

Public Comment and Adjourn

13 DR. KITSOS: For those of you who have signed
14 up at the desk, you will be given five minutes. The
15 microphone will be the one here in front. For those of
16 you who have not signed up but want to communicate with
17 the Commission, please check with staff out at the front
18 desk or use our E-mail address for public comments.
19 Everything that is sent in is read and included as part
20 of the record.

21 This is a listening session. Commissioners do
22 not ask questions, although we may follow up with

1 written questions. One of our ground rules that we have
2 had from the beginning is that anybody who has testified
3 before or provided public comment before will not be
4 given priority on this.

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

9 (No verbal response.)

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

12 (No verbal response.)

13 DR. KITSOS: All right. It is still too
14 early. David Helvarg has signed up. David, you have

15 testified before, so I guess we will go with Lee because

16 he signed up before you did.

17 Lee, please come forward. You have five

18 minutes. Lee, when I put up my name tent at four

19 minutes, that means you have got one minute to go.

20 PUBLIC COMMENTS:

21 MARINE FISH CONSERVATION NETWORK

22 MR. CROCKETT: All

1 right. Thanks, Tom, for
2 giving me an opportunity for a second bite at the apple.
3 Good afternoon, as Tom said, I am Lee Crockett.
4 I am the executive director of the Marine Fish
5 Conservation Network. I testified before the Commission
6 a year or so ago. Our group is a national coalition of
7 fishing and environmental groups. We are dedicated to
8 long-term conservation of ocean fish. We have about
9 150-member organizations representing nearly five
10 million people. Thanks for providing us the opportunity
11 to comment on the Stewardship Working Group's
12 recommendations.

13 In general, the Network is very pleased that
14 the working group make positive recommendations in many

15 of the areas that have concerned us for years. In our
16 view, adopting precautionary management principles and
17 using ecosystem-based management tools will go a long
18 way towards improving the management of our ocean
19 resources.

20 However, we question whether the current user-
21 dominated management system is able to carry out these
22 new conservation mandates, but we generally support the

1 working group's recommendations to make the councils
2 more representative and to separate quota setting from
3 allocation among user groups. We question whether this
4 goes far enough.

5 We encourage the Commission to explore more
6 substantive changes to the management system.
7 Specifically, the Commission should explore changes to
8 put conservation of marine ecosystems first and allow
9 exploitation of ocean resources to the extent that it is
10 consistent with the conservation of those ecosystems.

11 Now I would like to go specifically through,
12 and we have provided you with written comments I believe
13 that were mailed out, but I just want to highlight the
14 major issues. Under precautionary approach, we strongly

15 support the use of the precautionary approach in

16 managing ocean and coastal resources and applaud the

17 working group for recommending it to the full

18 Commission.

19 We suggest the Commission not recommend

20 limiting its use to instances where there are threats of

21 serious or irreversible damage, rather it should be used

22 to prevent this from happening. Finally, we recommend

1 the definition of "precautionary management" included in
2 our written comments, because it is less limiting.

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

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

14 We disagree, however, with the working group's

15 recommendation that the current fishery management
16 council boundaries be used to delineate ecosystems; this
17 should be a science-driven process.

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

- 1 adequate action to conserve, protect and restore
- 2 biodiversity is necessary.
- 3 As far as the review of scientific
- 4 information, our board generally supports separate quota
- 5 setting from allocation, because our experience with the
- 6 councils has show us that they often, or sometimes
- 7 manipulate the stock assessments and quotas. However,
- 8 we do not support giving this task to the science and
- 9 statistic committees of councils, because they are still
- 10 subordinate to the councils and are not truly
- 11 independent.
- 12 As far as the nomination and appointment of
- 13 council members, we think that the working group's
- 14 recommendations will do little to rectify the problems

15 of council composition. In our view, the secretary of
16 commerce should be legally required to appoint a
17 balanced membership of each council.

18 We also recommend that the Commission address
19 the conflicts of interests of many of the council
20 members by recommending that any member who has a
21 disclosed financial interest be prohibited from voting
22 on any matter before the council that would affect that

1 financial interest.

2 Now, as far as IFQs, the Network is deeply
3 concerned that privatizing public fish resources will
4 facilitate the corporatization of our ocean fisheries
5 with potentially devastating impacts on coastal
6 communities. We are equally concerned that poorly
7 regulated IFQs will do little to improve the
8 conservation of ocean fish.

9 Because of these concerns we believe that
10 Congress must place a moratorium on new IFQ programs,
11 unless and until legislation establishing national
12 standards for the design is signed into law. The
13 Network believes that such national standards at a
14 minimum must promote the conservation of ocean fish by

15 providing additional and substantial conservation

16 benefits to the fishery; limit the duration of IFQ

17 programs and quota shares to seven years; provide a fair

18 and equitable initial allocation of quota shares; ensure

19 that IFQ programs and shares are reviewed and renewed

20 only if they are meeting or exceeding the conservation

21 requirements of the Magnuson Act; and, finally, that it

22 should define and prohibit excess consolidation of quota

1 shares.

2 Finally, on reducing capacity, the Network
3 generally supports initiatives to reduce excess fishing
4 capacity as long as such programs ensure the capacity is
5 permanently reduced by limiting vessels and permits.

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

12 Secondly, I would echo what Dr. Rosenberg said
13 about the definition. It shouldn't be surprising with
14 over 900 managed species and four life stages and

15 species that go from Maine to Florida that they cover a

16 lot of area.

17 I think where the Commission should be looking

18 is what happens when EFH is designated. What flows from

19 that and not be suggesting changes to the definition and

20 that sort of thing, but what happens to protect the

21 habitat. One of the things that my group has

22 recommended is focusing on habitat areas of particular

1 concern, and using that as a focal point for the
2 conservation efforts.

3 Thank you.

4 DR. KITSOS: Thank you, Lee.

5 Mr. Robert Nicholson, are you here?

6 MR. NICHOLSON: Yes, I am.

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

9 SEA SOLAR POWER INTERNATIONAL

10 MR. NICHOLSON: Thank you.

11 Mr. Chairman and commissioners, my name is
12 Robert Nicholson. I am president of a company called
13 Sea Solar Power International. We are the oldest and
14 most advanced firm in the world in the commercial

15 development of ocean thermal energy conversion or

16 "OTEC."

17 What makes us different from all other

18 development of OTEC is the fact that we not only have

19 the technology, but we have full funding from private

20 investors and we are currently building a 10-megawatt

21 plant. The 10-megawatt plant will produce 3 million

22 gallons of freshwater per day as well as \$30 million to

1 \$40 million worth of fish and vegetables per year. In
2 addition to the 10-megawatt plant, we also have a
3 standard design for a 100-megawatt plant that produces
4 32 million gallons of freshwater per day, and at the
5 same time will produce at least \$100 million worth of
6 fish per year.

7 We believe that this is a very critical
8 commercial development. It addresses global warming,
9 and it addresses hunger on a global basis. We are all
10 concerned about wars over water. We can convert our
11 100-megawatt plant, for example, to produce just
12 freshwater. We can produce 130 million gallons per day.

13 We are in the Middle East. We are talking to
14 the Arab nations. They need 5 billion gallons of

15 freshwater per day. That is seven of our plants. They
16 are \$200 million each. This not only addresses a
17 tremendous opportunity for a solution to global warming
18 and all of the other things that I mentioned, but it is
19 a tremendous ship-building opportunity for this country.

20 We are working with the governor of Maryland.

21 We have identified the possibility of building six ships
22 per year at Sparrow's Point Shipyard. That would create

1 a whole new industry of 25,000 workers. It would also
2 address national security because this will have a
3 tremendous impact on the distorted production of oil.
4 Our country is relying too much on oil as is most of the
5 rest of the world.

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

11 We have full funding. What we are seeking is
12 government support not through dollars or financial
13 support, but support from a Commission such as yours,
14 where you are trying to identify new opportunities and

15 at the same time solutions to major problems. This

16 technology provides that opportunity.

17 What I would like to recommend is that in the

18 near future that we -- our organization, my company, and

19 your organization, your Commission -- somehow create a

20 dialogue so that we can help each other within the

21 federal government.

22 One of the critical junctions that we now face

1 is that the Japanese Government, the U.K. Government,
2 other governments are now recognizing this opportunity.

3 For example, the Japanese Government is providing
4 \$80 million to build a 3-megawatt plant in Palau. That
5 \$80 million is from the Government of Japan.

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

12 Thank you.

13 DR. KITSOS: Thank you very much,

14 Mr. Nicholson.

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

19 Thank you.

20 MR. RARDIN: Thank you.

21 DR. KITSOS: Please proceed.

22 NATIONAL ENVIRONMENTAL TRUST

1 MR. RARDIN: Admiral Watkins, members of the
2 Commission, my name is Erik Rardin and I am the outreach
3 coordinator for the Marine Conservation Program at the
4 National Environmental Trust. NET is a 501(c)(3)
5 environmental advocacy organization that was founded in
6 1995 and has been active on ocean issues since 2000.
7 Our headquarters are in Washington, D.C., and we have
8 organizers in 15 states across the country.

9 NET appreciates the opportunity to testify
10 before you today. In addition to endorsing the
11 recommendations of the Marine Fish Conservation Network,
12 NET's comments will focus on three key areas: guiding
13 principles, science and allocation, and the
14 precautionary approach. We will also briefly address

15 issues that are conspicuous by their absence.

16 We appreciate that what we perceive to be the

17 intent of the draft proposals. However, as with

18 everything, the "devil is in the details" and we offer

19 some specific word changes that we believe will help

20 these draft recommendations realize their original

21 intent.

22 We strongly support your guiding principles

1 with the following changes to the wording on
2 ecosystem-based management, best available science,
3 adaptive management, multiple use, the precautionary
4 approach, and biodiversity.

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

11 In addition to supporting the comments of the
12 Marine Fish Conservation Network in this regard, we
13 strongly believe that ecosystems should be defined by
14 science and not council jurisdiction. As we point out

15 below, we also believe that independent scientific
16 boards should be formed to make the scientific
17 recommendations to the councils on allowable biological
18 catches, including by-catch, annually for each fish
19 stock. Therefore, it is not critical that the current
20 council boundaries be maintained.

21 Participatory governance: While we agree with
22 the concept, it needs the following additions, after

1 "importance" strike "and" and insert the following,
2 "short-term and long-term consumptive and
3 non-consumptive" before "value," and leave the rest of
4 the sentence.

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

15 Multiple use: NET is not opposed to the
16 concept of multiple use. However, the proposed
17 definition is particularly problematic without it being
18 made clear that the management decisions on "multiple
19 use" need to be made in the context of the long-term
20 health of the marine ecosystem of which the activity is
21 a part.

22 At the end of the definition, after "competing

1 interests," add the following, "consistent with
2 maintaining the long-term health of the marine
3 ecosystem." Failure to include consideration of the
4 ecosystem will lead to continuation of the very problems
5 that the Commission was created to address.

6 Precautionary approach: We support the
7 changes suggested by Lee Crockett in his statement on
8 behalf of the Marine fish Conservation Network.

9 Biodiversity: We support the goals of this
10 section and believe that conservation of biodiversity
11 must be a cornerstone of any effort to strengthen our
12 ocean governance. As such we believe that conservation
13 of biodiversity must be an explicit "goal," not just a
14 "consideration," as stated in your draft.

15 Use and review of scientific information: We
16 completely agree with the goals of this measure -- to
17 separate allocation decisions from the determination of
18 allowable biological catch and stock assessments in
19 general.

20 However, the solution recommended in the draft
21 document is insufficient and will not work.
22 Specifically, the establishment of SSCs rather than

1 fully independent scientific assessment teams to perform
2 the task of setting ABC levels does not provide a
3 sufficient "firewall" between the councils and the
4 scientific assessment process.

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

10 The only way to ensure that scientific
11 decisions are made by scientists free from outside
12 influences is to establish scientific assessment teams
13 that are completely independent from the regional
14 fisheries management councils, "RFMCs."

15 In addition, members of the scientific
16 committees responsible for establishing ABCs must not
17 drive any economic benefit from the fisheries being
18 assessed or from any participant in those fisheries.
19 Finally, members of the scientific assessment teams
20 setting ABCs should be subject to all federal conflict
21 of interest laws, as should all members of the regional
22 fisheries management councils.

1 Nomination and appointment of regional
2 fisheries management council members: The composition
3 and conduct of the councils has consistently been one of
4 the most serious problems with current fisheries
5 management, and we support the Commission's interest in
6 issue. However, the working group's recommendation that
7 the governors be required to submit two candidates from
8 the commercial fishing industry, recreational fishing
9 sector and general public will ensure a more balanced
10 slate of candidates, but will do little to actually
11 ensure balanced representation on the councils.

12 The secretary of commerce should be legally
13 required to appoint a balanced membership for each
14 council. We also recommend that the Commission address

15 the conflicts of interest of many council members.

16 Given the fact that many council members have an

17 economic interest in the fisheries they regulate, there

18 is little wonder that they are reluctant to vote for

19 conservation measures that will cost them money.

20 We recommend the members of RFMCs be subject

21 to the same federal conflict of interest laws that every

22 other American is subject to. The Commission should

1 also clarify that members of the general public are
2 individuals that do not derive any economic benefit
3 either directly or indirectly from participation in
4 either commercial or recreational fishing.

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

9 Finally, dedicated access privilege: Renaming
10 individual fishing quotas, "IFQs," dedicated access
11 privileges does nothing to address the harmful economic,
12 social, and environmental impacts of these programs. We
13 strongly urge the Commission to recommend a renewal of
14 the moratorium on IFQs until Congress has established

15 mandatory national standards that ensure equity and
16 conservation benefits in all such programs. This was
17 Congress' charge when the moratorium was established,
18 and they have failed to fulfill this charge.

19 Thank you again for the opportunity to
20 testify, and we look forward to working with the
21 Commission as you complete your report and prepare to
22 release your recommendations.

1 DR. KITSOS: Thank you, Mr. Rardin.

2 David Helvarg, you are our last public

3 witness. You have five minutes. Please proceed.

4 MR. HELVARG: Okay. Thank you for a second

5 bite at the calamari; it is a sustainable one.

6 (Laughter.)

7 AUTHOR OF "BLUE FRONTIER: SAVING AMERICAS

8 LIVING SEAS" AND FOUNDER OF OCEAN AWARENESS
PROJECT

9 MR. HELVARG: Again, I am author of "Blue

10 Frontier: Saving Americas Living Seas." I have also

11 just established the Ocean Awareness Project, which

12 hopefully over the next three to five years will focus

13 on building a political base for ocean protection,

14 restoration and innovation for sustainable uses.

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

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

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

18 two ocean commissions, the Pew Commission and this

19 Commission.

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

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

22 enough conflict. He didn't think, you know, that they

1 were going to come out with diametrically opposed
2 conclusions; that if there wasn't a lot of animosity,
3 that there wasn't a story.

4 Well, I disagree, but I also think that my
5 marketing failure may be good news for the nation as a
6 whole. I think that going through a process of
7 recognizing tremendous problems you also are both moving
8 towards potential solutions.

9 I mean, there venue is more narrow. They are
10 looking at only the living seas, which means collapse of
11 marine wildlife, nutrient pollution, coastal sprawl and
12 climate impacts on our coasts and oceans. You are
13 looking at all of that of course, plus booming
14 transportation and trade, national security and ocean

15 science.

16 I am sort of hopeful in terms of what both

17 commissions will bring to the Congress and the

18 executive. Unfortunately, I am less hopeful about the

19 political timing. Right now, we are facing the

20 possibility of imminent war, terrorism, an unstable

21 economy.

22 Quite frankly, I think the political elite, in

1 terms of our politicians, who just don't get it yet.
2 They don't get the importance of our ocean frontier,
3 which is why I think the admiral is right. I think your
4 reports and conclusions are really the first part of
5 what is going to be a more important process of
6 mobilizing the American public and the millions of water
7 men and women who are out there, to create the
8 "political fire" under enough feet here in Washington --
9 "feet" plural "feets" (sic) -- to bring about the
10 changes, to create an organic American Oceans Act.

11 I think that while the political timing is not
12 good and while most politicians, you know, think of the
13 oceans, figure that fish don't vote and they don't
14 figure that people who fish vote and people who like to

15 eat fish and people who swim with the fishes, in the

16 best sense of the word, all are engaged. I think that

17 engagement is expanding, so I think that there is a

18 moment.

19 I think that what you are offering is the

20 beginning of what ultimately will be a bottom-up ocean

21 agenda for this country that is going to happen.

22 Saturday is the 200th anniversary of Thomas Jefferson

1 authorizing the Lewis & Clark expedition. We are going
2 to have three years of celebrations.

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

11 When you lay out fences, you are also taking
12 responsibility for a greater level of stewardship. You
13 have got an area of public oceans that is six times the
14 size of the Louisiana Purchase, and it is a new area for

15 exploration and understanding and conservation. I think

16 a lot of people are beginning to get this.

17 I think right now the public doesn't even know

18 it is a public ocean. However, I think that these

19 reports, first, the Pew Commission report and then

20 yours, begins to open a national dialogue. I think it

21 is a possibility not only for dialogue, but celebration,

22 for exploration and discovery.

1 Discovery starts with six-year-old kids wading
2 into their first tide pool and go up to the Bob Ballards
3 and the Sylvia Earls of the world who are down in the
4 deep oceans, the world's largest habitat. I mean, I
5 think that my sense that you have come a long way, and I
6 am not surprised. When very competent people are
7 confronted with very major problems, they are going to
8 find solutions. I think that identifying solutions,
9 like I say, is the first step.

10 Maybe March 10 maybe the first thing Congress
11 could do is declare an American Oceans Day. We have an
12 Earth Day, so why not have a day for the other 71
13 percent of God's blue planet? I think that the
14 opportunities are there.

15 I am looking forward to your recommendations.

16 I think maybe we will have disagreements between the two

17 commissions on 10 percent, on the "devil and details" as

18 somebody said, but the reality is that there are

19 millions of people, water men and women, who live there,

20 who receive something out of the ocean, and who are very

21 anxious.

22 As I have traveled the country over the last

1 few years, people are very anxious to engage in local
2 restoration efforts, protection efforts, who want to be
3 a part of something larger and who are looking for a
4 way, an agenda, that can find ways that we can conserve,
5 protect and restore our last frontier.

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

12 It is there, and it is ours. It is our public
13 opportunity. It is our future. It is what we came out
14 of kind of as a frontier, people. In the twenty-first

15 century it is a whole new approach to what it means to
16 be a frontier nation and to have something of value and
17 to restore it and to pass it on.

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

1 Thank you.

2 DR. KITSOS: Thank you very much, David.

3 Mr. Chairman, that ends the public comment

4 period.

5 CHAIRMAN WATKINS: To the commissioners, is

6 there any other order of business or items you would

7 like to bring up or any other further follow-on

8 comments?

9 (No verbal response.)

10 CHAIRMAN WATKINS: May I have a motion, then,

11 to adjourn?

12 M O T I O N

13 DR. ROSENBERG: So moved.

14 ADMIRAL GAFFNEY: Second.

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

20 Thank you.

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