

Chapter II - Enhancing Ocean Value and Vitality

- **Living Marine Resources**
- **Coastal Management**

12 CHAIRMAN WATKINS: Let's take a look now at
13 Chapter II, "Enhancing Ocean Value and Vitality." What
14 we are talking about is item B, "Living Marine
15 Resources." Similar to the last process we just
16 followed, I would like to introduce Dr. Sandifer to lead
17 the discussion here on living marine resources.

18 DR. SANDIFER: The six or seven areas on which
19 I will be talking right at this moment all deal with the
20 Regional Fishery Management Councils. Let me go right
21 to the first one.

22 We believe as a working group that the role of

1 science in the management of our fisheries should be as
2 strong as possible and subject to the least amount of
3 influence from the political process as possible. That
4 is an absolutely central issue in fisheries beyond the
5 overarching, guiding principles that we have previously
6 discussed.

7 Please understand that I am not implying that
8 science is not currently strong or that it is under
9 political influence, however, we do believe that the
10 science process within the existing fishery management
11 programs could be substantially improved.

12 The first way we recommend to improve the use
13 of science is to have the Magnuson Act revised to require
14 the Fishery Management Councils to form and to actually

15 use Scientific and Statistical Committees. The members
16 of such committees we believe could be best appointed by
17 the director of the National Marine Fisheries Service as
18 the person who is really responsible for marine
19 fisheries in this country based upon lists of names,
20 scientist researchers that would be submitted by the
21 councils themselves and by the Ocean Studies Board of
22 the National Research Council. This is to ensure good

1 balance.

2 Second, once formally established, we

3 believe that the Scientific and Statistical Committees

4 would have the principal authority to set Allowable

5 Biological Catch. For those of you who don't know the

6 acronym, ABC, that is it, "Allowable Biological Catch."

7 That means that the issue of determining how much there

8 is of a given stock or stocks to be harvested would be

9 strictly a science process.

10 We further recommend, then, that the regional

11 fishery management council would have the right to

12 utilize that number as its base. It could lower it, if

13 for reasons of conservation it wished to do so, but

14 would not be allowed to go above that level.

15 We further went through the Allowable

16 Biological Catch issue to assure that there is a process

17 to get a number, to get an estimate to the Council in

18 time for management allocation decisions to be made.

19 Scientific and Statistical Committee, "SSC," is the

20 first line to get it there.

21 If it cannot come to consensus as scientists

22 in an appropriate timeframe, then the National Marine

1 Fisheries Service Regional Science Center Director would
2 be required to step in. Again, you have a science
3 person required to step in and make that decision. That
4 is an accountable official with a science background.

5 Finally, in this regard, if there is
6 insufficient time for the NMFS Regional Science Center
7 Director to calculate the biological catch before the
8 start of the fishing year, then fishing for that species
9 would be prohibited until the catch was calculated on a
10 scientific basis and given to the regional fishery
11 management council.

12 This would be a substantial change or series
13 of changes within the existing council framework, taking
14 advantage of the council framework, but adding a very

15 strong science-based approach to the resource status

16 determination in a process to make sure that that

17 resource status determination makes it, the scientific

18 resource status determination makes it, to the council

19 in time for management decisions to be made.

20 I think I will stop at that point. I have got

21 another issue on science that will have to do with peer

22 review, but this is the first issue, and see if there is

1 any discussion on that before I move to peer review.

2 DR. EHRMANN: Thank you.

3 Mr. Ruckelshaus and then Mr. Rosenberg and

4 then Dr. Coleman.

5 MR. RUCKELSHAUS: I was just wondering, and

6 maybe you are going to get to it at the next part.

7 Paul, are you going to recommend some standards? I

8 fully agree with the recommendations you have made. I

9 just wonder if you are going to set some standards for

10 the setting of the Allowable Biological Catch?

11 DR. SANDIFER: Bill, I am not sure, I can't do

12 that. I don't think we have gotten to that kind of

13 discussion. That is a science issue that may be stock

14 by stock, I don't know.

15 MR. RUCKELSHAUS: I mean, if we can't
16 recommend them, can we recommend who should do it?

17 DR. SANDIFER: Yes, we could, that we could
18 do. I think you will see that with the peer review
19 process, and maybe it would be better if I moved to
20 that, I don't know. Once you see the peer review
21 process, I think you will see the standard where it
22 could be easily handled, Bill.

1 MR. RUCKELSHAUS: Yes.

2 DR. EHRMANN: Dr. Rosenberg?

3 DR. ROSENBERG: Thank you.

4 Two comments and a question, I guess. The

5 first one is to that point. There of course are

6 standards in the law for setting Allowable Biological

7 Catch in order to prevent overfishing and they relate to

8 the national sustainable yield and optimum yield, so

9 there are some standards there.

10 Also, I know the working group has dealt with

11 the standard for best available science or peer review,

12 which relates to how these will be set. I do think that

13 there is a way to make this complete fairly easily,

14 given what is currently the statutory requirements as

15 well as the addition on peer review.

16 The second comment is there are a couple of

17 seemingly minor technical points that need to just be

18 cleared up here a little bit, and I could give those to

19 the staff. For example, I think it is meant that the

20 Regional Fishery Management Council could set a TAC

21 lower than the Allowable Biological Catch. It is not

22 that they would lower the Allowable Biological Catch.

1 That is just the way, again, that the guidelines work.

2 In the final point where it says that, "Fishing
3 -- would be prohibited until ABC was calculated, and,
4 subsequently, the Regional Fishery Management Council
5 determines Total Allowable Catch," well, it depends on
6 the management plan.

7 Sometimes it is a Regional Fishery Management
8 Council that determines Total Allowable Catch, and
9 sometimes it is the National Marine Fisheries Service. It
10 should say, "Until Total Allowable Catch is set
11 according to the management plan, the exiting management
12 plan." Those are the technical details.

13 The question I would have, probably for future
14 consideration, is whether an equivalent process should

15 apply where we would recommend that an equivalent kind
16 of process apply for all fisheries, not just those that
17 are currently dealt with under the regional fishery
18 management council. This would then try to include a
19 parallel process for those that are dealt with by state
20 commission processes or within states.

21 Now, obviously that is a recommendation this
22 Commission might make, and it would have to be

1 implemented in different ways by different states, but I
2 think that should be at least considered as whether the
3 same principle should apply universally for at least
4 U.S. fisheries and in our negotiations on international
5 fisheries.

6 DR. EHRMANN: Okay. Duly noted.

7 Dr. Coleman?

8 DR. COLEMAN: My specialty is not fisheries.

9 In the last year and a half, I have learned an awful lot
10 about fisheries, probably more than I care to admit
11 (laughter). Your last recommendation, and this is posed
12 as a question for your working group discussion, it
13 basically says if you don't set the ABC, you prohibit
14 it? It seems like to me that really could result in a

15 tremendous amount of litigation in the future. If I was
16 a fisherman and someone didn't set that catch, "Well,
17 you know, this is just a way to kind of control the
18 fisheries." Would you like to comment on that?

19 DR. SANDIFER: Let me comment on that, because
20 we did have some discussion and that is a potential that
21 is all too real, Jim. The experience that a number of
22 us have had with things like the Atlantic Coastal

1 Cooperative Fisheries Management Act, that the Atlantic States
2 Marine Fisheries Commissions works under, found that
3 having a hammer of some kind was very useful. It very
4 rarely gets pulled out of the closet, but having it
5 there is very, very useful.

6 The reality of the proposal we have here is
7 that the Scientific and Statistical Committee,
8 appropriately staffed with scientists knowledge of
9 fisheries, would make a decision. If they could not
10 come to a consensus, there would be a very significant
11 pressure upon the science director of the National
12 Marine Fisheries Service in that region. Now, we said "in
13 the region," because he or she has to be very familiar
14 with what is going on there.

15 They are going to come up with a number,
16 otherwise the reality is that the wall is going to fall
17 on their head. It may not be a perfect number, but you
18 still keep it in the science arena. This is one hammer
19 that says you can't just postpone making a decision just
20 because it is a difficult one or just because there is a
21 high degree of uncertainty.
22 If scientists are going to make the decision,

1 then, by God the scientists are going to make the
2 decision. That is what it means. If there are ways to
3 craft it to better fix that, we are open to it, but that
4 was part of our discussion.

5 DR. COLEMAN: Thank you.

6 DR. EHRMANN: Very good. Let me suggest that
7 we go to the peer review part of the science piece.

8 DR. SANDIFER: I will move very, very quickly.

9 One of the ongoing criticisms of science in any
10 management routine is the lack, in many cases, of what
11 is may be termed "adequate peer review." We, as a
12 Stewardship Working Group, believe that peer review of
13 the science involved in living marine resource
14 management is critical not only in dealing with the

15 litigation crises, but more importantly in gaining
16 public confidence that the fisheries managers and those
17 involved in the fisheries are doing what they properly
18 should be doing.

19 We suggest, again, that the Act be modified to
20 require a standard peer review process. This would be
21 standard operating procedure -- not a crisis and not an
22 occasion, but standards operating procedure. It would

1 be a standard procedure for annual stock assessment
2 determinations that utilizes people entirely within the
3 region. It would be scientists doing this.

4 It would be an enhanced procedure that would
5 allow for evaluation of assessment models themselves to
6 be done on probably a three- to five-year cycle. That
7 peer review panel would be required to have a number, a
8 good number, of members external to the region because
9 in part you are talking about the science of assessment
10 as opposed to a given assessment itself.

11 In the first case, you are talking about
12 people knowledgeable about the stocks and the assessment
13 locally. In the second case, you are talking about the
14 science being used to make those assessments. Finally,

15 a crisis procedure to be used in the case of extremely
16 controversial results or when the normal peer review
17 process would be too slow; we cannot anticipate
18 everything.

19 We heard from Dr. Fox of the National Marine
20 Fisheries Service that they already have in place on a
21 pilot scale basis this Center for Independent Experts.
22 This place would be a perfect place to plug that Center

1 for Independent Experts in. On a longer-term scale, it
2 could also be the place that provided names for the
3 three- to five-year evaluation panels.

4 DR. EHRMANN: Let's take comments on this.

5 DR. SANDIFER: We also recommend that this
6 kind of peer review process be considered for things
7 beyond just fisheries, because it is basically a good
8 three-tiered approach to science.

9 MRS. BORRONE: I have two comments. I applaud
10 what you have developed here, because I think it makes a
11 lot of sense, although I really don't know that much
12 other than what I have learned from all of you about
13 fisheries management.

14 I want to raise two issues. The first is the

15 use of the term "novel changes" in your write-up. I know
16 this is on the screen, but I want to be sure that we
17 understand that we are not talking about something
18 extraordinary, really looking at opportunities to make
19 changes, and that gets reinforced.

20 Secondly, under the "'crisis' procedure," I
21 have lived in an environment as a port director and a
22 manager of other facilities where people outside my

1 functional area will take the language so literally that
2 it becomes an impediment.

3 I think you need to describe what you mean by
4 "would be too slow," because if we don't, a day beyond
5 the normal process of 180 days, let's say, or 6 months
6 will be deemed to slow by some parties. If you could
7 write them in a way that would be a little bit more
8 definitive or explicit, it would be helpful.

9 DR. SANDIFER: Excellent point.

10 DR. EHRMANN: Any other comments? Are folks
11 comfortable with the basic direction that this is
12 suggesting?

13 (No verbal response.)

14 DR. EHRMANN: Okay. Let's go to the last

15 piece on science.

16 DR. SANDIFER: Very quickly, we suggest that

17 -- back up one, Angela -- the Regional Fishery

18 Management Council would be required to develop an

19 annual list of management information needs, and that

20 would be provided to the National Marine Fisheries Service

21 and to their Scientific and Statistical Committees.

22 This is to make sure that the scientists just

1 don't go off on their own, that there is also some
2 direction provided by the management agency and the
3 councils as to what they really need to improve their
4 scientific-based management process. That is all it is,
5 is a way to provide direct feedback to the science
6 community.

7 DR. EHRMANN: Okay. Any concerns about this
8 or additional comments?

9 Dr. Rosenberg?

10 DR. ROSENBERG: Just very briefly. Again, I
11 think we ought to be careful to make sure that both of
12 these pieces are included as broadly as possible for all
13 fisheries, not just those under the Regional Councils.
14 I think that is the intent from the discussion, but in

15 writing it up we need to make that clear.

16 Also, potentially this kind of model beyond

17 fisheries, which I wish I could say I only had a year to

18 work in --

19 (Laughter.)

20 DR. ROSENBERG: -- may be useful for lots of

21 other areas where science advice is needed for

22 management. I think that will come back around in some

1 of the other areas like coastal zone management.

2 DR. EHRMANN: Good. Thank you.

3 Let me suggest, then, if people are

4 comfortable, that we move to the section having to do

5 with nomination and appointments.

6 DR. SANDIFER: As you can see, we had nothing

7 to do, as I said, in my working group.

8 (Laughter.)

9 DR. SANDIFER: There is an appearance of

10 problems more than a reality of problems that Regional

11 Fishery Management Councils are decision-making bodies

12 that may be not truly representative of those both

13 involved in the fisheries directly or those interested

14 parties.

15 We had a great deal of discussion here and
16 suggest that ways to improve both the operation and the
17 appearance of the process would be to have four
18 appointed members. Now, there are ex-officio members,
19 we are not dealing with those, strictly for the
20 appointed members.

21 For each vacancy, an appointed Regional
22 Fishery Management Council seat, the appropriate

1 governors would be required under the Act to submit a
2 slate of at least two candidates representing each of
3 the commercial and recreational fishing sectors and the
4 general public. All of those candidates would have to
5 meet the current standard of being knowledgeable about
6 fishery harvesting or conservation in the area. A
7 national authority, as yet to be determined, would be
8 the entity that would actually make the appointments and
9 make them under requirement to create councils that have
10 as much balance as possible.

11 We also go a little bit further and deal with
12 the issue of putting a brand new person into a council
13 role, into a decision-making role without providing
14 adequate background, and suggest that a provision in the

15 law require mandatory training within six months of
16 appointment and that training not be provided by the
17 National Marine Fisheries Service, but be provided by some
18 outside entity, perhaps an academic institution or
19 perhaps others, to maintain third party objectivity,
20 provide specific science training in the areas of
21 fishery science, legal requirements and the required
22 public processes for the councils.

1 DR. EHRMANN: Very good.

2 Dr. Coleman?

3 DR. COLEMAN: Just a question. On your first

4 recommendation about the appointments and two candidates

5 from commercial fishing, for my own education, does that

6 rotate among the various types of fisheries, that is,

7 inshore or offshore shrimpers, or is it open to anyone?

8 DR. SANDIFER: Basically, open to anyone.

9 Coleman, the difficulty here is while there are a fair

10 number of seats on councils when they are representing

11 multiple states, each state only has three. Trying to

12 work out a system that still guarantee state and local

13 kinds of participation, the sorts of things we all agree

14 upon as being necessary for bottom-up participation, yet

15 to provide seats for different sectors of interest,
16 whether it is business or other, academic, you name it,
17 it became an unmanageable thing to try to figure out how
18 to do, frankly.

19 We went back saying that if you put the
20 science piece in place, then the councils become
21 allocation issues, harvesting. Those folks involved in
22 those sectors are appropriate to be there not making

1 science decisions, but making the allocation, and so is
2 the general public. That general public can be anything
3 from an academic scientist to a consumer in a
4 restaurant, as long as they are knowledgeable about the
5 area. That is up to the governor to nominate. But that
6 was our thought process.

7 DR. COLEMAN: Thank you.

8 DR. EHRMANN: Any other comments on these two
9 slides, both having to do with nomination and
10 appointment process? Are people comfortable with this
11 direction that the work group is headed on this?

12 ADMIRAL GAFFNEY: Knowledgeable in the area
13 didn't make it onto the slide?

14 DR. SANDIFER: No. Knowledgeable is not on

15 the slide, but that is something that should be in our
16 text. I was chastised for putting too many words on
17 these slides anyway.

18 (Laughter.)

19 (A slide presentation is in progress.)

20 DR. SANDIFER: Okay. Very quickly, we will
21 move to "Fishery Management Jurisdiction." One of the
22 issues that comes up on a regular basis are issues of

1 overlap between different Fishery Management Councils.
2 This is between eco-regions or between geopolitical
3 regions and sometimes between the Fishery Management
4 Councils and the Interstate Commissions.

5 We believe that the Interstate Commissions as
6 well as the Regional Fishery Management Councils and
7 other federal jurisdictions should look at these
8 ecosystem geographic watershed frameworks, first, as a
9 mechanism, and then there should be a clear delineation
10 mechanism amongst the states and the Regional Fishery
11 Management Councils about who takes the lead. One
12 management authority should be designated to take the
13 lead in developing the plan.

14 For any jurisdictional fisheries that are

15 primarily within state waters or for multi-state
16 boundaries, that ought to be the Interstate Fishery
17 Commissions. Again, partly because of familiarity, I
18 guess, and partly because of the very strong history of
19 success with the Striped Bass Restoration Act followed
20 by the Atlantic Coastal Fisheries Conservation
21 Management Act, the Cooperative Management Act rather,
22 we believe that provides a very useful model to be used

1 by the other Interstate Fisheries Commissions.

2 Again, it will be very clear who takes the
3 lead. If the jurisdiction is primarily in state waters,
4 then the Interstate Fisheries Commissions. If it is
5 primarily federal, then it would be the Regional Fishery
6 Management Council. In a case of overlap between -- if
7 you would, go to the next slide -- management councils,
8 then one would take the lead, and that determination
9 would be made at the national level.

10 Finally, management of highly migratory
11 species should remain at the national level that might
12 or may not include the broader ecosystem pelagic
13 ecosystem kind of council that Andy mentioned. We don't
14 know yet, but it is something that should remain at a

15 national level. I will stop there.

16 DR. EHRMANN: Dr. Coleman?

17 DR. COLEMAN: Again, not knowing much about

18 fisheries, in the slide on, "Management of Highly

19 Migratory Species should remain at the national level,"

20 is "Highly Migratory Species" defined, or did you all

21 define it?

22 DR. SANDIFER: No, it is already defined in

1 law.

2 DR. COLEMAN: Thank you.

3 DR. EHRMANN: Other comments or suggestions in

4 this area?

5 DR. SANDIFER: Call it fortunately or

6 unfortunately, depending upon where you are.

7 DR. COLEMAN: Okay (laughter). I saw some

8 smiles, and I wonder why.

9 DR. EHRMANN: Is everyone comfortable with

10 this direction?

11 (No verbal response.)

12 DR. SANDIFER: Just a few more to go.

13 DR. EHRMANN: Okay. Cooperative research.

14 DR. SANDIFER: Cooperative research, it is

15 becoming a well-known truism that fishers and other non-
16 scientists can in certain situations contribute rather
17 significantly to the collection, and sometimes to
18 interpretation of scientific information.

19 Where they can be involved appropriately one
20 tends to see much better buy in of the ultimate research
21 findings. Therefore, the Stewardship Working Group
22 recommends that NOAA create a new nationwide program of

1 cooperative research. We have some examples from
2 New England and elsewhere, some in the environmental
3 work that seem to have done very well.

4 That program will be responsible for
5 coordinating efforts to get scientists, commercial and
6 recreational fishermen, and other non-scientists to work
7 together on appropriate collaborative projects. Any
8 federal funding that is made available for this should
9 be disbursed, or at least a significant portion of it
10 disbursed, according to priorities set by the Regional
11 Fishery Management Councils and the Interstate Marine
12 Fisheries Commission because this clearly is going to be
13 information that would be helpful in the management
14 process.

15 DR. EHRMANN: Admiral Gaffney?

16 ADMIRAL GAFFNEY: This says, the very first

17 word is "NOAA," and I think that is sort of a

18 placeholder. It is possible, I think we discussed this,

19 that other agencies like Fish & Wildlife Service, NSF

20 and even the Navy might take the spirit of cooperative

21 research up and find opportunities in the future.

22 DR. EHRMANN: Thank you.

1 Dr. Rosenberg?

2 DR. ROSENBERG: Well, I had that same comment,

3 or to put it another way I think that this principle of

4 cooperative research should apply across a broader range

5 of activities, not just fisheries. My second comment

6 would be that I think that it would be quite helpful at

7 some point in describing cooperative research to

8 indicate that agencies broadly, or the scientific

9 community more broadly, needs to develop a program that

10 helps people design cooperative research projects.

11 One of the difficulties with cooperative

12 research is too often you are sort of leaving fishermen

13 or whoever on their own to figure out who to partner

14 with and create a project, and then you end up with a

15 relatively small community of fishermen who are able to

16 make those connections.

17 It is not that easy to design a scientific

18 project if you don't have a lot of experience in the

19 science world. There needs to be a mechanism by which

20 we help people into the process perhaps more than we are

21 currently doing, and, again, across a wider range of

22 activities than we currently help them into the process.

1 DR. EHRMANN: Admiral, do you have a comment?

2 CHAIRMAN WATKINS: I would like, and I throw

3 this out for comment because I am not an expert in this

4 area, but when I was president of CORE, we fought very

5 hard to continue the Regional Marine Research Program.

6 It was a cooperative program set up by the Congress. It

7 disappeared when the leadership in the Senate changed

8 many years ago.

9 It was the basis for the global, for the

10 Integrated Observing System off Maine, the so-called

11 "GoMOOS Program." It had generated five cooperative

12 research packages that were peer reviewed and ready to

13 work, funding streams were there for it, and it was

14 killed.

15 Now, I think that the staff ought to be
16 charged to go look at that RMRP Program. I am not
17 saying reinstate it as it was, but to take a look at it
18 in this context of this cooperative research and see if
19 we don't already have a model that is still struggling
20 out there at very low levels of support and that might
21 still be applicable to bring it back alive again to be
22 the mechanism for implementing something like this.

1 I know Paul was connected with that, and I
2 know Andy and others. Would you comment on the efficacy
3 of that kind of approach that the staff might take as we
4 move towards implementation concepts?

5 DR. SANDIFER: Admiral, I think that would be
6 an excellent case study. There are the cooperative
7 regional research plans that were done several years ago
8 that could be a good starting place, and they were never
9 taken to the next step.

10 If you added to that a couple of case studies
11 along the lines that Andy mentioned, where we used cases
12 of fishermen, in some cases, on environmental issues;
13 water quality monitoring; for example, citizens network,
14 where they work well and what the process has been to

15 make those things work well, where you design something
16 ahead of time and showed people how to get involved and
17 how that citizen kind of research then fits into a
18 larger cooperative research package at the regional
19 level, I think that would be a very useful thing.

20 It would be very useful for staff to spend a
21 little time on pulling together these case studies where
22 you could say, "If we had a program, these are the kinds

1 of things we could do and here is your end product, to
2 get a lot better buy in by the public in your decision-
3 making. Oh, and, by the way, they get a lot more
4 ownership of their environment." That pushes our
5 stewardship ethic up right along with it, education,
6 public education, significantly.

7 DR. EHRMANN: Very good.

8 Are people okay with the direction that the
9 group is taking here?

10 (No verbal response.)

11 DR. EHRMANN: It seems like some good
12 suggestions there to add and think about.

13 Dedicated Access Privileges.

14 DR. SANDIFER: As we stated a little earlier

15 in the principle, actually the way the Governance had it
16 was a lot prettier than this, but it is clear that, "The
17 United States Government has the responsibility to
18 manage and maintain the living marine resources of the
19 United States EEZ for the overall benefit to the nation.

20 One proven tool that can assist in protecting
21 both fish stock health and human health, reducing danger
22 to seamen, and help in the so-called "race for fish" is

1 dedicated access privileges, which is a bigger term for
2 specific individual fisherman quotas or other kinds of
3 dedicated quotas.

4 Currently, these are for the most part not
5 available to fisheries management for use because of a
6 moratorium that was enacted in the latest version, the
7 last version, of the Magnuson-Stevens Act.

8 We strongly urge the Commission to recommend
9 that that moratorium on dedicated access privileges be
10 removed, and the Fishery Management Councils then be
11 provided this as a tool, one additional tool, for use in
12 fisheries management.

13 We, further, suggest that in that modification
14 that national guidelines for these put into place, which

15 would involve local fishermen, require involvement of
16 local fishermen, and others and allow for regional
17 flexibility.

18 We are not ready yet to get into the details
19 of what those national guidelines might include. We
20 have talked about user fees, we have talked about a lot
21 of ways of getting local people involved, but the real
22 issue is whether or not Regional Fishery Management

1 Council bodies have the right to utilize fisheries
2 quotas and transferable fisheries quotas of one kind or
3 another as one of their tools in making effective
4 fisheries management decisions.

5 DR. EHRMANN: Dr. Hershman?

6 DR. HERSHMAN: Paul, I really think that you
7 are right on the right track in trying to get this
8 device of dedicated access privileges, a good term I
9 think compared to many others, into our consideration.

10 I think on your last point about the national
11 guidelines, I guess I would urge your group and maybe
12 getting some additional input on some suggestions about
13 what they might be, because that is the nub of the
14 problem. It is a question of under what conditions we

15 have limited access, who gets in, who gets out, costs,

16 and everything like that.

17 We are not going far enough, in my view, if we

18 don't at least propose some alternative ways in which

19 this might be done. It sounds like from what you said

20 at the end of your comment that that is on your agenda,

21 and we are going to get to that.

22 DR. SANDIFER: To respond very quickly, we

1 have had a number of discussions. We have not reached a
2 consensus view that I am quite ready to bring to you.

3 It is not that far. It is more of we are considering a
4 whole bunch of things, and how do you get down to the
5 real important ones that we would suggest, because what
6 we recommend is Congress set standards. We are just
7 trying to give them some general guidance as to where
8 that might be. We are just not quite there yet.

9 User fees are one thing clearly under
10 consideration, but lots of other things. I also want to
11 make clear you are not talking about just that this
12 would become something used in every case. I doubt it
13 will be used in a great many, but in some it will make a
14 huge difference.

15 DR. HERSHMAN: All right, thank you.

16 DR. EHRMANN: Dr. Rosenberg?

17 DR. ROSENBERG: Thank you.

18 I don't disagree with the recommendation here.

19 Get right out there, I am right behind you (laughter).

20 DR. SANDIFER: Way behind me.

21 CHAIRMAN WATKINS: This may be a first.

22 DR. ROSENBERG: My only concern is that it is

1 a little bit narrowly described for a heading such as
2 dedicated access privileges. There are other kinds of
3 access allocation systems, then, IFQs or ITQs or
4 whatever. I am concerned that the recommendation as
5 read means that is the only access control mechanism
6 that we would recommend.

7 I think access control needs to be developed
8 more fully for all fisheries, but that does not mean
9 that it always should develop in the direction of IFQs
10 or ITQs. I think that as the working group continues to
11 work on this it needs to be broadened a little bit to
12 other kinds of mechanisms dealing with access.

13 My second comment is that I also think that
14 the working group might consider thinking about access

15 not just for fisheries, but we have got a number of
16 other issues that have been raised to the Commission
17 with regard to access to resources: wind power,
18 aquaculture, and so on.

19 That currently is rather confusing in the
20 sense that it is unclear who has the authority to decide
21 how to provide that sort of access. On the other hand,
22 in fisheries there at least is some authority.

1 Obviously, in OCS there is authority. In discussing
2 dedicated access, ultimately we have to broaden the
3 discussion to those other activities like aquaculture
4 and the like.

5 Thank you.

6 DR. EHRMANN: Admiral Gaffney, you had a
7 comment?

8 ADMIRAL GAFFNEY: Yes. Andy, on the second
9 bullet where it actually says "IFQ," do you know if the
10 moratorium that is on that we are asking to be vacated,
11 is that only on IFQs, or is it on the broader category?
12 Because I think this only means that specific moratorium
13 in Magnuson-Stevenson, in the Magnuson-Stevenson Act.

14 DR. ROSENBERG: Right. Yes, the moratorium is

15 only on allocating percentage shares of the quota to
16 individual entities. I believe there are a number of
17 congressional staffers who probably know the language
18 better than me. My point was that I think the
19 discussion of dedicated access privileges should be
20 broader. I don't disagree that the moratorium isn't
21 particularly helpful.

22 ADMIRAL GAFFNEY: Yes. They are slightly two

1 different issues.

2 DR. SANDIFER: Two different issues.

3 DR. ROSENBERG: But it implies here that this

4 is the only issue, and that concerns me.

5 ADMIRAL GAFFNEY: Yes, right, it does.

6 MRS. BORRONE: Brainstorming.

7 ADMIRAL GAFFNEY: Yes.

8 DR. SANDIFER: In response, this is an issue

9 we are dealing with in regard to fisheries per se, we

10 have had some broader discussion, but this was a

11 recommendation related to the Regional Fishery

12 Management Council process and trying to fix or make a

13 recommendation to improve a situation, then.

14 DR. EHRMANN: Frank, did you want to make a

15 comment?

16 MR. LOCKHART: (No microphone.) Well, it is

17 just most of the problem is just because we had to fit

18 it all on one slide. I have used also the term that is

19 used in the Magnuson Act, but the intent was broadly

20 access or core programs would be allowed, and all of the

21 various types.

22 DR. ROSENBERG: I am saying not just that they

1 should be allowed, but that there needs to be
2 considerable development and implementation beyond what
3 we currently have in terms of access control. Most
4 fisheries now are under some kind of access control, but
5 often it is quite rudimentary, closed entry.

6 DR. EHRMANN: Dr. Hershman, do you have any
7 final comments?

8 DR. HERSHMAN: Regarding Andy's point about
9 access for other resources, especially in the EEZ, this
10 is on the agenda of the Governance Working Group in the
11 area of non-living resources. It is definitely
12 something we have begun to discuss, and it is a very
13 important issue for us to recommend on eventually.

14 DR. EHRMANN: That is helpful. Thank you.

15 Admiral?

16 CHAIRMAN WATKINS: I think what is coming up

17 here is expected, that we have a report to the

18 Commission as a whole for the first time from our

19 working groups. We are seeing the kinds of integration

20 we are talking about here between working groups as they

21 come up.

22 I would also like to entertain the

1 Commission's nod of approval to allow the staff as they
2 prepare the documents for the report. They will not be
3 packaging these things up as individual entity,
4 separated. They will try to find a way to meld them and
5 to bundle them in a way where they are integrated.

6 I think the next time I hope we will see
7 something that does have the kind of integration that
8 Andy has focused on today. That is a complicated thing
9 when we stovepipe ourselves. We are very much against
10 that in concept for the ultimate document to find that
11 mechanism to pull them together.

12 If that is okay with the Commission, I would
13 like to come back so that they don't see these isolated
14 recommendations that are obviously very horizontally

15 linked in reality. I would like to see us permitted to

16 pull those together in a way that I think at the end

17 will give us a more suitable product.

18 DR. EHRMANN: Very good. Let me suggest the

19 following by way of schedule. I have checked with the

20 staff, and, Mr. Chairman, if it makes sense to you, we

21 can delay lunch till 12:30, and then I think we could

22 finish --

1 CHAIRMAN WATKINS: No. I will tell you what I
2 would like to do. I would like to finish the
3 Stewardship presentation, and I think reducing capacity,
4 which is coming up next, should be relatively
5 non-controversial.

6 DR. EHRMANN: Yes.

7 CHAIRMAN WATKINS: Then, I would like to save
8 marine protected areas definition until just after
9 lunch, because it is a nice precursor into coastal zone
10 management framework.

11 DR. EHRMANN: No, that was what I was
12 thinking. Exactly. I don't know, it is about 20 after
13 now, so we will be about right if we do reducing
14 capacity first.

15 CHAIRMAN WATKINS: Yes.

16 DR. EHRMANN: Okay. That works very well.

17 Paul, you want to do this one?

18 DR. SANDIFER: If I miss lunch, you will

19 reduce my capacity.

20 (Laughter.)

21 DR. SANDIFER: If it gets any smaller, it will

22 be very diminutive.

1 THE COMMISSIONERS: Oh.

2 DR. SANDIFER: See how I get treated?

3 (Laughter.)

4 DR. SANDIFER: The Stewardship Working Group

5 has been convinced by the tremendous amount of testimony

6 in various forms that we have received that excess

7 harvesting capacity is a significant problem in some

8 fisheries, exacerbating the unsustainability uses of

9 those fishery resources. Therefore, we have four very

10 specific recommendations, not specific but general in

11 nature, I guess.

12 First of all, there are some federal programs

13 that appear to promote overcapitalization; that may not

14 have been their intent, but that is the effect. We

15 recommend that the Commission go on record as supporting
16 Congress revising or repealing any federal programs that
17 tend to promote overcapitalization in fisheries.

18 Secondly, we are recommending that Congress
19 institute programs that permanently reduce vessel and
20 effort capacity in overcapitalized fisheries, and reduce
21 them to what are believed to be sustainable levels.
22 Those levels to be determined by the significant

1 involvement of affected fishermen in consultation with
2 the fisheries managers. In other words, you get the
3 managers and the affected public directly involved.

4 Third, to the maximum extent practical,
5 buyouts should be funded by those that benefit from
6 capacity reduction the most, that is, the fishers
7 themselves. This may or may not be a front-end, it may
8 be back-end loaded, but at some point the fishermen
9 would be paying some kind of fee that went to eventually
10 reduce capacity.

11 Finally, federal funding of buyouts should
12 only be considered in conjunction with fishery
13 management plans and regimes that don't allow additional
14 effort to return to the fishery. Apparently, that has

15 been a problem in some buyout programs or capacity
16 reduction programs in the past, that capacity simply
17 changed hands but did not get removed from the fishery.

18 These are approaches that we believe would
19 help reach our goal of sustainable fisheries and a more
20 sustainable and viable business practice or businesses
21 as well in the fishing industry.

22 Thank you.

1 DR. EHRMANN: Thank you.

2 Mr. Koch?

3 MR. KOCH: Marine fishery management has been
4 pervasively regulated by Congress, much to the detriment
5 of the resource. My first question is, Why on the
6 second bullet we want to put instituting programs that
7 reduce vessel and effort capacity in the hands of the
8 Congress rather than putting them in the hands of the
9 Regional Fishery Management Councils, particularly as
10 you are trying to depoliticize the whole process with
11 your earlier recommendations? This seems to put it
12 right back in the hands that couldn't be any more
13 political, if you had wanted to.

14 DR. SANDIFER: Chris, I don't know that I have

15 got a really good answer. I will do my best for you.

16 The issue here is that the Regional Fishery Management

17 Councils have authority to manage fisheries. They do

18 not have authority to receive payments, that I am aware

19 of. If there were a structure imposed to --

20 MR. KOCH: Handle the money?

21 DR. SANDIFER: -- to receive fees from

22 fishermen and then convert those fees back into a buyout

1 program, I think that would have to be done by a federal
2 statute. I don't see any other way to do it.

3 MR. KOCH: Would your group be willing to kind
4 of clarify that that is what you have in mind --

5 DR. SANDIFER: Absolutely.

6 MR. KOCH: -- in the process?

7 DR. SANDIFER: Absolutely.

8 MR. KOCH: My second question is on the fourth
9 bullet, and that is, I fully understand paying for this
10 by fees on fishermen. But, why when we have established
11 the fact that these are resources in public trust, there
12 is no private property ownership here and it is an
13 extracted resource, would the federal taxpayer pay to
14 pull the capacity out?

15 DR. SANDIFER: Again, I am not sold on any
16 language here. I am dealing with an approach. To the
17 maximum extent practical, I think our working group, and
18 I will let them speak for themselves, would prefer this
19 to be funded by fishermen.

20 As I said, it may have to be funded on the
21 front-end with a loan program from the Federal
22 Government and fees collected over time to pay it off.

1 However, there may be occasions that we don't know about
2 where the capacity is so great, the problems in the
3 fishery are so great and the potential benefit to the
4 public of having brought stocks back to sustainable
5 levels would be so great, that one could make a
6 convincing argument in that case for the taxpayer to
7 step in to prevent loss of irreplaceable biological
8 resources. I leave it at that.

9 DR. KOCH: Not wanting to prolong the debate,
10 I think there is an argument on the other side.

11 DR. SANDIFER: We hear you.

12 DR. EHRMANN: Dr. Rosenberg?

13 DR. ROSENBERG: Also on this fourth point, it
14 seems to me that it would be better if federal funding

15 is to be used by bio- programs for the moment,
16 sidestepping Chris' concern, which obviously needs more
17 discussion. It is not just that the federal funding
18 should be considered only when additional effort is not
19 to return to the fishery, it seems to me that you only
20 really want to have federal funding when you have an
21 ongoing capacity management program of some kind.

22 In other words, that there, is as called for

1 in points two and three, a program set up, a mechanism,
2 by which fishermen have designed that program -- not
3 fishermen but the community has designed that program,
4 has figured out how to run it, and so on, which is
5 potentially called for in the current statute.

6 At that point, then, when you have a way to
7 manage capacity on an ongoing basis, federal funding is
8 appropriate, as opposed to the one-time, "Well, here is
9 a chunk of money, let's do something with capacity,"
10 which might or might not have a lasting effect on the
11 fishery because there is no ongoing capacity management
12 program. So, I think that that could be developed a
13 little bit more fully.

14 Thank you.

15 DR. SANDIFER: Right on both counts.

16 DR. EHRMANN: Very good. Any other comments

17 on capacity reduction from the Commission?

18 (No verbal response.)

19 DR. EHRMANN: Mr. Chairman?

20 CHAIRMAN WATKINS: We will take a break now

21 for lunch. I would like to try to start again on the

22 scheduled time in the agenda at 1:15. We have members

1 here of the Commission that have to depart, so our
2 closing time is very critically timed here at 4:00 p.m.
3 for wrap-up. I would like you back and to start as
4 promptly as we can at 1:15.

5 (Whereupon, at 12:30 p.m., a luncheon recess
6 was taken, to reconvene this same day and place at
7 1:15 p.m.)

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21 AFTERNOON SESSION

22 (1:15 P.M.)

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2 CHAIRMAN WATKINS: The meeting will now come

3 to order again. Our first agenda item for this

4 afternoon is going to be under the purview of

5 Paul Sandifer, Stewardship chair, and the subject will

6 be marine protected area definition.

7 Paul?

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

9 The Stewardship Working Group has recognized

10 for some time the potential value of marine protected

11 areas. However, this term, like a number of other

12 related terms spoken about early today, can be used in

13 different contexts with very differing meanings to

14 different audiences.

15 Therefore, we decided early on that the
16 important thing for us to do was define what we mean by
17 a "marine protected area." As proposed by the
18 Stewardship Working Group, a "marine protected area" is
19 a specified area of the marine environment that had been
20 set aside for the purpose of conservation of natural or
21 cultural resources, period. That is the definition.

22 We have had quite a bit of discussion about

1 how marine protected areas might be used, but feel the
2 first step here would be for Congress to establish
3 national standards for the development of marine
4 protected areas for the conservation of natural and
5 cultural resources.

6 Those standards should then be used to guide
7 the development of MPAs at national, regional and local
8 efforts, and that any national effort should also
9 involve a great deal of regional and local coordination.

10 Finally, that the standards should include
11 prerequisite scientific or cultural assessment, a
12 monitoring plan, and review for continuation or
13 modification.

14 The last comment I will make before opening up

15 for discussion is that we believe strongly that the
16 process for developing marine protected areas should be
17 both science-based and have as much local input as
18 possible; that is, be driven as much as possible from
19 the bottom up.

20 As envisioned by the Stewardship Working
21 Group, in the vast majority of cases freedom of
22 navigation would not be restricted. However, in both

1 the spirit of both the freedom of the seas and the
2 precautionary approach that we presented earlier, any
3 necessary restriction should be based on peer review
4 science or include a plan for collecting additional
5 scientific information and the restrictions should be
6 limited as much as possible to the discrete purpose
7 stated for the marine protected area.

8 That is all I have, Mr. Chairman.

9 DR. EHRMANN: Mr. Koch?

10 MR. KOCH: Paul, your narrative description
11 added some texture to it, which I think was helpful.
12 When you used the terminology, "set aside," does that
13 imply that they could have other uses going on within
14 that marine protected area? "Set aside" to a lot of

15 people means you put a fence around it, and there is

16 nothing that is going to happen in that area.

17 DR. SANDIFER: The terminology may be

18 inappropriately used by us. "Set aside" in our

19 vernacular simply means that the boundary of the

20 designated area, the uses or restrictions on uses would

21 be developed on a case-by-case basis under national

22 standards for the particular marine protected area.

1 To give an example, if we were suggesting that
2 the site of the Hunley, for example, in Charleston, had
3 been recovered, if it was still in situ, if we were to
4 designate that or suggest that be designated as an MPA,
5 then there may very well be restricted uses like diving
6 on it to remove artifacts. But other kinds of uses
7 would probably not be restricted.

8 That is what I mean by "on a case-by-case
9 basis." If you are trying to protect a coral reef, that
10 might have a very different set of restrictions. Again,
11 those would be based on science or on other
12 characteristics, if it were a cultural resource.

13 MR. KOCH: The document will expressly say the
14 right to navigation is unimpaired?

15 DR. SANDIFER: I read it, but let me read it
16 again. This is the wording that has been crafted by our
17 working group, which says this at this point, "In the
18 vast majority of cases," and we say "vast majority"
19 because we don't know what you can't foresee, "freedom
20 of navigation will not be restricted. However, in the
21 spirit of both freedom of the seas and the precautionary
22 approach, any necessary restrictions should be based on

1 peer reviewed science or include a plan for collecting
2 additional scientific information, and any such
3 restrictions should be limited as much as possible to
4 the discrete purpose stated for the marine protected
5 area."

6 That may need some additional wording for the
7 text that is not in here, but that is sort of guidance
8 for setting the standards that we would like Congress to
9 do.

10 DR. EHRMANN: Dr. Hershman?

11 DR. HERSHMAN: Thank you again very much for
12 this recommendation. The way it reads, it appears to be
13 attempting to establish standards that would apply for
14 federal and state waters. If that is a case, since

15 there are so many initiatives in protected areas
16 occurring at the state and local level already, I think
17 there is going to be an issue about the way in which
18 previously established state water MPAs would mesh with
19 new ones or existing ones in the federal waters.

20 So, it might be useful to think in terms of
21 elaborating this or just in background information how
22 we would deal with the situation of the existing ones,

1 because the issue of whether they are grandfathered in
2 and how they are dealt with as opposed to how to plan
3 for new ones, I think might be worth some consideration,
4 just as a suggestion to the working group.

5 DR. EHRMANN: Okay. Another comment?

6 Dr. Koch? Related to Marc's comment, one of
7 the issues Governance has proposed for later discussion
8 is habitat protection and restoration, particularly in
9 the coastal zone area. This might be where something is
10 coming out of Stewardship that is going to have to be
11 married up with something coming out of governance
12 because it seems to me, as Marc points out, there is
13 some overlap of intent here.

14 DR. EHRMANN: A good idea.

15 Any other comments or suggestions from the
16 commissioners on this topic? People are comfortable
17 with this direction?

18 (No verbal response.)

19 DR. EHRMANN: Let me just ask quickly, since
20 we are at the end of the items that were developed by
21 the Stewardship Working Group whether the staff has any
22 needs for clarification or more information at this

1 point?

2 (No verbal response.)

3 DR. EHRMANN: All right, very good.

4 Mr. Chairman?

5 CHAIRMAN WATKINS: The next item on the agenda
6 falls under Chapter II again. It is coastal management,
7 and that is turned over to the Governance Committee
8 Chair, Mr. Ruckelshaus.

9 MR. RUCKELSHAUS: Mr. Chairman, this part of
10 our discussion is going to be lead by Mark Hershman who
11 is a member of the Governance Working Group.

12 DR. HERSHMAN: Okay. Thank you very much,
13 Mr. Chairman and Mr. Working Group Chairman.

14 (Laughter.)

15 DR. HERSHMAN: The coastal management section
16 has received a good bit of discussion by the Governance
17 Working Group. What we have are sort of beginning
18 directions that we would like to present at this point.
19 What I would like to do, if I may, is go through the one

20 that is under "Coastal Management Framework" with a

21 little explanation initially, then have discussion on

22 that one, and then move on to the others, if that is all

1 right with you.

2 DR. EHRMANN: Yes.

3 DR. HERSHMAN: What we are focusing on and
4 proposing is a second generation of coastal management
5 for the United States. This would be a change in the
6 current coastal management regime that we have, and an
7 expansion of it to bring into its fold issues dealing
8 more with habitat, habitat protection and pollution and
9 non-point source pollution control.

10 The vehicle we are considering is to tightly
11 integrate or consolidate the many small programs that
12 are currently doing aspects of coastal management. I
13 think for most people in this room, I recognize that
14 between NOAA, EPA, Department of Interior and many

15 others many, many small programs all bear upon the

16 coastal zone in a variety of different ways.

17 We recognize, however, that any kind of a move

18 toward an integration or a consolidation of these many

19 diverse programs is not an easily done or anything that

20 is done rapidly, so that a transition process would be

21 needed to actually design and implement such a greater

22 consolidation. Mr. Ruckelshaus commented earlier on the

1 notion of a transition council or a process that we are
2 considering in another portion of our work.

3 The intent would be to redefine coastal
4 management programs including such characteristics as a
5 more holistic planning process, which would bring in
6 more of the points I just mentioned such as the
7 pollution problems, habitat protection problems and many
8 others, and to look at a more ecosystem-based approach.

9 A restatement of national goals to reflect
10 this changed scope as well as to establish some goals
11 that we are trying to reach nationally, recognition of
12 regional characteristics to certain areas. This will
13 certainly be an area of collaboration between the
14 working groups, given the discussion we heard this

15 morning coming from the Stewardship Working Group. And,

16 of course, continuing the state, local and tribal

17 implementation process which we currently have.

18 To achieve an expansion and redefinition of

19 the program will require enhanced funding of these

20 improved coastal management programs. The funding issue

21 we expect to be addressing when we talk more about the

22 non-living resource issues of the exclusive economic

1 zone and other devices within the Commission structure

2 when we look at the funding mechanism.

3 A component of these newly established coastal

4 management programs would be Regional Management Science

5 Centers, which would have three functions, one would be

6 a function of information service for the coastal

7 management program activities.

8 The second would be linkage to a regional

9 marine research consortium or centers within a

10 particular region, that they would be the broker joining

11 with those Science Centers -- Research Centers, excuse

12 me. Third, helping to define research priorities

13 important to that region.

14 Then, a final characteristic of this new

15 framework which links to the Management/Science Centers
16 is to improve how cumulative impacts are addressed in
17 coastal management programs, which we have identified as
18 a major need. This is just the beginnings of fleshing
19 out the concept of a second generation coastal
20 management framework.

21 Other items that we will be discussing later

22 or perhaps coming from the other groups could be seen as

1 fitting into this framework as well. This is as far as
2 we have gotten so far with respect to this particular
3 concept, and we welcome any comments from the
4 Commission.

5 DR. EHRMANN: Dr. Coleman?

6 DR. COLEMAN: Yes. Marc, two quick questions,
7 probably more clarification. On your second one, to
8 integrate and consolidate the small programs, I can
9 understand how this can be done at a federal level. But
10 when you get into the states, individual coastal zone
11 management programs within the states, are often
12 competing from different offices. The governor usually
13 has one, the Division of Natural Resources or whatever
14 it is called has one, Wildlife & Fisheries. How do you

15 propose to consolidate those? Because they are within

16 state jurisdictions.

17 DR. HERSHMAN: Well, we don't know exactly how

18 that would happen, and it obviously would have to happen

19 in ways suitable to the context of particular states.

20 However, I think we recognize that if we can encourage

21 some consolidation or tighter networking through other

22 mechanisms at the federal level, that there will be a

1 reflection of this to some extent at the state and local
2 level, at least incentives can be put in place to try to
3 create that reflection of more consolidation at the
4 state and local level.

5 DR. COLEMAN: Yes. I would urge you to do
6 that, to state some of the possible incentives and
7 possible process. A quick second question is on your
8 enhanced funding of improved coastal management
9 programs. Just for the record, who decides whether a
10 program is improved or not, and what types of criteria
11 would you use?

12 DR. HERSHMAN: Perhaps the word "improved" is
13 ambiguous there. What was intended was that there would
14 be enhanced funding for these redefined coastal

15 management programs. We are not saying they could get
16 more money if you improve, it is more if you become this
17 redefined new program, that there will be resources that
18 would flow from that.

19 DR. COLEMAN: I read it as an improved
20 program, so I think you need to clarify that.

21 DR. HERSHMAN: I think we need to clarify
22 that. Thank you for that observation.

1 DR. EHRMANN: Dr. Rosenberg?

2 DR. ROSENBERG: Thank you.

3 A couple of points, first of all, I think the
4 issue of integrating programs is an important one, and
5 consolidating programs is an important one. I think it
6 is important at both the state, federal and local, at
7 all levels really.

8 Of course, we can make that recommendation and
9 hope that it is carried out at each of the various
10 levels. It is also fairly important to link it to other
11 programs that are not viewed as strictly coastal zone
12 management including the resource management programs
13 and the like.

14 To do that, an obvious basis is what we have

15 been referring to as ecosystem-based management plans
16 and potentially regional councils. That would move
17 towards the issue of Jim Coleman just raised of improved
18 coastal management. I think improved in the sense of
19 working more towards an ecosystem-based management
20 approach. I don't think that we should shy away from
21 the word "improved," because I do think we want to
22 improve them, even if we are starting at a fairly

1 rudimentary level in some cases.

2 On the definition of redefining coastal

3 management programs, it says "restatement of national

4 goals," but I hope we are talking about more than just a

5 restatement of existing goals. I presume we are talking

6 about articulating some new goals that will move us

7 substantially beyond where we are now in terms of

8 coastal management, and that those are both process as

9 well as objective-based goals.

10 Finally, I think we need to think about in

11 coastal management what the sort of default strategy is

12 for many of the management programs -- Clean Water,

13 Clean Air, and so on -- there is some kind of default

14 strategy that is used as an incentive or disincentive to

15 move people forward. There isn't in coastal zone
16 management. In my view, that is a serious lack, and I
17 think we need to carefully consider what a default or
18 background strategy is that would sort of elevate coast-
19 wide the coastal and zone management effort.

20 Thanks.

21 DR. EHRMANN: Thank you.

22 Dr. Sandifer?

1 DR. SANDIFER: Thanks, Marc. Excellent
2 effort. Some of the same issues that Andy just raised
3 with you. You mentioned in your first slide here under
4 the third element "holistic planning process" that you
5 intended that to include a more ecosystem-based process.
6 I believe I heard that.

7 I would like to see as your working group
8 develops this what kind of ecosystem framework,
9 ecosystem-based framework, you would use here and how
10 you might see the regional versus the state realities
11 play out in this.

12 The Coastal Zone Management Program with
13 standards or consistency set at the federal level has
14 been completely driven at the state level, and at some

15 point we do have to look at some regional issues. How

16 do we get the play going? That is what I am concerned

17 about.

18 Another one I am concerned about, and hope

19 that you will take up in your deliberations, is a more

20 formalized, I don't mean bureaucratic, but a mechanism

21 that provides for regular interchange of information

22 between the living marine resource management people --

1 that is the fish managers, those dealing with protected
2 and endangered species, marine mammals, and so on -- and
3 the coastal zone management entities dealing with
4 permitting issues.

5 Right now, it seems to be a somewhat ad hoc
6 basis and then rarely around the same table unless there
7 is a crisis. Is there a way that we can make some
8 recommendations to improve that communications
9 information flow and not always have it an adversarial
10 kind of thing in a permitting process?

11 Going to your other slide, I was very much
12 encouraged about the Regional Management/Science
13 Centers, but I really would be quite interested in what
14 do you mean by that a little bit more, and whether this

15 is a linkage of a federal system or a federal academic

16 system, a federal academic state? What does that mean?

17 Then, you mentioned under the three functions

18 for the Regional Management/Science Centers were

19 information service, linkage to regional marine research

20 consortia or centers, and helping to define research

21 priorities.

22 One of the concerns that I have heard over and

1 over again, and we have yet to address, is the formal
2 mechanism to provide science underpinning for coastal
3 zone management. We just laboriously beat up on the
4 fish side a little bit about its process, but there is a
5 process.

6 There is a series of laboratories, and so on,
7 dedicated to federal fishery management science. There
8 doesn't seem to be something like that in the coastal
9 zone management arena. I wonder if you are thinking
10 about how we would get there?

11 I don't necessarily mean it would be a federal
12 presence, but how does one get that science base that
13 then becomes available to the coastal zone decision-
14 makers and others in an ecosystem-based programs.

15 DR. HERSHMAN: Right. Well, on that later
16 point, I think there is lots of opportunity to get
17 together with both Stewardship and REMO on that whole
18 question of how science information, scientifically
19 derived information, is fed into local coastal
20 management and how priority needs are then fed back to
21 those regional organizations. That is a very good
22 point. Thank you for your other comments, too.

1 DR. SANDIFER: Thanks.

2 DR. EHRMANN: Very good.

3 Mr. Ruckelshaus?

4 MR. RUCKELSHAUS: I just want to underscore
5 one thing that Marc Hershman has said, and that is, that
6 this is a big idea that is coming out of our working
7 group. What we are displaying now is sort of where we
8 are. We know there are some unanswered questions that
9 we have to come to grips with among which are,
10 certainly, how you are going to govern this whole
11 process.

12 There are two big issues. One is the
13 transition period between the existing coastal zone
14 planning process and this new second generation that

15 Marc is mentioning, and then the transition mechanism
16 that has to be recommended probably at a regional and
17 state and national level to work during this period of
18 time toward a more comprehensive planning process, as
19 Marc has described in his recommendations.

20 We are working on both the transition period
21 as well as the transition mechanism that in order to be
22 effective would probably have to include not just

1 federal officials, but state, local and tribal officials
2 as well, if we are going to get sufficient support for
3 this process so that it would have a chance of
4 succeeding.

5 We are aware that this need is there, and we
6 are not yet ready to bring in front of the whole
7 Commission just exactly what our recommendations are. I
8 think you should all be reassured that we are not trying
9 to jump into something here without realizing we need to
10 involve a lot of people in the development of this
11 planning process before it actually is completely
12 implemented.

13 That is the only point I wanted to make. I
14 made it, then you made it and then I made it, because I

15 think it is important that we understand what this is

16 doing.

17 DR. EHRMANN: A good clarification.

18 Admiral Gaffney?

19 (A slide presentation in progress.)

20 ADMIRAL GAFFNEY: Marc, on this slide that is

21 showing now -- it is a mechanical question -- state,

22 local, tribal and territorial as well?

1 DR. HERSHMAN: Oh, of course.

2 ADMIRAL GAFFNEY: On the next one, if you

3 could flip it one there, the second bullet on the

4 Management and Science Centers, this is shorthand. I

5 think it would be useful for us to know at some point in

6 time how much money you are talking about; where is the

7 money coming from; and who would own the program, not

8 the center, not who would operate the center.

9 When it comes to selecting the center and

10 operating the center, I would hope and I would propose

11 that we debate this, that this not be something that is

12 locked in as a federal piece of infrastructure that

13 would stay around forever, but would be some kind of a

14 competitive, regional process used to select and

15 establish the centers, perhaps coalitions, largely based
16 in universities or other institutions like universities
17 rather than creating permanent federal infrastructure,
18 so we have agility over time.

19 DR. HERSHMAN: Well, thank you for that. Just
20 a quick comment on that. I think coming out of one of
21 the other groups is the idea of a regional marine
22 research network which may involve universities and

1 other labs that would be the vehicle for research that
2 is being done for this, so it is not envisioned as sort
3 of a big, federal facility laboratory.

4 DR. EHRMANN: Mr. Koch?

5 MR. KOCH: I think we all recognize there is a
6 need to coordinate federal policy, as Admiral Collins
7 talked about this morning. It gets more difficult to
8 coordinate federal budgeting. That I think is a little
9 harder, but I think we all get to that. When we start
10 talking about coordinating management, it gets even
11 harder.

12 I think we get to a point where there is a
13 premium on being clear so that the recipients of the
14 report, the executive branch and the Congress, know

15 exactly what we are talking about. As Bill said, this

16 is a big idea.

17 I mean, we just went through with Stewardship

18 their explanations on what was proposed on fisheries. I

19 think we can all look at the slides and we can know what

20 it is we were talking about. In this one, I don't feel

21 the same level of comfort that we really know what it is

22 we are talking about.

1 We are not that far along in developing it.
2 Therefore, I think it is a little different. When we
3 are finished with this, the staff is going to go back
4 and look at the comments we received and say, "Okay, now
5 we know what the proposal is." I think we are going to
6 have to work with the staff a lot on this, because I
7 don't think we have figured out a lot. In my mind,
8 there are a bunch of questions that I don't know the
9 answers to.

10 You talk about coastal zone management
11 framework or second generation coastal zone. Is this to
12 replace or to supplement coastal zone management? I
13 don't know. Is it mandatory, or is it not mandatory? I
14 don't know the answer to that one.

15 It is described as being holistic. If it is
16 going to be holistic, I think we have got to be clear
17 what the substance scope of what is going to go into
18 this is going to be. We are talking about non-point
19 pollution, we are talking about land use maybe, we are
20 talking about water use maybe. We are talking about a
21 lot of stuff that is huge in its potential, in its
22 ramifications. I think we need to be clear what we are

1 trying to do with it.

2 It is not clear to me what the geographic

3 scope of this is. I mean, I think in our group when

4 were talking about this the concept is three miles

5 inland, but I think there are still some people who say

6 it is bigger than that, it is outside 3.2. I don't know

7 what the definition of that scope is.

8 On the inland piece under CZMA, we let that be

9 decided by the states. If we are going to extend this

10 to a watershed, then that opens up a whole new set of

11 questions, particularly when you get to the substantive

12 scope responsibilities that are going to be put in this.

13 If this is really going to be an implementation device

14 for cleanup non-point, we had better be pretty clear

15 about what it is we are doing and what its authorities
16 are going to be, where its power comes from. Or, is it
17 just a coordinating entity that by itself doesn't have
18 power, but tries to help people put together plans that
19 could implement existing statutes that do exist? Its
20 composition also would be affected by how you answer
21 some of those previous questions.

22 At the present time, I agree with Bill, it is

1 a big idea but it is in my mind still so amorphous I
2 don't know how I feel about it or how we could give the
3 staff real good guidance, because the nature of these
4 questions are fairly fundamental.

5 DR. EHRMANN: Well, I think one thing the
6 questions you just laid out, and some of the others
7 coming from some of the other commissioners, I think do
8 give the staff a road map for areas where they need to
9 develop some more options and some more possibilities,
10 and then you all in the working group can consider those
11 in that context.

12 I think your list was -- I mean, there are big
13 questions related to this big idea, but they are ones
14 that, hopefully, will help the working group to have the

15 staff put forth some possibilities about how they might
16 be responded to, without obviously having the answers
17 yet.

18 Of course, as Admiral Watkins said earlier,
19 you know, this is the time in the process where,
20 particularly the governance aspects of the report need
21 to reflect the input from the other working groups, and
22 so that is another reason why this isn't as fully

1 developed as some of the more focused recommendations.
2 You have had to wait for that understanding to make sure
3 you are building a system that is going to support the
4 direction that the Commission wants to take on these
5 other issues.

6 I think by the next time we have a public
7 discussion of this people will see a lot more flesh on
8 the bones in response to your questions, and then you,
9 the Commission, obviously will have to decide how you
10 want to proceed.

11 DR. HERSHMAN: We will need some iterative
12 process between now and the next public meeting.

13 DR. EHRMANN: Sure. Well, at the working
14 group level.

15 DR. HERSHMAN: This is some huge stuff in this

16 one.

17 DR. EHRMANN: Right. I mean, at the working

18 group level you can continue to refine based on that

19 input, for sure.

20 Ms. Borrone?

21 MRS. BORRONE: I am going to underline some of

22 the words Chris just used, because I think they are the

1 same issues that I have in my own mind as areas of
2 focus.

3 John, you just used the word that I think is
4 the overall comment, and it is "system." We are looking
5 at the second generation of coastal zone management
6 process to help us better describe, explain, support,
7 and manage the system of activities that we are
8 concerned with. As Chris has just pointed out, we
9 haven't defined exactly yet what we see the geographic
10 or political size of that system being.

11 We are clearly looking at the coast as
12 included land mass and water, and we are looking at it
13 and saying that we believe that there is a need to
14 integrate goals that occur. We use the terms this

15 morning "atmospheric climate, land and water
16 relationships." What we want to do is to try to figure
17 out what we understand or see as the needed goal areas,
18 and then develop those relationships in each place-based
19 arena that we have got to do this in.

20 The management processes are going to be both
21 a blending, I think, of the old and some new ones that
22 are going to reflect these new ideas. I am just

1 underlining everything I think that I have heard Chris
2 and Marc say, but it is taking us to the next level of
3 thinking about how to describe interactions and
4 relationships.

5 DR. EHRMANN: Good. Thank you.

6 I know Dr. Muller-Karger he had to step out.

7 Paul, do you have a comment on his behalf?

8 DR. SANDIFER: I will make a comment on his

9 behalf because the questions have already been raised.

10 Frank was interested in getting a clearer definition for

11 both geographic and political extent of what you mean

12 now by coastal zone management and coastal zone.

13 Secondly, he wanted to clarify that he

14 believes the intent of this Commission is to ensure

15 better integration of programs on a systems kind of
16 basis as opposed to a stovepipe. We have it in here in
17 the holistic planning process, but that needs to carry
18 forward. That is all.

19 DR. EHRMANN: Great. Thank you.

20 Well, yes, sir?

21 MR. KELLY: I was just going to say I had my
22 card up, too, but Chris asked more of the questions I

1 was going to raise.

2 DR. EHRMANN: Okay. Excellent, good.

3 Yes, sir?

4 CHAIRMAN WATKINS: One of the things I think

5 certainly the chairs of the working groups have to start

6 thinking about, and I mentioned earlier today, but each

7 time we have these rather significant and bold ideas

8 about the long range, the best way to do these kinds of

9 things -- coastal zone management in the second

10 generation, for example -- we have got to start thinking

11 in terms fairly soon about a transitional mechanism.

12 I think Bill brought it up, but I want to get

13 specific. We are going to have to face the music here

14 on a number of these things that we are going to be

15 recommending that are very important, and the timing and
16 the sequencing and how we actually carry those things
17 out becomes critically important to acceptability when
18 our report comes out, if we shock too many people that
19 somehow there is going to be a sudden change without the
20 adequate time.

21 I think we have to be very sensitive to the
22 timing sequencing of all of these things particularly

1 when we adopt a principle of ecosystem-based management,
2 for example. That is a huge issue from a management
3 point of view in view of the inadequacy of the
4 mechanisms we need to manage in that way. That is okay
5 as long as we recognize that and have some kind of
6 sequential acceptability to the process to lead towards
7 an ecosystem-based management and towards this new
8 generation of coastal zone management.

9 I just bring that up now not to do anything
10 about it at this point, but we certainly have to be
11 thinking in those terms as we go down the pike because
12 the staff is going to have to eventually come up with
13 that sort of thing in our recommendations. It will
14 probably be the key to acceptability.

15 DR. EHRMANN: Very good.

16 Let's move, then, to the next recommendation

17 coming in this area, habitat protection and restoration.

18 DR. HERSHMAN: Yes. We received a great deal

19 of comment in the public testimony. I think from the

20 knowledge of the members of our working group that there

21 are many, many initiatives to identify and then protect,

22 and, when necessary and proper, to restore habitats that

1 are important for living resources and for environmental
2 health in general.

3 We are recommending that this theme of habitat
4 protection and restoration be elevated in importance for
5 coastal areas. We have been looking at, and have yet to
6 come to some specific recommendation on, exactly the
7 vehicle for this, but it also reflects the need to bring
8 together the initiatives of so many different
9 organizations. This is one that is just filled with
10 different agencies doing varieties of different things.

11 Some coordination prioritization and additional
12 resources are necessary.

13 Then, a more specific suggestion is the
14 greater use of land conservancies in the coastal

15 management framework. This has been done successfully
16 in a number of states already. It seems to be a device
17 that has a lot of merit to it and can be the vehicle for
18 ensuring the protection and restoration within the
19 context of development activities that may be taking
20 place surrounding them. That is our recommendation on
21 that particular topic.

22 Thank you.

1 DR. EHRMANN: Admiral Gaffney, a comment?

2 ADMIRAL GAFFNEY: Marc, I think while we heard

3 a lot about habitat, we also heard some criticism about

4 the definition of habitats from several witnesses over

5 the year. I am wondering if it might be useful for all

6 of us if there is a definition of what habitat is in

7 here, so we all know what we are talking about at some

8 point in time.

9 (Laughter.)

10 DR. HERSHMAN: Okay. Sounds like a pretty

11 general term to me.

12 DR. EHRMANN: Dr. Sandifer?

13 DR. SANDIFER: Thanks.

14 Marc, I think this is a wonderful

15 recommendation being from an organization that spends a
16 lot of effort trying to protect critical habitat. The
17 term "critical" might be useful here to make sure we
18 don't give the wrong impression that you are after
19 special protection for every piece of habitat under
20 every circumstance. That is the problem with the
21 definition of essential fish habitat today, so one might
22 want to look at that.

1 I think strongly enough about this that, with
2 the right wordsmithing by staff and then for us to look
3 at, this could very well become elevated to the level of
4 a guiding principle as opposed to just one
5 recommendation out of many that the Commission will do.
6 I just bring that up for consideration at a later time
7 by the Commission, but certainly protection and
8 restoration of critical habitats is something I believe
9 we all have some concern over.

10 One thing I would ask, encourage your working
11 group to look and the Commission to look at is be a
12 little broader in the view of use of land conservancies.
13 Land conservancies are a marvelous tool, but they are
14 only one of the potential tools that one could use to

15 get involved in coastal management and habitat

16 protection.

17 Some are strictly private sector deals

18 altogether, private landowner kinds of issues, that

19 don't even involve a second or third party, some do.

20 Some involve government entities, all kinds of things.

21 I would simply say that we ought to use the broad suite

22 of tools including land conservancies in this process

1 and not limit ourselves, or appear to limit ourselves,
2 in any way.

3 DR. HERSHMAN: I think that it was intended --
4 we wanted to note it so that it wasn't forgotten as a
5 device, not that it was the only.

6 DR. SANDIFER: I think it is great, but make
7 it as broad as possible.

8 DR. EHRMANN: Mr. Koch?

9 MR. KOCH: To follow up on Marc's comment,
10 Paul, at least some of us in governance also want it
11 used as a placeholder, because some of us are very
12 supportive of a particular piece of legislation that has
13 got twenty-some-odd co-sponsors on it as something that,
14 perhaps, we could present to the whole Commission

15 approve or the Federal Government would participate with
16 state, local and private sources in that regard. So, I
17 would hope that would come out of it.

18 DR. HERSHMAN: Chris, I am aware of that, and
19 it may actually have some language we can use,
20 obviously.

21 MR. KOCH: Great. The other point I would
22 like to make on this one is that I would hope that we

1 could develop enough clarity on this that if we cannot
2 come and wrestle to ground the big idea of coastal zone
3 in big idea context, that we will have the ability to
4 have a specific set of proposals for dealing with
5 coastal marine and coastal protection in a more coherent
6 manner than it is done today.

7 We have certainly heard many agencies have
8 different programs on it that aren't coordinated. We
9 have within the same agencies we have programs where
10 there isn't coordination. These are areas that are
11 difficult to restore, and if we can come up with a
12 coherent protection regime that is tied to restoration,
13 maybe with Army Corps involvement in this because it
14 ties into sediment management we have talked about, it

15 could be really a very major contribution to do
16 something very dramatically important to protect the
17 coastal marine environment.

18 I guess what I am saying is I am hoping we
19 don't think that all of these kinds of problems have to
20 be solved in the other big one, and that we maybe can
21 work on two tracks, so that if the big one doesn't pan
22 out, we haven't lost time by thinking through how we

1 might come up with a solution on this one.

2 DR. EHRMANN: Okay. Mr. Ruckelshaus?

3 MR. RUCKELSHAUS: I think this is obviously an

4 important thing for this Commission to make some

5 recommendations on. However we do it, part of our

6 recommendations should have to do with the science of

7 habitat restoration. There is a good deal of skepticism

8 among the scientific community as to how effective

9 habitat restoration, not protection as much as

10 restoration, really is.

11 We need urgently, urgently need I think, a

12 scientific agenda for how to look at habitat restoration

13 efforts that have gone on to date. There are hundreds

14 of millions of dollars being spent, really billions of

15 dollars to restore habitat.

16 Our information about how effective that

17 habitat restoration is, is surprisingly small. It

18 involves a lot more monitoring and evaluation, it

19 involves validation monitoring to determine whether

20 habitat can actually restore fish, and then adaptive

21 management techniques in the event that we find that it

22 doesn't do what we all had hoped. So, that needs to be

1 a part of our recommendation.

2 DR. EHRMANN: Very good. Well, it is clear I
3 think that people are supportive of this topic, and some
4 good recommendations in terms of how the work group can
5 continue to flesh that out. Any final thoughts on this
6 one?

7 Admiral?

8 CHAIRMAN WATKINS: I want to go back to the
9 beautiful words of my colleague, Lillian Borrone, on
10 what she called "prudent foresight." If I go back to
11 the principles, I keep hearing potential principles
12 falling under that concept of prudent foresight, and the
13 reason I am saying this is because if we assume that
14 principle has a number of applied management regimes, a

15 definition of habitat and how we are going to apply

16 that, a definition of MPAs and how we are going to

17 handle that, those are all prudent foresight issues in

18 my opinion.

19 When we explain that particular principle, it

20 is important that we say, for example, we have provided

21 a number of mechanisms here that permit us then to go to

22 a management regime that will carry out those

1 principles. I am trying to find a common ground under
2 which so many of these things seem to be falling now.

3 I just want to have the staff consider that as
4 we draft up these things, because that front-end
5 principle thing has to be a continuous sort of a measure
6 and a metric against which we measure ourselves as we go
7 through this, and should be certainly consistently
8 applied across.

9 I am just trying to find as many things as
10 possible that fit that concept looking ahead rather than
11 be reactive as we have been in the past. Our mechanism
12 is so slow today we always are overreacting instead of
13 looking ahead with prudent foresight. I only bring that
14 up. It doesn't mean change of anything. It is, again,

15 we are filling the bin of prudent foresight issues.

16 DR. EHRMANN: Very good.

17 Let's move then, Marc, to the natural hazards

18 recommendation.

19 DR. HERSHMAN: The working group has spent a

20 little bit of time talking about the natural hazards

21 area. We feel as though this area needs, again,

22 heightened attention. So, with respect to undeveloped

1 flood and erosion hazard areas, our recommendation at
2 this point, which could be developed, is that we need to
3 have more information about these areas and encourage
4 greater planning with respect to ways in which hazards
5 in these undeveloped areas can be either mitigated or
6 that we can prevent the risks altogether.

7 Then, the second relates to federal policies
8 regarding subsidy for development that can occur in
9 high-hazard areas. We are recommending that the
10 National Flood Insurance Program and the Army Corps
11 Civil Works programs and other federal programs be
12 changed in a way to reduce federal incentives for
13 development in high-hazard areas. We recognize that
14 some steps have been taken in this direction already,

15 but we feel like this needs further emphasis. These are
16 two areas that we are working on, but these are the
17 general directions in which we are heading.

18 DR. EHRMANN: Okay. Dr. Coleman?

19 DR. COLEMAN: Yes. Marc, this is probably
20 more just kind of a wordsmithing, but it is something I
21 really don't understand, and that is on your first one.
22 You say "protect undeveloped hazardous areas." Is that

1 implying that we don't want to protect developed
2 hazardous areas? Then, second, hazardous areas
3 include more than just flood and erosion hazardous areas
4 along the coast. Just some clarification, I think, in
5 the future would be helpful.

6 DR. HERSHMAN: Yes. We need more discussion
7 on that, but the intent here was we have a program now
8 on Barrier Islands in which those that are undeveloped
9 are protected in a way through reduction or prevention
10 of federal subsidies for those areas. We will try to
11 look at devices in other undeveloped areas, which can
12 make sure that any development that does take place is
13 of less risk to a hazard situation.

14 DR. EHRMANN: Okay.

15 Dr. Rosenberg?

16 DR. ROSENBERG: It seems to me that, I mean,

17 at least the first point is very general and the second

18 quite specific. Although perhaps it could be

19 strengthened, because presumably you are just reducing

20 the incentives, I guess we have to argue why we think

21 there should be incentives in the first place for

22 development in hazardous zones. It is not clear to me

1 why there should be. I realize there are, but having a
2 recommendation only to reduce incentives concerns me a
3 little bit as opposed to eliminating them.

4 The first very general recommendation, I am
5 trying to figure out what we do with these, and it seems
6 to me that for natural hazards and habitat protection
7 and sediment management, and so on, what we are doing is
8 stating that there should be a specific goal or
9 ultimately even a national standard within a coastal
10 management regime that addresses these particular areas
11 of natural hazards or sediment management or habitat
12 protection, and so on, such that there is some
13 integration across the areas.

14 Similarly, there needs to be a goal in a

15 description of things like Regional Science and
16 Management Centers for coastal zone management that says
17 that one of their tasks is to begin to provide better
18 scientific information for the planning and protection,
19 planning for hazard, areas in hazard and protection for
20 undeveloped areas, and so on.

21 I hope that we are integrating these back into
22 the concept of having a set of national goals and

1 regional strategies and state, local, tribal and
2 territorial implementation such that there is more than
3 to just saying, you know, "Go away and do good things,"
4 that we are putting them into a specific framework.

5 Again, to the second point here about the
6 incentive programs, I am presuming that there needs to
7 be significant progress towards eliminating those
8 incentives for development in high-hazard areas, not
9 just reduce them.

10 DR. EHRMANN: Marc?

11 DR. HERSHMAN: If I could just comment on the
12 second point, I think what was intended was to continue
13 the reduction of, as opposed to just reduce in some
14 modest way, toward elimination. That will require more

15 discussion, but if I recall the discussion, we were

16 thinking along those lines, not to just reduce it a

17 little bit.

18 With respect to your first point about how to

19 link this better planning process, if the second

20 generation coastal management or something along those

21 lines were to meet with our favor, the development of

22 hazard standards of some sort would be built into that.

1 DR. EHRMANN: Admiral Gaffney? Oh, I'm sorry.

2 Chris, do you have a follow up on that?

3 (No verbal response.)

4 DR. EHRMANN: Okay. Admiral Gaffney?

5 ADMIRAL GAFFNEY: Just for some specifics on

6 the first bullet, if Laura maybe would contact

7 Jim O'Brien at Florida State University, they have

8 actually been funded to do work in this area for a

9 couple of years, and I think they have articulated in

10 their proposal something that may be meat on the bones

11 for you.

12 MR. KOCH: Just as an organizational issue, I

13 am just wondering whether or not this topic warrants

14 being set aside as a standalone topic, like coastal zone

15 and these others we have gone through, or whether this
16 shouldn't really be just folded into the coastal zone
17 proposals that we developed? I think both points are --
18 as Andy pointed out, even in the second one we are
19 talking about subsidies, and it is all tied into better
20 coastal zone management.

21 I am not sure in my own mind whether or not
22 this warrants a continuation and further documentation

1 as a stand alone topic apart from coastal zone. My
2 recommendation would be that maybe this might make sense
3 to fold into coastal zone as we go along.

4 CHAIRMAN WATKINS: Any objection to that from
5 anyone?

6 (No verbal response.)

7 CHAIRMAN WATKINS: I think it makes a lot of
8 sense.

9 DR. EHRMANN: That makes sense.

10 Yes?

11 CHAIRMAN WATKINS: When I look at the first
12 one, gather more information, encourage more planning, I
13 am immediately taken to earlier statements made for a
14 totally different set of reasons that say we need to

15 gather more information, we need to encourage more
16 planning, we need to get better science, and we need to
17 do a lot of other things.

18 I guess what I am saying is you are also going
19 to be and we have already discussed the Integrated Ocean
20 Observing System, that is Integrated Ocean and Coastal
21 Ocean Observing System. We are probably going to
22 endorse that concept.

1 In the coastal area, we know we have the most
2 complicated set of needs. We have instrumentation
3 needs, we have monitoring needs, we have assessment
4 needs, we have access to information needs, we have
5 observation from satellite, and we need ground-proof
6 correlation. We need all of those kinds of things that
7 will not only help us in all of the other areas we have
8 talked about, but in natural hazards themselves.

9 You know, that is the whole point. We have
10 tsunami prediction models now that if we can cut the
11 times down on some of those things, we can minimize loss
12 of life, all that sort of thing, better planning, better
13 prediction models.

14 I guess what I am saying is when we have these

15 kinds of things that fit into another concept, which is
16 really a program, a national and international program,
17 we had better be thinking also of those things because I
18 think it give credence to our justification for
19 supporting an Integrated Ocean and Coastal Ocean
20 Observing System. That is all I am saying.
21 So many of these things fall into that.
22 Again, we are beginning to bundle a bunch of issues that

1 sit over here (indicating) and say, "We are going to
2 gather more information and encourage." On the other
3 hand, over here we are saying, "Let's go gather more
4 information and encourage more planning and protect our
5 people better through the observation system."

6 I am just saying that the correlation there is
7 so direct that implementation of this I don't know that
8 it is all embodied in a Coastal Ocean Observing System,
9 but we can make it so that it is. It is integrated with
10 a global issue, which is obviously much more climate and
11 weather-related.

12 DR. EHRMANN: Very good. Any other comments
13 on this?

14 (No verbal response.)

15 DR. EHRMANN: Good. Let's take the last
16 recommendation then from this section, sediment
17 management.

18 DR. HERSHMAN: Yes. In our background paper,
19 the case was made that a number of issues that we are
20 all very familiar with such as contaminated sediments,
21 erosion and accretion issues to waive action in the
22 coastal zone, sediment deposits from rivers, and the

1 whole dredge and fill, and dredge material disposal
2 issues are all out there and they are issues that we are
3 dealing with.

4 Lately, there has been a redefinition or a
5 restatement of all of these under a broader term called
6 "sediment management." As we move toward something like
7 ecosystem-based management or biogeographical zones, the
8 notion occurred to us that thinking in terms of sediment
9 and sediment processes and then how management can flow
10 from understanding those processes would be an integral
11 part of ecosystem-based management.

12 This lead to the notion that we should
13 encourage an initiative that started with the Army Corps
14 to enhance sediment management programs in which they

15 look at whole river basins or watersheds from that
16 perspective, and, in effect, adopt that kind of language
17 and encourage others to adopt it so that it would become
18 more systems-oriented in terms of sediment.

19 This could lead us to better management
20 practices, for example, where beneficial use of dredged
21 material might best be put. If you understand the
22 sedimentary process, you might be able to make better

1 use of that information.

2 Then, to encourage regional and state entities
3 to take sediment management principles into account as
4 they develop management plans for their region. That
5 was our recommendation, and we would welcome any
6 comments.

7 DR. EHRMANN: Ms. Borrone, a comment?

8 MRS. BORRONE: Using the terminology that we
9 have used in this slide, leaves one thinking about what
10 does this really mean. I think what Marc has just said
11 helps to clarify it, but we need to do a little more
12 elaboration work. I really believe what we are saying
13 is that we must think comprehensively, as he said, about
14 both the availability of sediments -- the flow processes

15 that are generating them, the condition of the sediment

16 -- and then how best to manage the use of the sediment,

17 both beneficially and otherwise.

18 As he has indicated, it has got to be part of

19 the larger process of coastal zone planning and

20 implementation strategy. All I am saying is we need to

21 do a little bit better job on the words on this as we

22 craft the next version for our consideration.

1 DR. EHRMANN: Yes. Let me just point out,
2 too, for the benefit of the public that in many cases we
3 have shorthanded the items that are up here for purposes
4 of presentation, but I think the points are still very
5 relevant in terms of what the staff needs to do to flesh
6 this out, particularly for the next time the Commission
7 addresses these issues. I think this group was
8 particularly concise with its slides, so that sometimes
9 has left some of the information --

10 DR. HERSHMAN: In order to provide more
11 opportunity for input and comments from the rest of the
12 Commission.

13 (Laughter.)

14 DR. EHRMANN: That's right. A clever

15 strategy. Next is Dr. Coleman and then

16 Dr. Rosenberg.

17 DR. COLEMAN: Yes. Marc, I would encourage

18 you to really pull these together, because you want to

19 enhance sediment management and you want to take it into

20 account. I would merge those two idea and not single

21 out just a U.S. Army Corps of Engineers, because there

22 are a lot of private, local dredgers like ports, and so

1 forth. I would kind of try to merge those two and
2 appeal to the larger community of agencies and
3 industries that manage and do sediment management.

4 DR. EHRMANN: Okay. Dr. Rosenberg?

5 DR. ROSENBERG: Thank you. Well, as I think
6 was alluded to politely by Lillian, this one makes the
7 recommendations on natural hazards look positively bold.

8 (Laughter.)

9 DR. ROSENBERG: I think that a couple of
10 things are needed here. First of all, it does need to
11 be part of coastal zone management. Again, I think we
12 need to be moving in the direction of very clear goals
13 and preferably national standards. I agree with Jim
14 that it needs to be broadened in the Army Corps of

15 Engineers.

16 One major issue in terms of sediment

17 management is the sort of permitting morass that is not

18 referred to here but is clearly an issue not simply

19 because it is a morass or is a bit muddy, I don't mean

20 to be ridiculous about it, but because it is not clear

21 that the goals for the different permitting reviews are

22 even --

1 CHAIRMAN WATKINS: The worst joke we hear we
2 will strike it from the record.

3 (Laughter.)

4 DR. ROSENBERG: Mr. Chairman, I bow to your
5 wise judgment there. But the goals for the permit
6 reviews are neither in any kind of coordination, nor do
7 they have a clear science base which they can rely on.
8 This is a quite large area of concern, and obviously
9 needs an awful lot of work to make a significant advance
10 on both the science side as well as on the policy side.

11 Well, I guess I will just leave it at that.

12 DR. EHRMANN: Thank you.

13 Dr. Sandifer?

14 DR. SANDIFER: Just a quick comment, really.

15 I think we need a clear statement here that we are going

16 to, in fact, have to deal with dredging in this country.

17 Dredging is a reality, therefore we need to develop

18 national standards and best management plans for

19 sediment management at all appropriate levels.

20 It would be nice if we could say we never had

21 to dredge again, but I think the reality is we will all

22 be faced with it. We may very well be on differing

1 sides of individual issues regarding dredging, but it
2 seems to me this is a given that we have to recognize.
3 Then, what do we do about it?

4 Marc, I would encourage, since this is
5 predominantly a coastal zone issue, that there be some
6 kind of clear statement recognizing that we have got to
7 do something here, and then laying out some plan or
8 course of action that would be of significance at a
9 national level including, as Andy just said, what is the
10 mechanism for getting appropriate scientific input into
11 that process.

12 DR. HERSHMAN: Well, if I could throw a
13 question back at the Commission, in general, we debated
14 within the Governance Working Group about whether to go

15 with regard to specific activities or uses in which
16 sediment is involved such as reclamation activity such
17 as dredge material disposal, or whether to try to
18 broaden and to think of it in terms of a broad system in
19 which all of these uses interact. If we are going to do
20 some sort of regional and ecosystem-based management,
21 that this be a theme that will be considered for all of
22 these potential uses.

1 In the former case, it is easier for people to
2 understand because we all know what we are talking about
3 when we say "dredging" and "dredge material disposal."
4 On the later case, it suggests some more of a science-
5 based approach to understanding how to manage these
6 issues.

7 Do we need to choose between the two? Do we
8 have to have them both? Is it possible to incorporate
9 them all under one rubric? So, if there are general
10 thoughts about that, that might be helpful for guidance
11 for the staff and for our working group.

12 DR. KOCH: I would like to follow up on Marc's
13 comment. I am uncomfortable just leaving this
14 discussion the way it is because if I am the staff

15 people, I wouldn't have a clue what we were supposed to

16 go do with this at this point.

17 It would seem to me we can't deal with

18 sediment management without dealing with dredging. I

19 think that that is a correct point. I think maybe what

20 we ought to try to do, without trying to create more

21 work, is see if we can come up with a coherent

22 recommendation for dredging and sediment management as

1 part of the coastal zone planning process, and try to
2 steer it in that direction.

3 By doing it that way, at least the staff can
4 identify who on the Commission they can come to for
5 help, because obviously people like Lillian are very
6 experienced in a lot of this. Maybe we can start
7 putting some specifics into this so we can have a
8 framework from which the next time around we can get
9 into some substantive debate. I would hate to leave it
10 just the way it is.

11 DR. EHRMANN: Yes. Some cards just went up,
12 but let's pursue this issue of this kind of feedback,
13 because obviously it is going to be important for the
14 staff.

15 Mr. Kelly?

16 MR. KELLY: Just a thought that occurred to me

17 as Marc was talking about integrating the different

18 sediment issues, over in the "other minerals" part of

19 our discussions, we have the question of sand and gravel

20 as an additional mineral resources.

21 The Minerals Management Service has been

22 increasing programs with the states for beach

1 renourishment. The East Coast is out of sources of sand
2 and gravel for aggregate, and these items hold some
3 potential for the construction industry.

4 I mean, I am throwing the question out on the
5 table. Should that not be part of this, or at least a
6 crossover issue to deal with as well?

7 DR. HERSHMAN: I think it was intended to be
8 a part of it.

9 MR. KELLY: Yes.

10 DR. EHRMANN: Okay. Dr. Muller-Karger?

11 DR. MULLER-KARGER: I think Paul asked the
12 question that I was heading to. There is another side
13 to sediment. As an oceanographer, "sediment" to me
14 means pretty much anything that is suspended and then is

15 going to fall down onto the bottom.

16 What comes down rivers, and we have seen

17 examples of this across the country and especially

18 egregious examples in Puerto Rico, for example, that you

19 have high erosion because of land use patterns that end

20 up causing tremendous problems along the coast. That is

21 a sediment issue. Is that within your spheres of what

22 you think is sediment management?

1 DR. HERSHMAN: Oh, absolutely.

2 DR. EHRMANN: Dr. Rosenberg, a last comment on

3 this?

4 DR. ROSENBERG: Back to Marc's question about

5 whether this is a separate category or part of coastal

6 zone management, I think the answer is yes, it is both.

7 Clearly, we need some very specific goals, and I would

8 say standards, related to dredging, dredged, spoiled,

9 disposal -- I'm not sure "disposal" is necessarily the

10 correct word -- or usage as well as the other sediment

11 issues that have just been raised.

12 We also need to relate it directly to the

13 issue that was referred to before, cumulative impacts on

14 coastal zone management and ecosystem-based management.

15 Of course, particularly dredging projects are one of the

16 easiest to visualize issues where cumulative impacts

17 have not been considered, but may be very significant.

18 Do you permit each project on its own, or do you

19 consider how it fits within a watershed in general?

20 So, I do think it needs to be a specific

21 component with some coastal zone management and

22 ecosystem-based management with some specific goals that

1 relate to dredging as well as the other sediment
2 portions, but has other goals for the ecosystem-based
3 management itself that applied to these activities as
4 well.

5 MRS. BORRONE: I think that last comment that
6 Andy made is very important. I believe we really need
7 to understand that if the sediment is flowing because of
8 various reasons, it is impacted for various reasons,
9 what we have to be sure we can understand is how it is
10 going to be used.

11 In other words, does sediment have to be
12 removed; and if it does, how is it going to be used?
13 Can it be used as construction aggregate? Can it be
14 used for land creation? Can it be used for habitat

15 restoration, what are the beneficial uses, or must it be

16 treated in some fashion; and if so, how?

17 I think it is very important for us to

18 understand also that dredging should not be viewed as a

19 negative activity in every case. In some cases,

20 dredging is a very beneficial activity from an

21 environmental perspective as well.

22 I think we do need to do a better job in

1 describing what it is we are really talking about and
2 then how we want to incorporate it as part of the system
3 that we are talking about, describing the goals and the
4 principles that we think are important, and then also
5 talking about the need for better science, better
6 technology perhaps, and also better integration in the
7 planning process. That way some of the things that we
8 do on the coastal activity plane are not seen as
9 negative, but are seen as opportunities for positives to
10 happen as well. That is what I think has been the
11 missing link, that we don't treat these actions that we
12 take as opportunities for positive benefit or change.

13 DR. EHRMANN: Mr. Kelly, do you have a
14 comment? Your card is still up.

15 MR. KELLY: Oh, it is up? I'm sorry I didn't

16 take it down.

17 DR. EHRMANN: I mean, it sounds Marc,

18 specifically to your question, that there is an interest

19 in a broader systemic kind of treatment you talk about,

20 as well as addressing the dredging issue in that

21 context.

22 DR. HERSHMAN: It appears that way. I was

1 just going to comment that there are a number of
2 suggestions have been made about how some of these can
3 be folded into the broader framework that we are trying
4 to propose here, so that it might make it easier then to
5 take out some of these specific issues like the dredging
6 material as part of that, even though we describe the
7 broader system approach as well.

8 DR. EHRMANN: Very good.

9 Mr. Chairman?

10 CHAIRMAN WATKINS: No. I just wanted to know
11 if the staff is as confused as Mr. Koch says he was?

12 (Laughter.)

13 CHAIRMAN WATKINS: Are you okay? Are you
14 okay with this discussion? At this point, do you need

15 to clarify anything?

16 MS. CANTRAL: Well, I am a little bit unclear

17 about how to execute. I understand essentially folding

18 these things -- the hazards, the sediment, et cetera, --

19 into coastal management. Just literally how to do that

20 -- I guess when see it all laid out on my desk, it will

21 become clearer, but right now it is not.

22 DR. HERSHMAN: Well, I think there are two

1 things that come right into my mind from this
2 discussion, and Chris I think brought it out really
3 clearly. There is the sort of organizational and
4 consolidation or integration issue, which is very much a
5 governmental one, very much a legal question because
6 there is all of these different laws and players out
7 there.

8 If we are going to try to enhance coastal
9 management to make it a more holistic and integrative
10 system, a lot more thought has to go into the questions
11 he raised such as boundary issues, how these agencies
12 link together, and what the process would be. I think
13 we can do more thinking about that.

14 With respect to the elements, though, that

15 would be in this new holistic kind of coastal
16 management, I think some of the specifics that we have
17 talked about such as the hazards, the sediment, and
18 maybe even the habitat issues as well could be seen as
19 part of that. Also, here are others that we haven't
20 even discussed yet. We have held them off, and we
21 haven't had discussion on that, federal consistency is a
22 big one right here, the ocean areas, and things like

1 that.

2 MR. KOCH: My suggestion to staff would be not

3 to worry too much about the ultimate structure of what

4 the coastal zone thing will be, but to give us an

5 outline of what would make sense to put together to deal

6 with a more coherent dredge and sediment management

7 process that could be folded into that. Who are the

8 decision makers that have to be involved? What kind of

9 general outlines of a process would make sense?

10 We have already heard the Army Corps' problem

11 is they don't get funding for generic sediment

12 management studies because it all gets funded on a port-

13 by-port basis, so they can't even study it holistically.

14

15 If we could just put together general confines
16 of what the impediments are to doing it well now, what
17 some suggestions might be to deal with it, then we can
18 figure out how to plug it into the Coastal Zone bigger
19 piece. Maybe by doing that, by plugging in these
20 pieces, we can come together and implement Marc's bigger
21 vision of a big idea by working from the bottom up.
22 That would be my suggestion.

1 DR. EHRMANN: I think to make progress you are
2 going to need that additional detail that you are
3 describing, to be able to then decide, so it is going to
4 have to be kind of a parallel path because you can't
5 work out the details of the overall structure until you
6 know more what these individual components are going to
7 be.

8 One last comment, Andy?

9 DR. ROSENBERG: I mean, one way to do this it
10 seems to me is obviously as Chris suggests, but then if
11 we were to assume some kind of an ecosystem-based
12 management body on a regional basis, then what are the
13 specific things you will be telling that body to do with
14 regard to sediment manager, natural hazards.

15 DR. HERSHMAN: Right, that is the parallel.

16 DR. ROSENBERG: That gets back to the

17 standards and goals as national objectives.

18 DR. HERSHMAN: Exactly.

19 DR. ROSENBERG: Some of those are the things

20 that Lillian just said about figuring out what the best

21 use or most viable use is for the sediments cumulative

22 impacts, you know, managing dredging activities such

1 that you are dredging where you need to and not dredging
2 where you don't need to. In other words, you try to at
3 least have some kind of overall planning for the use of
4 navigable waterways. It doesn't simply work on a
5 project-by-project basis. I think you can develop those
6 goals if you assume that there is going to be some
7 regional ecosystem-based management plan.

8 DR. EHRMANN: Mr. Chairman?

9 CHAIRMAN WATKINS: I would like to suggest,
10 Commissioners, that we continue on. We are facing a
11 4:00 time when we are getting very close to not having a
12 quorum by 4:30, and I am worried about that. I would
13 rather get through these options. If you have to leave
14 for any reason -- Frank was called out for business

15 purposes, that is okay, but look around and don't let us

16 ever get below nine. If it is okay with you, I would

17 like to continue now with the research and education

18 presentation by Jim Coleman.