,
8 we have issued certification statements since
9 then but we have not followed through on the
10 rest of the policy for a number of the reasons
11 that I've just outlined.

12 (Off the record comments.)

13 DR. HOLLIDAY: Well, there were no
14 fees. There were no fee-for-service
15 requirements at that point because what we
16 were doing was writing a letter to a sector
17 for a fishery.

18 They would then use that letter in
19 their marketing, sort of this division of
20 labor between an inherently governmental
21 function, we're certifying that the work of
22 NOAA comports with applicable law and the

1 standards of the nation. How you want to use
2 that in branding and advertising your product
3 is then an industry function.

4 So if you want to use that mark to
5 create your own label and say your mark's
6 based on the certification from the government
7 that it's compliant, you're free to do so.
8 And you can police the mark, you can ensure
9 the integrity of it and in a sense you're
10 paying for your own service rather than for
11 the federal government to give you a NOAA seal
12 that's going to represent something that NOAA
13 then has to enforce, administer, protect and
14 defend.

15 And so I think those are the, sort
16 of the lines, the division of labor that we
17 were anticipating in the 2008 policy.

18 MR. FISHER: Yes, I was going to
19 ask about that because that seems to make a
20 lot of sense to me. Because once you, if you
21 would go through, and the example I had with
22 Dulcich.

1 If Frank came to you and said, I
2 want you to give me a letter for these four
3 fisheries that I sell fish from because I'm
4 the processor, then it seems to me it's his
5 business to go and talk to him and say, I've
6 been certified by National Marine Fisheries
7 Service or something.

8 So we're not second-guessing
9 what's happening in the marketplace, they're
10 using it for what they need to have it for
11 whatever that may be. If it's a small fishery
12 they could still do the same thing and they
13 could say they're certified.

14 So I agree with what Mark's
15 saying. It seems to me that would make a lot
16 of sense, because I think you can accomplish
17 the same thing that you're trying to do and
18 you're not going to mess around with what goes
19 on in the marketplace or be sued by it or
20 whatever.

21 So I'm assuming what you said
22 earlier was that policy is still in play that

1 you would actually write a letter to a fishery
2 and say yes, you're certified or whatever.

3 DR. HOLLIDAY: I believe that's
4 correct.

5 MEMBER NARDI: Thanks. I think
6 Laurel, you had your hand up earlier.

7 MS. BRYANT: Thanks, Mr. Chairman.
8 I don't know if my comments are, they were
9 relevant a little bit further back in the
10 discussion of sustainability.

11 But on this particular one we
12 actually have done a few letters confirming
13 that for various fisheries, and we've actually
14 done it through NFI, providing them the letter
15 that then they can make available to folks
16 that would ask for it. But essentially
17 saying, yes, it is meeting the ten national
18 standards that it goes through that.

19 I would like to just for
20 discussion, pull you to FishWatch. You know,
21 we've only marketing it and doing it really
22 for seven months. There was an extensive

1 redesign done. It actually was done with a
2 lot of input both from NFI, and I would say
3 SeaWeb, who helped pull in survey work as well
4 as even food marketing institutes. So there's
5 a lot of input there from the customer level.

6 I think in the way that we have
7 dealt with this Sustainable Fisheries Office
8 and then my office, the Communications Office,
9 and teeing this up, and again we're only seven
10 months into the marketing of it, but the way
11 we've dealt with a lot of this is to not
12 position ourselves directly in competition,
13 despite the name, which I would have changed
14 the name if we ever could have, and not put us
15 in direct confrontation with other rating
16 systems because we don't have that kind of
17 budget.

18 Those rating systems have millions
19 and millions of dollars and have spent over a
20 decade establishing that real estate in the
21 market and in the consumers' mind. Little
22 NOAA Fisheries, Laurel Bryant and Katie Semon,

1 are not going to be taking that on.

2 But what we have done, I think, is
3 fairly valuable, and we've been pretty
4 articulate about this that we have some very
5 valuable real estate that we have established
6 and that is that we have a very robust
7 process. And instead of looking at
8 sustainability as a data point or some state
9 of being, we've really talked about it as a
10 dynamic process and it's the robustness of
11 that process.

12 And it's really back to what John
13 Connelly was saying. We have a process that's
14 able to prevent, that's able to monitor and
15 more importantly, be held accountable and
16 looking at these larger issues that are always
17 changing. It's a dynamic process.

18 And so just for your discussion in
19 terms of how you're looking at this in
20 sustainability, I think those terms of being
21 responsibly managed and that it's a process is
22 an important aspect and that's how we've

1 definitely dealt with it in FishWatch and will
2 continue to do so as we further expand
3 FishWatch, further market it and start to
4 include other elements such as aquaculture
5 species, which is kind of our next challenge
6 that we're working on currently to come up
7 with those templates.

8 So thank you, Mr. Chairman.

9 MEMBER NARDI: Julie?

10 MEMBER BONNEY: I am just
11 wondering kind of process-wise, it seems like
12 we're kind of, we have a foot in two ponds.
13 So basically we're trying to start to
14 communicate that we are managing our fisheries
15 sustainably, and FishWatch is kind of the
16 first branch into that which has been seven
17 months old. Now it sounds like we want to
18 take it to a higher level which is to develop
19 a certification that the government owns and
20 defends.

21 So I guess can we do one or the
22 other? So in one case, if we get out into the

1 public, talk about that we're doing it right,
2 that we have sustainable fisheries, that we
3 have the website, maybe have some kind of
4 communication branch that goes out into the
5 marketplace to talk about what we're doing
6 right in terms of our fisheries, is that
7 enough? Or do we need to go to the next
8 level, which is to offer Certification Number
9 71 and maintain it into the marketplace and
10 try to raise it to a higher level?

11 So I think there's two different
12 decision points there and I'm not really clear
13 which one would be better served. Because I
14 think maybe you could do, you know, get your
15 letter, tie into SeaWatch, the communication
16 that NOAA's putting out in terms of we're
17 doing a good job with our fishery, maybe
18 that's good enough in the marketplaces and you
19 don't have to go to the MSC level for the cost
20 structure. So I don't have an answer but I'm
21 questioning.

22 MEMBER NARDI: Thanks, Julie. I

1 think that's a good point. I think we're
2 beginning to sort of ask, go around a little
3 bit, and maybe we'll have one or two more
4 points if anyone wants to make them.

5 But I think we're a little bit at
6 a point now where I think we've seen that we
7 can do something, but still the question is
8 going to have to take some time to figure out
9 "should we," and we've got to define what the
10 goals are of those "should we"'s.

11 Your comment, Julie, about, you
12 know, this, we've got the FishWatch and we can
13 ask for a letter from the government. The
14 question that still rests with me that I don't
15 have the answer is, is that good enough? Is
16 that going to be enough for the purpose
17 whether it's for the industry, for the
18 institutional buyer?

19 We don't want to do this effort
20 just because it's a nice thing to get a letter
21 and the institutional buyer says, that's nice,
22 but where's your MSC certification or

1 aquaculture equivalent? I think we're trying
2 to find something a bit more robust.

3 It doesn't have to happen
4 overnight or all in one step. It could be
5 step-wise. But I think there is a need of
6 recognition of what the process, as Laurel
7 said, is and standing behind that process and
8 it's responsibly harvested or grown. And I
9 think we're not going to answer that right now
10 is, and I think we've done enough.

11 And Keith, I would hand it back to
12 you. But I think we probably need to manage
13 this with a smaller group over the next,
14 between now and the next meeting, try to
15 redefine this for the committee through a
16 working group so that we can get, you know,
17 maybe come to some conclusion within the next
18 six months.

19 And I think that was our terms of
20 reference, if I'm not mistaken, Mark, that
21 that's what we're working within.

22 DR. HOLLIDAY: That's certainly

1 the time frame. The only comment I would make
2 is that we've brought the NMFS and the MAFAC
3 people together who are on the working group
4 in the hopes of trying to, at the conclusion
5 of this meeting, have either a way forward or
6 a next-step for the working group to proceed.

7 And so we want to try and take
8 advantage of a face-to-face meeting to help
9 ourselves organize. So we had this session
10 from 4:00 to 5:00 today, and then I forget
11 which time on the agenda, but another chunk of
12 time on the agenda for the working group to
13 convene to produce that sort of way forward.

14 But the six-month time frame, yes,
15 there's no anticipation that we're going to
16 solve this problem at this meeting or within
17 the next month, and so it's a process.

18 MEMBER NARDI: Right. So I think
19 when we get together with the working group we
20 can better define the next steps forward or
21 right now.

22 CHAIR RIZZARDI: Mark's point is,

1 this is the working group. This time slot
2 from 4:00 to 5:00 is the working group.
3 You've got the people who were assigned to it
4 on the task force that are at the table.

5 MEMBER NARDI: Right.

6 CHAIR RIZZARDI: And my suggestion
7 would be that we start talking about how to
8 shape a webinar or some sort of meeting in
9 January. You know, let's get through the
10 holiday season. Let's get to January, and
11 what's next? Where do we take this dialogue?

12 And for one, it seems in light of
13 what we heard from Dr. Lubchenco this morning,
14 we're certainly talking about revenue-neutral,
15 pay-for-service, no government expense to pay
16 for this program if we're talking about that.
17 That should be clear to everybody.

18 And then what would this mark look
19 like and who do we want to bring in for the
20 next panel discussion? I think you've heard
21 from a lot of perspectives on that. Who
22 should come back, where should we go with the

1 next meeting?

2 And I would hope that we could try
3 to work through that in the next half hour.

4 MEMBER NARDI: Why don't we go
5 ahead and try that?

6 Bob?

7 MEMBER RHEAULT: Well, just as an
8 idea, perhaps we could get one of these
9 certification letters and shop it around to
10 Darden and some of the larger buyers and say,
11 is this close to being acceptable? Because
12 even if we develop a mark it's not going to go
13 far beyond having a letter behind it.

14 So I mean I think that that's a
15 major question. Is this something that would
16 satisfy your needs for what you envision as a
17 need for the marketplace? Because these are
18 the guys that are demanding the mark or the
19 certification or sustainable fisheries.

20 MEMBER NARDI: Pam?

21 MEMBER YOCEM: I heard a couple
22 of things about cost, and Mark, I'm wondering

1 if maybe you could comment on this or somebody
2 else.

3 I work at a nonprofit so I'm not
4 used to thinking about the cost of having to
5 defend, you know, a brand or a label, but I'm
6 wondering if there would be a difference in
7 cost between that label and something like a
8 registration number which would be maybe a
9 little bit more than just a letter?

10 And what I was thinking of was
11 what we do as a research facility under the
12 Animal Welfare Act, we're registered as a
13 research facility and we have a number that
14 has to be reevaluated. We report annually and
15 then that number has to be renewed basically
16 every three years.

17 And then there's another
18 certification that deals with one set of
19 issues for us under the Animal Welfare Act,
20 and then there's another, if we want to get
21 NSF or NIH funding, the Public Health Service
22 has a certification process where we get a

1 letter of assurance number. And that's a
2 process that you go through every five years,
3 and then there's annual reporting.

4 And so I don't know if there's,
5 and those are numbers that if I want to
6 publish the results of my research I have to
7 provide those numbers to the journal, you
8 know, as evidence that the work was done in a
9 humane manner, things like that so it's
10 recognized as something they can hang their
11 hat on.

12 And so I don't know if a number
13 would be any cheaper for NOAA to enforce than
14 a label, or what the industry folks would say
15 about something like that.

16 MEMBER NARDI: I mean my, just a
17 comment would be, you know, number or label,
18 if it's recognized by the buyers doing the
19 job, just from my point of view it doesn't
20 matter.

21 DR. HOLLIDAY: My immediate
22 reaction is, while it shares the number, you

1 know, certification of the institute serves a
2 similar purpose, I think the scale is much
3 different when you go to apply it.

4 So if you're looking at defending
5 the brand on millions of pieces of seafood
6 and, you know, cases in hundreds and thousands
7 of different stores, that's a different
8 challenge than ensuring, you know, a handful
9 of, any smaller number of peer reviewed papers
10 or other grants.

11 I mean there's a matter of scale,
12 I think, involved that analogous kinds and
13 questions, but I think the scale also
14 influences the cost of maintaining the
15 integrity of the brand.

16 And so the fraudulent misuse is
17 one aspect, but again I don't have the answers
18 to the cross-questions. I would offer just as
19 if we were to brainstorm a number of the
20 topics that would need to be addressed in
21 evaluating this question, that would be one of
22 the ones that I would think would be on the

1 table.

2 And so if we were to help George
3 kind of, you know, in the next half hour, what
4 are those key questions we heard earlier
5 about, you know, identifying who the
6 beneficiaries would be, what the inputs would
7 be, you know, a number of these topics turn
8 into sort of questions.

9 Bob was talking about research. I
10 mean knowing who your customer is and whether
11 or not the product we're proposing actually
12 meets is there a demand, would be satisfied by
13 what we're proposing. So perhaps research is
14 another element of work over the next six
15 months to talk to this constituency and see
16 what their reactions would be.

17 So I offer that just as a means to
18 try to, how can we help this workgroup
19 organize itself in the work that would be done
20 over the next six months?

21 MEMBER NARDI: Tim, then Julie?

22 MR. HANSEN: Thank you. I think

1 we can get kind of wrapped around the axle on
2 defending the brand. We've been doing it for
3 56 years and I don't see a tremendous cost to
4 the whole thing.

5 From time to time somebody abuses
6 our marks and we deal with it administratively
7 through our general counsel and fisheries
8 enforcement people, and it's a fairly
9 straightforward thing and it doesn't happen
10 all that much that often.

11 I mean maybe to begin with you
12 would get some challenges and you would have
13 to put some resources towards that, but by and
14 large over the long run I don't think it's
15 that big of deal. Thank you.

16 MEMBER NARDI: Julie?

17 MEMBER MORRIS: George, could you
18 introduce us to the members of the working
19 group? And then maybe the rest of us could
20 get out of the way and the working group could
21 work on this in a more productive way.

22 MEMBER NARDI: You know, that's a

1 good question, because the working group, I
2 think we have it in the terms of reference.
3 I don't have it right in front of me. I can
4 call that up but I won't remember everyone's
5 names.

6 DR. HOLLIDAY: I know who the NMFS
7 members of the working group are. I'm not as
8 clear as the members who volunteered to serve
9 from MAFAC on the working group. So perhaps
10 the first order of business is to confirm who
11 those members who want to be part of that
12 working group are.

13 The members of the NMFS working
14 group included Linda Chaves, who is
15 representing the front office of leadership of
16 the organization. Emily Menashes, who's the
17 acting director of the Office of Sustainable
18 Fisheries, representing sustainable fisheries'
19 perspective at this meeting.

20 Tim Hansen from the Seafood
21 Inspection Program, obviously representing his
22 perspective. Greg, from the Office of

1 International Affairs representing
2 international perspective and their background
3 and experience with labeling and
4 certification, and Laurel from the Office of
5 Communications, were appointed by the
6 directors of the National Marine Fisheries
7 Service, and me from the Policy office, by the
8 directors to help the workgroup carry out its
9 charge.

10 And if I've forgotten somebody I
11 apologize, but those were the names that I had
12 for this meeting.

13 MEMBER NARDI: In terms of MAFAC I
14 think that's something that right now, you
15 know, besides myself chairing the committee,
16 do we have, I don't think we appointed anyone
17 at the last meeting, did we?

18 CHAIR RIZZARDI: You, Dave and Bob
19 all expressed interest in doing this.

20 MEMBER NARDI: Right.

21 CHAIR RIZZARDI: You as the
22 commerce subcommittee chair have the authority

1 to appoint whoever it is that you wanted to
2 serve. But the three I knew had mentioned had
3 wanted to be involved in this work, you and
4 Dave and Bob, and then the question is open,
5 are there others and how many do we have?

6 MEMBER NARDI: Do we have any
7 other volunteers? Julie?

8 MS. LOVETT: You might want to ask
9 Michelle since she has --

10 (Off the record discussion)

11 MEMBER NARDI: Is Michelle on the
12 line? No. We can ask her.

13 MEMBER DYSKOW: George, before we
14 break can I ask a question?

15 MEMBER NARDI: Sure. I've got you
16 down, Phil, I just wanted to just, if Tony had
17 a question just before you.

18 MEMBER CHATWIN: Just briefly, one
19 of the topics that I think would be very
20 helpful for the committee as a whole to have
21 the working group look at is whether there
22 have been evaluations of the value added of

1 these labels.

2 You know, when we consider on one
3 hand when we talk about costs, now what are
4 the benefits? I think we talked about who
5 benefits, but what have the benefits been, I
6 think, would be an important topic for you
7 guys to discuss.

8 MEMBER NARDI: Phil?

9 MEMBER DYSKOW: Thanks, George.
10 I'm just trying to get my hands around the
11 "why," and you'd be a great person to address
12 this question to.

13 Are we seeking a more enhanced
14 NOAA seafood certification because of the cost
15 of the third-party certifications or because
16 of the methodology that they use or problems
17 that they create in the marketplace? Is it a
18 cost issue or is it a function issue?

19 MEMBER NARDI: It's both. It's a
20 cost issue. You've heard references to some
21 of the higher third-party private costs. And
22 it's also a positioning for the producer in

1 the marketplace, if not the positioning for
2 the producer to maybe differentiate their
3 product. It may also be a requirement by some
4 of the institutional buyers.

5 So there's a functionality as well
6 as a cost factor of why we're investigating
7 this alternative.

8 Paul?

9 MEMBER CLAMPITT: I was just going to
10 speak to the benefit of a label. Tony asked
11 the question, and with the MSC brand we
12 definitely at least originally received quite
13 a bit of benefit.

14 Our product was recognized in the
15 marketplace, and all the boxes that had
16 halibut they put MSC on them, and we received
17 a royalty for that. It actually paid for the
18 program. It was like three cents a box, and
19 eventually 30 million pounds later that couple
20 of pennies in over five years you've got your
21 money back.

22 And, you know, it was a group of

1 fishermen, like 250 of us, and we all threw
2 \$500 in the pot and it paid for the service.

3 So my question would be, you know,
4 if we're going to go further with NOAA then,
5 you know, I would assume it would work kind of
6 the same way. I mean you would designate
7 fisheries, not fishermen.

8 I mean I know it may sound like a
9 dumb question, but I think this question has
10 to be asked. I mean, you know, is each boat
11 going to be charged \$600 or something like we
12 did, or is it going to be \$600 -- okay, you
13 know, I assumed that but I thought I'd ask the
14 question anyway.

15 I like your idea. I think it
16 sounds like it'll work, but I thought I had to
17 ask the question. These things seem to get
18 out of hand, you know.

19 MEMBER NARDI: And I think, Paul,
20 there may be a different answer if you were a
21 fishery or a farm, because it may be the
22 individual farm because they're governed under

1 a specific set of conditions with their
2 permit. So in that sense, you know, from the
3 aquaculture side, instead of it being anyone
4 growing salmon it's Joe's salmon farm.

5 Linda? Oh, Greg?

6 MR. SCHNEIDER: Just a couple
7 comments. Again, I think the question about
8 value addition is an interesting one and I
9 know Alexis and others have done some work in
10 this area.

11 But I think John mentioned it in
12 the beginning that this whole notion of
13 sustainability is often times down around
14 seven or eight in a list of the top ten
15 reasons people buy something in a marketplace.

16 Except for elite consumers perhaps
17 like myself who actually know something about
18 the process, most people go in and look at
19 price and they look at function and things
20 like that, many things above the notion of
21 sustainability, whatever that is.

22 And I guess you really, I've

1 always thought and perhaps the man who's
2 representing the halibut fishery knows better
3 than any, but it's been about market access.
4 And of course we've heard the term "blackmail"
5 before, but the point being that if you wanted
6 to participate in the European marketplace and
7 you wanted Carrefour or Tesco or some of these
8 others to buy your product it had to have a
9 label, and an MSC label in particular at least
10 in the early going. So that's what the value
11 addition was.

12 And I guess when looking ahead at
13 who might come and speak to this group, the
14 first thing that went through my mind were who
15 are these buyers? I mean, for example, the
16 buyer at Birds Eye, for example.

17 I've seen him do presentations
18 before and he admitted that when he looks at
19 a range of products he looks at a number of
20 things. He has that luxury as somebody
21 purchasing for a large company, some of which
22 is price, some of which is sustainability and

1 et cetera. So many different things.

2 But I think at least originally it
3 was the buyers that need to be, you know, in
4 terms of marketing need to be, and
5 particularly in export markets, those are the
6 people we're really looking at.

7 Now if you want to convince the
8 consumer that caught in the USA, which is to
9 say a USA product, carries with it an
10 additional idea that not only is, are you
11 patriotic in buying it, but in fact you're
12 getting a better product, then that's a
13 smaller subgroup considering that as we've
14 learned today, and others know for sure, is
15 that 85 percent or whatever it is of the
16 seafood found in your seafood case is
17 imported.

18 So anyway it's a complicated issue
19 but those were just a couple of comments.

20 Thank you.

21 MEMBER NARDI: Thank you, Greg.

22 Julie?

1 MEMBER BONNEY: The other person I
2 think that would be interesting to hear from
3 would be ASMI, just because they are a
4 marketer. And so they're trying to sell fish
5 into the marketplace, and so whether or not
6 what the cost is from the producer side for
7 the label and what the success of the label is
8 in terms of their ability to sell.

9 MEMBER NARDI: If I can also ask
10 NOAA, if we wanted to get at what components
11 and what elements to begin to estimate the
12 cost of a fee-for-service program so that it
13 is no net burden on the NOAA budget, how would
14 we do that? Is there someone here that could
15 answer that question?

16 MR. HANSEN: Well, first of all,
17 at Seafood Inspection we do cost estimates all
18 the time. And people want to know how much
19 their inspection service is going to cost
20 before they commit to them, and so we make a
21 reasonable estimate of what that's going to
22 be. And certainly this may be a little bit

1 different exercise, but from my standpoint
2 it's very doable.

3 Again, I think we haven't quite
4 got to the point where we can make that
5 estimate, but when, you know, you all make
6 certain decisions about how this is going to
7 go, I think Seafood Inspection will be more
8 than happy to give the committee a cost
9 estimate of what this would cost a firm or a
10 fishery or how ever you want to slice and dice
11 it. Thank you.

12 MEMBER NARDI: Keith?

13 CHAIR RIZZARDI: All right, so far
14 I've heard you talking about bringing in buyer
15 perspective, seller perspective and budget
16 perspective into the next discussion.

17 I want to make sure you don't lose
18 Pam's point about the registration, because I
19 think we kind of defaulted in this
20 conversation straight to the gold standard of
21 eco-labeling and communicating to the consumer
22 that there's this brand out there that

1 represents NOAA.

2 But I think Pam's idea is
3 intriguing of, is there some lesser step that
4 can be taken that allows a vendor to get
5 registered and then to be able to sell their
6 product directly to the buyer as being able to
7 say, hey, I'm legally compliant. I'm meeting
8 Magnuson. I'm meeting my permits. I'm doing
9 all the things I'm supposed to.

10 And then you don't have to get
11 quite as much into the communications side of
12 the equation with making sure that the
13 ultimate consumer is aware of what that brand
14 is. It just becomes about those 400 buyers,
15 and that may be something that has some value
16 to the producers and the sellers.

17 MEMBER NARDI: I think that goes
18 back to that's why we need to hear from the
19 buyers, the institutional people that it's
20 acceptable not, okay, it's nice you have that
21 but it's not enough. So I think that's what
22 you're saying, where is that line? What is

1 enough?

2 MEMBER RHEAULT: Based on what I
3 know about it, I have to guess that at least
4 a part of it is going to be traceability, and
5 that is not an inexpensive thing. If you look
6 at what Trace Register's been doing it's not
7 a huge burden depending on the size of your
8 firm, but it's a big part of what the buyers
9 are looking for because it protects them from
10 liability issues.

11 MEMBER NARDI: I think Tim could
12 speak to that, and I think he earlier spoke to
13 the trace work that they do for just the
14 fishery.

15 MR. HANSEN: Well, again, a couple
16 things. First of all, anything we would do
17 would be what I would call a light touch. In
18 other words, we do 200 total tracebacks for
19 30,000 consignments going to Europe to ensure
20 that people are telling us what they say
21 they're telling us is the truth, so forth, so
22 we wouldn't burden industry anymore than we

1 had to.

2 Secondly, there's a new law on the
3 books called the Food Safety Modernization Act
4 which will require all of you to have a
5 traceability system for all the ingredients of
6 your foods. So it's coming down the pike as
7 it were, and regardless, you're going to have
8 a full traceback system anyway. Thanks.

9 MEMBER NARDI: Anything else?
10 Keith?

11 CHAIR RIZZARDI: I'm still not
12 sure you've fleshed out all the issues that
13 you would want to tackle for purposes of a
14 webinar. I mean so far I'm hearing the buyer,
15 a seller.

16 Mark was whispering in my ear as I
17 was making the point about Pam's program that
18 effectively the registration is like GSSI, so
19 should you be bringing in a speaker from GSSI
20 to talk about what they're doing?

21 Do you want to bring in a separate
22 person to talk about traceability and make

1 sure you've adequately distinguished
2 traceability from eco-labeling from
3 certification, you know, because the concepts
4 all start blurring.

5 And people need to understand the
6 distinctions in order for us to be able to
7 provide a meaningful white paper to NOAA that
8 addresses the topics, explains the state of
9 affairs, and then if possible makes a
10 recommendation.

11 MEMBER AMES: I still have a
12 question about the criteria that the
13 certificate or label would carry.

14 Does this mean that the fishery,
15 overfishing is not occurring and it's not
16 overfished, or are those ecological criteria
17 just omitted?

18 MEMBER NARDI: I don't have an
19 answer, Ted. I think we are looking at the
20 what's currently being conducted in terms of
21 fishery management and what a fishery service
22 says about those fisheries and then the

1 existing criteria of how they're reviewed.

2 If you're asking, are we trying to
3 say something new, I don't think we are at
4 this point. I'm not sure how to answer that
5 question. I don't have an answer.

6 MEMBER AMES: Let me share why I
7 keep ending up back in the same place. In a
8 multi-species fishery you may get a half a
9 dozen to a dozen different species, some of
10 which are overfished, some of which are not.

11 How do you tease out those things
12 which are certifiable as being not overfished
13 and overfishing isn't occurring versus the
14 other? I think it's something that can be
15 done, but it's something that ought to go into
16 a labeling that NOAA is establishing because
17 that's where its data is limited to, what is
18 the status of the stocks?

19 MEMBER NARDI: Laurel?

20 MS. BRYANT: Just a point of
21 clarification on that too in terms of the term
22 "overfished." One of the arguments that, not

1 arguments, but one of the educational points
2 that we try to communicate on FishWatch is on
3 that even if it is overfished, if it's in a
4 robust fisheries management process it's
5 rebuilding.

6 And we've rebuilt 27 stocks in the
7 last ten years, six of which were determined
8 just this last year, so the process again is
9 demonstrating itself as being robust.

10 So I just wanted to point that out
11 that I wouldn't want just because it's
12 overfished to all of a sudden impede its
13 ability to be on the market.

14 MEMBER NARDI: Emily?

15 MS. MENASHES: Yes, I think a lot
16 of this just goes to the scope of what the
17 workgroup probably needs to discuss over the
18 next couple of months.

19 I mean it goes to where you could
20 be looking at a minimum set of standards like
21 was discussed earlier where, you know,
22 fisheries meeting either the Magnuson Act

1 requirements or, you know, FAO for
2 aquaculture, that kind of thing, or are we
3 looking at something bigger?

4 And sort of my interpretation of
5 the terms of reference was looking at a whole
6 range of things and looking at costs and
7 benefits that would go with the range of
8 alternatives that you could consider with the
9 certification eco-labeling to lay out the
10 landscape of it.

11 You know, you could go to
12 something where, you know, kind of getting at
13 what you're saying is, is how do you treat
14 overfishing or overfished, but as Laurel said,
15 those are all, we're all still addressing
16 those. There's a plan in place to end those
17 processes and get to a more sustainable long
18 term status.

19 So it's a whole range of issues, I
20 think, that need to be kind of worked out and
21 talked about in terms of the scope of
22 certification kind of program.

1 MEMBER NARDI: Well, where we go
2 from here, I mean I think we do have, we have
3 talked about identified types or the buyers,
4 the ASMI people that we need to hear from.
5 You know, I'm getting a little brain dead with
6 all the discussion here. We seem to be
7 circling around the wagon that this is
8 something we can do, but we have some
9 confusion, at least I'm confused a little bit
10 about how we go forward from this point.

11 You know, it seems to be something
12 that we can do. I don't know whether we
13 should do it. I think we need to make that
14 decision after we hear from some other people.

15 Keith?

16 CHAIR RIZZARDI: Okay, so I'm
17 going to make a suggestion for how we can move
18 forward here. 8:30 to 9:15 tomorrow we have
19 a slot scheduled for recreational fishery.
20 During that same time I'd like to suggest that
21 the folks who can from the task force would
22 get together, and also anybody who's

1 interested in the budget process in working
2 with Tony in his capacity as budget and
3 strategic planning subcommittee chair. You
4 know, we have a report-out from 3:30 to 4:00
5 on the last day. We did our budget exercise
6 earlier. We do need to at least just make
7 sure we have some clarity as to where we're
8 going to go with the budget process.

9 So I gather this is the room that
10 we have, but I figure with the extra space in
11 the building we could find some other places
12 to sit.

13 MEMBER DYSKOW: There's only two
14 of us on the rec committee here, plus Russ, so
15 we can literally meet anywhere. So we'll
16 cheerfully cede this room to the branding
17 committee.

18 CHAIR RIZZARDI: That's great, and
19 that would give us some time so that tomorrow
20 at 8:30 we could get together and try to get
21 some real clarity on this.

22 (Off the record comments)

1 CHAIR RIZZARDI: Understood. You
2 know, some of the NOAA folks will fall off,
3 and I understand. And then we'll have to
4 double back with the team anyway for when we
5 plan for a webinar.

6 MS. BRYANT: Just a comment, Mr.
7 Chairman. I think I would be remiss as a
8 public representative to not mention that I
9 think also one thing that, and we'll talk
10 about this obviously further, but I think that
11 we also need to consider definitely including
12 some of the ENGOS in these discussions and
13 hearing from them.

14 And I think there's actually even
15 some movement that is occurring within some of
16 those communities. They are not monolithic
17 either and they are competitors even of
18 themselves, and the acknowledgment of U.S.
19 fisheries as being well managed under a robust
20 process is messaging that they themselves are
21 adopting and assisting with. And so I think
22 there is some ground that this committee

1 should be aware of and just make certain you
2 are a public representative advisory body.
3 And I just wanted to make that point and make
4 certain that it's inclusive. Thank you, Mr.
5 Chairman.

6 MEMBER NARDI: Thank you, and I'll
7 turn it back to Keith.

8 CHAIR RIZZARDI: All right,
9 George. Thanks for running -- Tony? Okay.

10 MEMBER CHATWIN: Just a
11 clarification. The budget subcommittee will
12 meet here as well. I don't know how many
13 people will attend that meeting, but in terms
14 of meeting space will be here as well.

15 CHAIR RIZZARDI: If we needed to
16 move out into the hallway we could just
17 briefly for that. I think we're just again
18 trying to shape what the next meeting's going
19 to look like, you know, when are we going to
20 schedule it and some of the basics.

21 All right, so I had a couple
22 things that I didn't get to cover, very

1 quickly.

2 One of them is recognizing that
3 George has his hands full right now with the
4 certification dialogue that we just had.
5 There had been an issue that bubbled up where
6 there was some thought amongst some of the
7 membership that there needed to be a separate
8 commercial fisheries subcommittee.

9 George has done a great job.
10 He's been a voice for aquaculture as well.
11 However, the commerce committee is the group
12 that George is the chair of.

13 So as we started talking about
14 commercial fisheries and aquaculture and
15 everybody sort of realized that all is still
16 commerce, the thought came out of, well, why
17 don't we have co-chairs for the commerce
18 committee? They're involved in an awful lot
19 of stuff anyway. You've got the commercial
20 side. You've got the aquaculture side.
21 George was fully wide open to the concept,
22 thought it was great to have the help. The

1 executive committee all thought it was a good
2 idea.

3 So assuming there's no objection
4 from the MAFAC membership, our intent is
5 simply to move forward and NOAA would have the
6 discretion to appoint a co-chair to the
7 commerce committee. And I just wanted to make
8 sure that that idea was vetted and tossed out
9 to the membership so that everybody understood
10 that it was something out there.

11 Do we need a formal motion? I
12 think we concluded it wasn't a charter
13 amendment, so we'll simply move forward
14 implementing it that way. I guess I would
15 call for a motion and we'll make it formal for
16 the record purposes.

17 Motion by Dave, second by
18 Columbus. All in favor?

19 (Chorus of ayes)

20 CHAIR RIZZARDI: Anybody opposed?

21 Okay, excellent.

22 Tomorrow we'll have three meetings

1 and we'll be here 8:30 to 9:15 for rec fish
2 subcommittee, for the budget and strategic
3 planning discussion, and for the wrap-up on
4 this working group on certification.

5 At 9:20 we start the dialogue on
6 vision. I had a number of emails that went
7 out there that laid out the issues that we
8 intend to tackle. There is a document that
9 was circulated to all the members and we'll
10 try to organize the discussion. Patty will be
11 here and walk us through the five pieces.

12 The goal for this meeting will be
13 to have consensus on a document that will
14 still thereafter go through some cleanup and
15 some editing. And we're not going to have
16 this thing in absolutely pristine condition by
17 the end. We're going to have our underlined
18 strike-throughs, and there will be an
19 executive summary that will still be worked
20 on.

21 But we need to bring to closure
22 this final draft document so that it can be

1 then used and shaped and turned into talking
2 points for purposes of transition team and
3 communications messaging and whatever else.

4 So tomorrow morning we'll be
5 dedicating a chunk of time to vision 2020.
6 Tomorrow afternoon we'll have a webinar
7 discussion much like this one today, the
8 scoping exercise on certification.

9 We'll be doing a scoping exercise
10 on the Endangered Species Act implementation
11 issues that have come up. We'll have some
12 participants from the other fishery management
13 councils and CCC, so it will be a bigger
14 audience that will be online with us tomorrow.

15 And this evening we have in store
16 a social at the public house, and I guess I'll
17 be looking to Heidi to give us a little bit
18 more information about that.

19 (Off the record comments)

20 DR. HOLLIDAY: And we scheduled it
21 not just for the MAFAC members, but we've
22 invited all of the leadership from the

1 National Marine Fisheries Service including
2 the headquarters, directors and their staff to
3 come visit with us.

4 And we're fortunate that the new
5 council member orientation is taking place in
6 Silver Spring, so they have invited their new
7 members to come join us so that we can have
8 some interaction with them.

9 And we'll see some old faces
10 there. Some guy named Ed Ebisui will be
11 there and Terry will be there. So those of
12 you who know Terry and Ed, it's just a chance
13 to say hi and just in a relaxed social
14 atmosphere talk to some of the leadership and
15 some of the new council members around the
16 country.

17 MR. RISENHOOVER: Yes, and I spoke
18 with the council folks this morning. I was
19 with them all morning, and I challenged them
20 to have more people there than MAFAC. So
21 we'll see how it goes.

22 (Off the record comments)

1 MS. LOVETT: So this room is
2 getting used for other activities this
3 evening, so please take all your possessions.
4 I'm happy, it's easiest for us if you keep
5 your name tags and your table tents, but if
6 you don't want to, please be sure to bring
7 them over there for me and I will collect
8 them. Thank you.

9 CHAIR RIZZARDI: I have one last
10 question. Mark did the honors of picking up
11 coffee and munchies for us for this morning,
12 so if folks could, it would be \$3 a day to
13 continue that if you guys want to continue it.
14 Can I get a show of hands if people want it?
15 If you don't then let me know.

16 (Off microphone discussion)

17 CHAIR RIZZARDI: Yes, for the
18 three meetings, right. That's what you said,
19 right? All right, so if people want it, all
20 right, we'll keep it coming for the next
21 couple meetings. Just provide Mark \$10.

22 Thanks, everybody. See you at

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McGinty's. Meeting adjourned.

(Whereupon, the above-entitled
matter went off the record at 5:13 p.m.)

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This is to certify that the foregoing transcript

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Before: DOC/NOAA

Date: 10-23-12

Place: Silver Spring, MD

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