Public Comment and Adjourn

DR. KITSOS: For those of you who have signed
up at the desk, you will be given five minutes. The
microphone will be the one here in front. For those of
you who have not signed up but want to communicate with
the Commission, please check with staff out at the front
desk or use our E-mail address for public comments.

Everything that is sent in is read and included as part
of the record.

This is a listening session. Commissioners do
not ask questions, although we may follow up with
written questions. One of our ground rules that we have had from the beginning is that anybody who has testified before or provided public comment before will not be given priority on this.

Now, we only have four people who have signed up, and I see Lee Crocket is here. Lee, you have already testified. Let me see if Robert Nicholson is here. Is Mr. Nicholson here?

(No verbal response.)

DR. KITSOS: Okay. Jerry Lieb (phonetic), are you here, or Erik Rardin?

(No verbal response.)

DR. KITSOS: All right. It is still too early. David Helvarg has signed up. David, you have
testified before, so I guess we will go with Lee because he signed up before you did.

Lee, please come forward. You have five minutes. Lee, when I put up my name tent at four minutes, that means you have got one minute to go.

PUBLIC COMMENTS:

MARINE FISH CONSERVATION NETWORK

MR. CROCKETT: All
right. Thanks, Tom, for
giving me an opportunity for a second bite at the apple.

Good afternoon, as Tom said, I am Lee Crockett.

I am the executive director of the Marine Fish
Conservation Network. I testified before the Commission
a year or so ago. Our group is a national coalition of
fishing and environmental groups. We are dedicated to
long-term conservation of ocean fish. We have about
150-member organizations representing nearly five
million people. Thanks for providing us the opportunity
to comment on the Stewardship Working Group's
recommendations.

In general, the Network is very pleased that
the working group make positive recommendations in many
of the areas that have concerned us for years. In our

view, adopting precautionary management principles and

using ecosystem-based management tools will go a long

way towards improving the management of our ocean

resources.

However, we question whether the current user-
dominated management system is able to carry out these

new conservation mandates, but we generally support the
working group's recommendations to make the councils
more representative and to separate quota setting from
allocation among user groups. We question whether this
goes far enough.

We encourage the Commission to explore more
substantive changes to the management system.

Specifically, the Commission should explore changes to
put conservation of marine ecosystems first and allow
exploitation of ocean resources to the extent that it is
consistent with the conservation of those ecosystems.

Now I would like to go specifically through,
and we have provided you with written comments I believe
that were mailed out, but I just want to highlight the
major issues. Under precautionary approach, we strongly
support the use of the precautionary approach in managing ocean and coastal resources and applaud the working group for recommending it to the full Commission.

We suggest the Commission not recommend limiting its use to instances where there are threats of serious or irreversible damage, rather it should be used to prevent this from happening. Finally, we recommend
the definition of "precautionary management" included in our written comments, because it is less limiting.

As far as ecosystem-based management goes, the Network has long argued that U.S. fisheries management should move from single species management toward ecosystem-based management. Therefore, we strongly support the working groups recommendations to begin phasing in ecosystem-based management.

We recommend the Commission should make it clear that ecosystem-based management includes all species, not just those that are commercially important, and that its primary goal be the conservation of biodiversity.

We disagree, however, with the working group's
recommendation that the current fishery management council boundaries be used to delineate ecosystems; this should be a science-driven process.

As far as biodiversity goes, we strongly support the working group's statements on the need to protect and restore biodiversity. However, we encourage the Commission to go beyond studying biodiversity and the causes of its decline where existing knowledge is
adequate action to conserve, protect and restore biodiversity is necessary.

As far as the review of scientific information, our board generally supports separate quota setting from allocation, because our experience with the councils has show us that they often, or sometimes manipulate the stock assessments and quotas. However, we do not support giving this task to the science and statistic committees of councils, because they are still subordinate to the councils and are not truly independent.

As far as the nomination and appointment of council members, we think that the working group's recommendations will do little to rectify the problems.
of council composition. In our view, the secretary of commerce should be legally required to appoint a balanced membership of each council.

We also recommend that the Commission address the conflicts of interests of many of the council members by recommending that any member who has a disclosed financial interest be prohibited from voting on any matter before the council that would affect that
Now, as far as IFQs, the Network is deeply concerned that privatizing public fish resources will facilitate the corporatization of our ocean fisheries with potentially devastating impacts on coastal communities. We are equally concerned that poorly regulated IFQs will do little to improve the conservation of ocean fish.

Because of these concerns we believe that Congress must place a moratorium on new IFQ programs, unless and until legislation establishing national standards for the design is signed into law. The Network believes that such national standards at a minimum must promote the conservation of ocean fish by
providing additional and substantial conservation benefits to the fishery; limit the duration of IFQ programs and quota shares to seven years; provide a fair and equitable initial allocation of quota shares; ensure that IFQ programs and shares are reviewed and renewed only if they are meeting or exceeding the conservation requirements of the Magnuson Act; and, finally, that it should define and prohibit excess consolidation of quota.
Finally, on reducing capacity, the Network generally supports initiatives to reduce excess fishing capacity as long as such programs ensure the capacity is permanently reduced by limiting vessels and permits.

I want to make one final comment about the recommendations on essential fish habitat. First of all, I think we disagree with the notion that there is already existing statutory authority to adequately do this. If there was so, Congress passed a law six years ago because they didn't believe that that was the case.

Secondly, I would echo what Dr. Rosenberg said about the definition. It shouldn't be surprising with over 900 managed species and four life stages and
species that go from Maine to Florida that they cover a
lot of area.

I think where the Commission should be looking
is what happens when EFH is designated. What flows from
that and not be suggesting changes to the definition and
that sort of thing, but what happens to protect the
habitat. One of the things that my group has
recommended is focusing on habitat areas of particular
concern, and using that as a focal point for the conservation efforts.

Thank you.

DR. KITSOS: Thank you, Lee.

Mr. Robert Nicholson, are you here?

MR. NICHOLSON: Yes, I am.

DR. KITSOS: Okay. You have five minutes, sir.

SEA SOLAR POWER INTERNATIONAL

MR. NICHOLSON: Thank you.

Mr. Chairman and commissioners, my name is Robert Nicholson. I am president of a company called Sea Solar Power International. We are the oldest and most advanced firm in the world in the commercial
development of ocean thermal energy conversion or "OTEC."

What makes us different from all other development of OTEC is the fact that we not only have the technology, but we have full funding from private investors and we are currently building a 10-megawatt plant. The 10-megawatt plant will produce 3 million gallons of freshwater per day as well as $30 million to
$40 million worth of fish and vegetables per year. In addition to the 10-megawatt plant, we also have a standard design for a 100-megawatt plant that produces 32 million gallons of freshwater per day, and at the same time will produce at least $100 million worth of fish per year.

We believe that this is a very critical commercial development. It addresses global warming, and it addresses hunger on a global basis. We are all concerned about wars over water. We can convert our 100-megawatt plant, for example, to produce just freshwater. We can produce 130 million gallons per day.

We are in the Middle East. We are talking to the Arab nations. They need 5 billion gallons of
freshwater per day. That is seven of our plants. They
are $200 million each. This not only addresses a
tremendous opportunity for a solution to global warming
and all of the other things that I mentioned, but it is
a tremendous ship-building opportunity for this country.

We are working with the governor of Maryland.

We have identified the possibility of building six ships
per year at Sparrow's Point Shipyard. That would create
a whole new industry of 25,000 workers. It would also
address national security because this will have a
tremendous impact on the distorted production of oil.
Our country is relying too much on oil as is most of the
rest of the world.

By converting to OTEC, which is a baseload
technology, it generates electrical power 24 hours a
day. This is not part-time like wind or solar, it is
baseload power. We believe that this is one of the most
important commercial developments.

We have full funding. What we are seeking is
government support not through dollars or financial
support, but support from a Commission such as yours,
where you are trying to identify new opportunities and
at the same time solutions to major problems. This
technology provides that opportunity.

What I would like to recommend is that in the near future that we -- our organization, my company, and your organization, your Commission -- somehow create a dialogue so that we can help each other within the federal government.

One of the critical junctions that we now face
is that the Japanese Government, the U.K. Government, 
other governments are now recognizing this opportunity.

For example, the Japanese Government is providing
$80 million to build a 3-megawatt plant in Palau. That
$80 million is from the Government of Japan.

We are building a 10-megawatt plant for $50
million, and we have private funding. We can show a
profit on the first plant. There is this tremendous
opportunity, economic and environmental, that we, the
United States, should take a lead position in. I think
that by working together we can accomplish that.

Thank you.

DR. KITSOS: Thank you very much,

Mr. Nicholson.
Erik Rardin? Okay, you have five minutes. At the four-minute mark, I will stand up this (indicating) tent to give you an indication that you have one minute left.

Thank you.

MR. RARDIN: Thank you.

DR. KITSOS: Please proceed.

NATIONAL ENVIRONMENTAL TRUST
MR. RARDIN: Admiral Watkins, members of the Commission, my name is Erik Rardin and I am the outreach coordinator for the Marine Conservation Program at the National Environmental Trust. NET is a 501(c)(3) environmental advocacy organization that was founded in 1995 and has been active on ocean issues since 2000. Our headquarters are in Washington, D.C., and we have organizers in 15 states across the country.

NET appreciates the opportunity to testify before you today. In addition to endorsing the recommendations of the Marine Fish Conservation Network, NET's comments will focus on three key areas: guiding principles, science and allocation, and the precautionary approach. We will also briefly address
issues that are conspicuous by their absence.

We appreciate that what we perceive to be the intent of the draft proposals. However, as with everything, the "devil is in the details" and we offer some specific word changes that we believe will help these draft recommendations realize their original intent.

We strongly support your guiding principles.
with the following changes to the wording on ecosystem-based management, best available science, adaptive management, multiple use, the precautionary approach, and biodiversity.

Ecosystem-based management: We strongly support the directive contained in the report to begin implementation of ecosystem-based management. This is clearly the future of ocean management and we can no longer afford to wait to gather all of the scientific information that is necessary.

In addition to supporting the comments of the Marine Fish Conservation Network in this regard, we strongly believe that ecosystems should be defined by science and not council jurisdiction. As we point out
below, we also believe that independent scientific boards should be formed to make the scientific recommendations to the councils on allowable biological catches, including by-catch, annually for each fish stock. Therefore, it is not critical that the current council boundaries be maintained.

Participatory governance: While we agree with the concept, it needs the following additions, after
"importance" strike "and" and insert the following,

"short-term and long-term consumptive and non-consumptive" before "value," and leave the rest of the sentence.

Adaptive management: This management mechanism can be useful; however, it can also be used, in the case of oceans, to avoid fulfilling one's legal obligations to take action. To minimize the chance for abuse, we suggest that the purpose of "adaptive management" is not reevaluate goals, but the effectiveness of management procedures. As such, we recommend the following change, after "future management. Reevaluation of," strike "goals and" and insert "the."
Multiple use: NET is not opposed to the

concept of multiple use. However, the proposed

definition is particularly problematic without it being

made clear that the management decisions on "multiple

use" need to be made in the context of the long-term

health of the marine ecosystem of which the activity is

a part.

At the end of the definition, after "competing
interests," add the following, "consistent with

maintaining the long-term health of the marine

ecosystem." Failure to include consideration of the

ecosystem will lead to continuation of the very problems

that the Commission was created to address.

Precautionary approach: We support the

changes suggested by Lee Crockett in his statement on

behalf of the Marine fish Conservation Network.

Biodiversity: We support the goals of this

section and believe that conservation of biodiversity

must be a cornerstone of any effort to strengthen our

ocean governance. As such we believe that conservation

of biodiversity must be an explicit "goal," not just a

"consideration," as stated in your draft.
Use and review of scientific information: We completely agree with the goals of this measure -- to separate allocation decisions from the determination of allowable biological catch and stock assessments in general.

However, the solution recommended in the draft document is insufficient and will not work. Specifically, the establishment of SSCs rather than
fully independent scientific assessment teams to perform
the task of setting ABC levels does not provide a
sufficient "firewall" between the councils and the
scientific assessment process.

Observations of councils that already have
SSCs, such as the North Pacific Fisheries Management
Council, clearly show that members of SSCs are
vulnerable to political, economic, and social pressures
that cause them to consistently overestimate ABC.

The only way to ensure that scientific
decisions are made by scientists free from outside
influences is to establish scientific assessment teams
that are completely independent from the regional
fisheries management councils, "RFMCs."
In addition, members of the scientific committees responsible for establishing ABCs must not drive any economic benefit from the fisheries being assessed or from any participant in those fisheries. Finally, members of the scientific assessment teams setting ABCs should be subject to all federal conflict of interest laws, as should all members of the regional fisheries management councils.
Nomination and appointment of regional fisheries management council members: The composition and conduct of the councils has consistently been one of the most serious problems with current fisheries management, and we support the Commission's interest in issue. However, the working group's recommendation that the governors be required to submit two candidates from the commercial fishing industry, recreational fishing sector and general public will ensure a more balanced slate of candidates, but will do little to actually ensure balanced representation on the councils. The secretary of commerce should be legally required to appoint a balanced membership for each council. We also recommend that the Commission address
the conflicts of interest of many council members.

Given the fact that many council members have an economic interest in the fisheries they regulate, there is little wonder that they are reluctant to vote for conservation measures that will cost them money.

We recommend the members of RFMCs be subject to the same federal conflict of interest laws that every other American is subject to. The Commission should
also clarify that members of the general public are individuals that do not derive any economic benefit either directly or indirectly from participation in either commercial or recreational fishing.

Finally, persons who have been convicted of a criminal violation of the Magnuson-Stevens Act be prohibited from serving on any council, advisory panel or SSC.

Finally, dedicated access privilege: Renaming individual fishing quotas, "IFQs," dedicated access privileges does nothing to address the harmful economic, social, and environmental impacts of these programs. We strongly urge the Commission to recommend a renewal of the moratorium on IFQs until Congress has established
mandatory national standards that ensure equity and conservation benefits in all such programs. This was Congress' charge when the moratorium was established, and they have failed to fulfill this charge.

Thank you again for the opportunity to testify, and we look forward to working with the Commission as you complete your report and prepare to release your recommendations.
DR. KITSOS: Thank you, Mr. Rardin.

David Helvarg, you are our last public witness. You have five minutes. Please proceed.

MR. HELVARG: Okay. Thank you for a second bite at the calamari; it is a sustainable one.

(Laughter.)

AUTHOR OF "BLUE FRONTIER: SAVING AMERICAS LIVING SEAS" AND FOUNDER OF OCEAN AWARENESS PROJECT

MR. HELVARG: Again, I am author of "Blue Frontier: Saving Americas Living Seas." I have also just established the Ocean Awareness Project, which hopefully over the next three to five years will focus on building a political base for ocean protection,
14 restoration and innovation for sustainable uses.

15 I think that after a 30-year drought, we now

16 have this wealth of commissions. I just spoke to an

17 editor of a major magazine and suggested a story on the

18 two ocean commissions, the Pew Commission and this

19 Commission.

20 He said, after we talked about he said, well,

21 he didn't think it was really there because there wasn't

22 enough conflict. He didn't think, you know, that they
were going to come out with diametrically opposed

conclusions; that if there wasn't a lot of animosity,

that there wasn't a story.

Well, I disagree, but I also think that my

marketing failure may be good news for the nation as a

whole. I think that going through a process of

recognizing tremendous problems you also are both moving

towards potential solutions.

I mean, there venue is more narrow. They are

looking at only the living seas, which means collapse of

marine wildlife, nutrient pollution, coastal sprawl and

climate impacts on our coasts and oceans. You are

looking at all of that of course, plus booming

transportation and trade, national security and ocean
I am sort of hopeful in terms of what both commissions will bring to the Congress and the executive. Unfortunately, I am less hopeful about the political timing. Right now, we are facing the possibility of imminent war, terrorism, an unstable economy.

Quite frankly, I think the political elite, in
terms of our politicians, who just don't get it yet.

They don't get the importance of our ocean frontier,

which is why I think the admiral is right. I think your

reports and conclusions are really the first part of

what is going to be a more important process of

mobilizing the American public and the millions of water

men and women who are out there, to create the

"political fire" under enough feet here in Washington --

"feet" plural "feets" (sic) -- to bring about the

changes, to create an organic American Oceans Act.

I think that while the political timing is not

good and while most politicians, you know, think of the

oceans, figure that fish don't vote and they don't

figure that people who fish vote and people who like to
eat fish and people who swim with the fishes, in the best sense of the word, all are engaged. I think that engagement is expanding, so I think that there is a moment.

I think that what you are offering is the beginning of what ultimately will be a bottom-up ocean agenda for this country that is going to happen.

Saturday is the 200th anniversary of Thomas Jefferson
authorizing the Lewis & Clark expedition. We are going to have three years of celebrations.

You know, I think Lewis & Clark is very exciting if you are living in 1820. I think a much more important moment is coming if you are living today and you are interested in exploration discovery. March 10 is going to mark the 20th anniversary of Ronald Reagan's declaration of our Exclusive Economic Zone, which in essence means from the beach 200 miles out we have now fenced off the world's oceans.

When you lay out fences, you are also taking responsibility for a greater level of stewardship. You have got an area of public oceans that is six times the size of the Louisiana Purchase, and it is a new area for
exploration and understanding and conservation. I think a lot of people are beginning to get this.

I think right now the public doesn't even know it is a public ocean. However, I think that these reports, first, the Pew Commission report and then yours, begins to open a national dialogue. I think it is a possibility not only for dialogue, but celebration, for exploration and discovery.
Discovery starts with six-year-old kids wading into their first tide pool and go up to the Bob Ballards and the Sylvia Earls of the world who are down in the deep oceans, the world's largest habitat. I mean, I think that my sense that you have come a long way, and I am not surprised. When very competent people are confronted with very major problems, they are going to find solutions. I think that identifying solutions, like I say, is the first step. Maybe March 10 maybe the first thing Congress could do is declare an American Oceans Day. We have an Earth Day, so why not have a day for the other 71 percent of God's blue planet? I think that the opportunities are there.
I am looking forward to your recommendations.

I think maybe we will have disagreements between the two commissions on 10 percent, on the "devil and details" as somebody said, but the reality is that there are millions of people, water men and women, who live there, who receive something out of the ocean, and who are very anxious.

As I have traveled the country over the last
few years, people are very anxious to engage in local
 restoration efforts, protection efforts, who want to be
 a part of something larger and who are looking for a
 way, an agenda, that can find ways that we can conserve,
 protect and restore our last frontier.

As I said before, it is a tremendous
 opportunity because it is not every nation that is
 started and founded on a wilderness frontier that gets a
 second opportunity on a new and greater physical
 frontier. You know, that is what you have been looking
 at for the last two years.

It is there, and it is ours. It is our public
 opportunity. It is our future. It is what we came out
 of kind of as a frontier, people. In the twenty-first
century it is a whole new approach to what it means to
be a frontier nation and to have something of value and
to restore it and to pass it on.

I am looking forward to your report, and I am
looking forward to the Pugh Commission report as a first
step in building the broad political constituency that
is going to save and alter our American sea and reclaim
our maritime heritage.
Thank you.

DR. KITSOS: Thank you very much, David.

Mr. Chairman, that ends the public comment period.

CHAIRMAN WATKINS: To the commissioners, is there any other order of business or items you would like to bring up or any other further follow-on comments?

(No verbal response.)

CHAIRMAN WATKINS: May I have a motion, then, to adjourn?

MOTION

DR. ROSENBERG: So moved.

ADMIRAL GAFFNEY: Second.
CHAIRMAN WATKINS: We stand adjourned, then, until our next meeting which will include a working group session on 1 April. At this time, we are not exactly sure but probably open sessions, at least partially, during the second and fully on the third day.

Thank you.

(Whereupon, at 3:06 p.m., the public meeting of the U.S. Commission on Ocean Policy was adjourned.)