

Chapter I - Our Oceans: A National Asset

- **Guiding Principles**

13 PRESENTATION BY GOVERNANCE WORKING GROUP

14 MR. RUCKELSHAUS:

15 Thank you, Mr. Chairman.

16 I would mention again that the screen behind

17 us that you are looking at is repeated in three screens

18 in front of us, so the fact that we are looking into

19 those screens doesn't mean we are ignoring what is on

20 the screen behind us.

21 The first slide up there on the screen spells

22 out what we mean by "Guiding Principles." We have

1 published really almost at the outset of the
2 Commission's work several months ago what we call the
3 Elements of a Desirable Future. That was more an effort
4 for us to describe where we are going. It is important
5 to think about in advance what would be an, if not
6 perfect, as perfectly as we can describe it now, a
7 desirable future, a very good ocean management system.

8 The problem of course is that we don't start
9 from scratch. We start with an existing management
10 regime, which has many of the problems that have been
11 pointed out in the statute that created us along with
12 many of the observers and commentators that have been
13 talking about the ocean management system our country
14 has for many years.

15 Our job is to suggest, recommend how we get
16 from where we are today to something much more
17 workable, much more desirable as far as it relates to
18 ocean policy. The principles are not the desirable
19 future there. The things that will guide us along that
20 journey to the more desirable future, and that is what
21 this first slide really points out. It talks about the
22 overarching principles to guide the development of a

1 national ocean policy.

2 The way at least I am going to do this is we

3 have ten principles which the Governance Working Group

4 has been through and will recommend at least at this

5 stage for consideration as principles to match this

6 first slide for the broader Commission to consider.

7 Like other things that we are going to talk about, they

8 are not final. They are subject to change. In fact,

9 they have been changed several times already, and,

10 undoubtedly, will be again.

11 What I would suggest we do is I will put each

12 one of these ten principles on the screen, go through

13 them very quickly, ask the commissioners to read them

14 because we only have a short period of time to consider

15 these then go back and ask John Ehrmann to take us

16 through a discussion or any observations that the

17 commissioners may have on an individual principle.

18 I would suggest you ask yourself the following

19 questions: Do we have all of the principles that we

20 should have to guide our journey toward the future? Do

21 we have the ones that we do have right? We don't want

22 to get involved in changing all the words here. It

1 would take us forever. But, just directionally are they
2 right, and if there is a need for clarification in the
3 way in which they are defined, point that out. We will
4 ask Laura Cantral, who is the associate director of our
5 staff, and her team to help us work through and help
6 present this as we go forward with the recommendations
7 that have come from the working group.

8 Should we delete some of these principles? We
9 have some that really aren't principles. We have had a
10 good deal of discussion as to what is a principle and
11 what isn't. If some of these are not principles, but
12 rather tools or something else, then we may want to
13 delete them; and, in fact, as I mentioned a minute ago,
14 we may want to add some.

15 With that, I will ask, Angela to
16 start running through this. This is
17 stewardship. I won't read it, but I will ask all of you
18 to read it, and then we will come back and discuss it.
19 I will try and make sure that we allow enough time for
20 each one to be read.

21 CHAIRMAN WATKINS: I would remind the
22 commissioners that this is an opportunity for us to

1 really give staff guidance, critical analysis of these
2 things at this point for guidance purposes. Any
3 disagreements we have, they are expected; that is part
4 of our process. This is a deliberative session, it is
5 pre-decisional. But we hope that we don't end up with
6 any confusion on the part of the staff, and that they
7 will be, as mentioned by Bill, a part of the process of
8 commenting here so that we have a clear direction for
9 those that have been discussed here today to commence
10 writing. With that, John, you pick up the
11 ball here --

12 MR. RUCKELSHAUS: She is going to run each one
13 of these through.

14 CHAIRMAN WATKINS: -- after we run through.

15 MR. RUCKELSHAUS: Well, this is
16 sustainability, the second one, and that is essentially
17 the Brundtland Commission definition of "sustainability."

18 Angela?

19 (A slide presentation was in progress.)

20 MR. RUCKELSHAUS: "Best Available Science" is
21 pretty much what it says, and "Participatory
22 Governance." Wait a minute, Angela, back up. We are

1 going too fast, all right.

2 "Transparency," and the next one is

3 "Timeliness," "Accountability," "Adaptive Management,"

4 "Multiple Use."

5 Angela, thank you.

6 That is the ten that we need now, John, to

7 have you help facilitate a discussion. There will be

8 three more after this that the Stewardship Working Group

9 has been working on and Paul Sandifer will take us

10 through those before John leads the discussion.

11 Why don't we go back now, Angela, to

12 stewardship.

13 (A slide presentation in progress.)

14 DR. EHRMANN: Let me suggest again, just

15 remind the commissioners of the request that

16 Mr. Ruckelshaus made in terms of input or is this the

17 right set, are pieces missing, and any specific feedback

18 on the individual. We will go through each one

19 individually first to give you a chance for another

20 reflection on what is there, and then take any comments

21 that you have about the complete set.

22 Obviously, if you have some of those thoughts

1 as we are going through each one, that is fine, too, but
2 I will give another opportunity at the end for kind of
3 any final thoughts about the complete set of principles
4 that Governance has developed. Then, as he said, we
5 will take the three that have come from the Stewardship
6 Committee in a separate discussion. We have about 30
7 minutes for the discussion of principles overall, so I
8 will try to track that time as we go through your
9 comments.

10 Admiral Gaffney, you have comments either on
11 this one or the group?

12 ADMIRAL GAFFNEY: I have a couple of comments.

13 Let me just start off with this one. It relates to
14 stewardship and participatory government, if I remember

15 correctly. Not to wordsmith it, but the notion that
16 stewardship and participatory government need to include
17 those people that do things on the land and do things to
18 the air that affect the coast and ocean is somehow not
19 captured here, and I think it needs to be captured
20 someplace.

21 At least in our working group, we are spending
22 an awful lot of time on that connection that has been

1 lost in the past. That is one. I can wait to the end.

2 The others are sort of missing ones. If you want them

3 now or--?

4 DR. SANDIFER: Let's go ahead, just for

5 efficiency.

6 ADMIRAL GAFFNEY: It seems to me at the

7 beginning I know that Administrator Ruckelshaus did

8 already commission a study on conflicting laws, and it

9 seems to me that if we are going to be reasonably good

10 stewards of the oceans, we need to have laws that the

11 average citizen can understand, that he can comply with

12 or she can comply with, and that can be enforced by a

13 reasonably unsophisticated, well-meaning civil servant.

14 I believe that a principle might be to look at

15 national laws that are not as they are today where they

16 are conflicting and confusing and self-canceling, but

17 ones that are clearer and simpler to exist, I guess.

18 That is one I think should be added.

19 Another one that I think might be added, and

20 we have discussed this a couple of times and heard about

21 it even from Admiral Collins this morning, is the

22 importance of our international responsibility and the

1 importance of international influence by the U.S.
2 Government in global ocean affairs. That is not one of
3 the topics yet here.
4 Just to shut me up, if you would go to number
5 seven quickly, Angela, "Best Available Science," the
6 word "science" is a word of art in many agencies of
7 government and understanding science means something
8 very specific in certain agencies of government.
9 Understanding the processes, the development of new
10 knowledge, is great. I support all of that.
11 I am wondering if there is another thought
12 that should be added here, and that is, the access to
13 adequate information, information that a reasonable,
14 scientific person would say is good quality information,

15 the access of that information to the decision maker.

16 So, it is not just understanding the processes,

17 but monitoring what is going on in the ocean all the

18 time and providing good technical data for decision

19 making. Of course, that leads right into the need for a

20 sustained ocean observing system, not just an increase

21 in basic research money by NSF, NOAA and the Navy. I am

22 finished.

1 DR. EHRMANN: Thank you.

2 Dr. Coleman?

3 DR. COLEMAN: Thank you, John.

4 I really want to enlarge on one of the

5 comments that Admiral Gaffney made. When you go

6 through these guiding principles, I read them as the

7 Commission and our recommendations that we will give are

8 mainly accountable to the public, but primarily to the

9 U.S. public.

10 So, somewhere in these guiding principles I

11 would like to at least see a reference that the U.S.

12 should be responsible as a part of the international

13 community. That follows onto what Admiral Gaffney said.

14 I think you could probably work somewhere into that

15 accountability.

16 DR. EHRMANN: Thank you.

17 Dr. Sandifer?

18 DR. SANDIFER: You happen to have the

19 principle issue up right now, and that is the "Best

20 Available Science." In Bob Ballard's absence I would

21 ask, not wordsmithing, but ask that we be very careful

22 to include information. There are a number of cases

1 where we are dealing with cultural resources where the
2 issue may not be science, it may be other kinds of
3 information that would drive a decision making process.

4 I just want to make sure we do not ignore that
5 and however it could be worded to be placed into this
6 kind of principle without having to add another one, we
7 are talking about good information as well as good
8 scientific information.

9 The wording of the principle itself, even
10 though the title says "Best Available Science," there is
11 nothing in the wording of the principle itself that says
12 that you really are trying to use the best available
13 information.

14 I think it might perhaps be redundant, but I

15 think the statement ought to say that you are using --

16 we as a nation will be using the best available

17 information for our decision making. That is my

18 principal comment at the moment. Thank you.

19 DR. EHRMANN: Okay. I think that echoes

20 something that Admiral Gaffney said as well, so that is

21 very helpful.

22 DR. SANDIFER: Just to ensure that we pick up

1 those cultural -- or issues where it may be
2 non-scientific information upon which you are basing a
3 decision. It could be historical information.

4 DR. EHRMANN: Right, good.

5 Doctor?

6 DR. MULLER-KARGER: Thank you. I think that
7 most of my comments were copied by Admiral Gaffney.

8 (Laughter.)

9 DR. MULLER-KARGER: I want to emphasize also
10 the same things that he brought up, which is to really
11 recognize the totality of the earth as a system and that
12 things are interconnected so that the land, ocean,
13 atmosphere connection could be part of maybe its own
14 guiding principle or the stewardship guiding principle.

15 Also, the language on stewardship should
16 highlight that the public, they are really citizen
17 stewards of the global oceans. The way it is worded
18 here it really tends to narrow it down to basically the
19 U.S. jurisdiction, but we really are affecting and are
20 affected by the global oceans. The human dimensions of
21 that give us the international dimensions to the
22 principles, and they need to be explicit, almost again a

1 principle in and of itself.

2 DR. EHRMANN: Thank you.

3 DR. MULLER-KARGER: Thank you.

4 DR. EHRMANN: Mr. Kelly, you have a comment?

5 MR. KELLY: While we have stewardship here,

6 not to try to be a house grammarian or a wordsmith,

7 but this one really jumps out, and I think it needs to

8 be addressed. The word "public" is treated as plural,

9 and I think that grammar might call for it to be

10 singular, just a request for staff to look at that.

11 And then going back to "Best Available

12 Science," I agree with Admiral Gaffney and Dr. Sandifer

13 and Dr. Muller-Karger. Just to put it a little

14 different way, I think that the language following the

15 title, "Best Available Science" does not cover the
16 quality of that science. I may be saying the same thing
17 in another way, but I just thought I would mention that.

18

19 That is all I have. Thank you.

20 DR. EHRMANN: Thank you.

21 Dr. Rosenberg?

22 DR. ROSENBERG: Thank you. Well, of course I

1 would like to disagree with everyone, but I can't. That
2 is quite a disappointment to me.

3 (Laughter.)

4 DR. ROSENBERG: A couple of comments, although
5 I think the comments so far have been very helpful. On
6 sustainability, I would just suggest that it is a little
7 difficult to do this, since Mr. Ruckelshaus was on the
8 Bruntland Commission, but I actually think the language
9 should be the same as the Brundtland Commission, and it
10 is not quite.

11 I think someone read out the actual language
12 yesterday, which was something about "Without
13 compromising the ability of future generations to meet
14 their needs," or something to that effect. Now, that is

15 very similar. But if there is an existing definition

16 out there and we are using it, let's use it, let's not

17 paraphrase it.

18 "Best Available Science," I am starting to

19 worry a little about remote sensing capabilities,

20 because I had the same questions that Admiral Gaffney

21 did. What is missing from the definition is anything

22 about the science process.

1 It is quality control, but you need to say
2 something about the process of "best available." That
3 is actually not reflected in the definition at all.
4 What is reflected there is more trying to say what
5 science is trying to do, but it doesn't say anything
6 about "best available." Those are quite critical terms
7 in every management arena that I have been involved in.

8 I thought the points about conflicting laws,
9 enforcement and compliance were all very important and
10 need to be captured somewhere. It struck me that they
11 in some ways relate to accountability, because of course
12 you do want public officials to be accountable for their
13 actions, but you also want in some sense the public to
14 be accountable for their actions with regard to public

15 trust resources. That is not captured here at all in

16 accountability, nor is it captured elsewhere.

17 In trying to be accountable, in trying to

18 ensure accountability, you do need to include

19 enforcement and compliance as components of

20 accountability. Just as a brief example, if I am a, as

21 I was, an official responsible for fishery management

22 and I am responsible for implementing a law that is

1 completely unenforceable or nobody complies with, then
2 it is a little difficult to hold me accountable for the
3 fact that I essentially have been given a task that is
4 not possible.

5 I know a court ultimately would hold me
6 accountable, but that gets us into an issue that has
7 concerned many of us with regard to litigation. Some of
8 the litigation burden on laws and regulations, it seems
9 to me, is because people are being asked to do things
10 that they really can't do, despite their best efforts,
11 not because they are not exerting their best efforts,
12 but because the task itself is not well framed. I think
13 somehow we need to capture in the discussion of
14 accountability those points about workability to go

15 along with accountability.

16 Thank you.

17 DR. EHRMANN: Thank you.

18 Mr. Dickerson?

19 MR. DICKERSON: Back on stewardship again, we

20 are not wordsmithing per se, but the term "public" that

21 Paul pointed out just appears six times in this one

22 thing. I would guess that it is that second sentence,

1 that ultimately it just says the government should have
2 special obligations to preserve that trust.

3 When we get into the last two sentences in the
4 standard, we are saying that the public should
5 understand and the public should recognize, and that
6 just causes me to give pause. It is one thing for us to
7 say we will provide education, but if we provide
8 education and the public ignores it and doesn't care,
9 then that means we have to go back and do it again.

10 I am trying, I guess, to draw the distinction
11 the public are citizen stewards. Maybe we believe that
12 or maybe we state the public has responsibilities, but
13 to state that the public should believe something I
14 think is apart from where we should be heading.

15 On "Multiple Use," when we were discussing
16 this in the working group, the definition that we
17 started with in the morning, this one has changed
18 somewhat. I was out talking to a reporter, and so I may
19 have missed that.

20 At one time the "Multiple Use" definition
21 talked about balancing the competing interests and all
22 of that. We did have an affirmative statement in there

1 that the oceans, we want to preserve and we want to
2 protect. We did emphasize that there was economic value
3 to those oceans. Promotion of that economic value,
4 which in some cases it could obviously be preservation,
5 as-is certainly true of coral reefs and all of that. But
6 that was a concept that I thought was fairly important.
7 Maybe there was some discussion when it got dropped, and
8 I just missed that.

9 DR. EHRMANN: Thank you.

10 Ms. Borrone?

11 MRS. BORRONE: Thank you. I just want to
12 emphasize Larry's last point, that was an area that I
13 was concerned about. I want to go back to something
14 that Admiral Gaffney said on the "Best Available

15 Science" and the use of information and availability and

16 access of it.

17 In my own thinking about this, I really feel

18 it is important to talk about the need to acquire,

19 maintain and provide information and access to it so

20 that decision-makers can be informed with the best

21 available understanding of both processes and impacts.

22 DR. EHRMANN: Thank you. Let me suggest we

1 take the commissioners who have asked to be recognized,
2 and then we will move into the final three principles
3 that were developed by the Stewardship group.

4 Bill, did you have a comment?

5 MR. RUCKELSHAUS: I was just going to say,
6 that since I am the one that introduced these, if I
7 could respond at least to a couple of comments.

8 DR. EHRMANN: No, I'm sorry you can't do that.

9 (Laughter.)

10 DR. EHRMANN: No, no, let's go through these
11 and then we will give you that opportunity before we
12 make the transition.

13 MR. RUCKELSHAUS: As much as I enjoy this
14 pummeling --

15 DR. EHRMANN: Well, it seems to be a lot of

16 consensus among the other commissioners.

17 Dr. Hershman, do you want to go ahead?

18 DR. HERSHMAN: Yes. Following what Larry had

19 just mentioned about building on the multiple use idea,

20 in the working group we began discussing something which

21 could be a new principle if we could find the right way

22 to state it as a principle, which would be to recognize

1 that the ocean has special opportunities for discovery,
2 exploration, new use activities that can excite and
3 stimulate economic development.

4 It is particularly important, I think, for
5 this environment that we are talking about where there
6 is so much yet to be learned. I would just like to
7 bring up the fact that maybe we should strive to see if
8 there is a principle in that idea somewhere.

9 Thank you.

10 DR. EHRMANN: Thank you.

11 Dr. Muller-Karger?

12 DR. MULLER-KARGER: Thank you. This is really
13 almost too obvious, and I am surprised it is not part of
14 an explicit bullet, and that is coordination and

15 integration in governance, management and research

16 structure. I don't know if it is maybe hidden. I have

17 not seen that type of language that pulls it all

18 together.

19 DR. EHRMANN: Good.

20 Admiral?

21 ADMIRAL GAFFNEY: Bill, maybe in your rebuttal

22 as you are getting off the ropes, you might give us an

1 update on the contract to look at these conflicting and
2 confusing laws, that might help. I would help me. I am
3 not sure if I know what is going on for the last month
4 or so.

5 Thanks.

6 DR. EHRMANN: Thank you.

7 Bill?

8 MR. RUCKELSHAUS: Lillian Borrone has pointed
9 out that it is not me that is being attacked here. We
10 are really trying to make sure that these are straight.
11 I am not being defensive about this. There are really a
12 couple of points of clarification, because we want to
13 give the staff as clear guidance as we can as to what we
14 want them to do.

15 As I heard what Paul Gaffney said about
16 participatory governance, he wanted to make sure that
17 the participation of those involved in land impacts and
18 air impacts were also included. In my mind, the use of
19 the word "stakeholders" so includes everybody that
20 affects ocean policy or affects the impacts that humans
21 have on oceans.

22 There was also I think I heard, Paul, that you

1 had maybe a separate principle there -- that was the need
2 to integrate land, air and water policies into ocean
3 policies. It is a somewhat different point.

4 ADMIRAL GAFFNEY: I was really more interested
5 in the first part, to make sure that everyone knew who
6 the stakeholders were, because we haven't seen the word
7 "land," which is a big deal, or "water." Separately we
8 are looking at that, or at least we have been looking at
9 that in Stewardship, but for the casual reader to think
10 this is not just a problem for fishermen and beach-goers
11 but for people in Iowa and Nebraska as well.

12 MR. RUCKELSHAUS: I wonder if we should make a
13 separate principle about the need to integrate land, air
14 and water policies, obviously to make it clearer for the

15 stakeholders we are talking about here, not just the

16 ones that have to do with water.

17 A separate question has to do with your point

18 about the law. We have gathered all of those laws

19 together. We are now in the process. In fact, there is

20 a paper that was included in our notebook that indicated

21 how far along we were in trying to understand how those

22 laws interact with one another, how they are redundant,

1 whether there are overlaps.

2 Laura, you can shout out when you think that
3 is supposed to be completed. That is a mandate, by the
4 way, under the statute that created this Commission,
5 that we do this legal review, law review, so that we can
6 make sure we understand what all laws currently exist
7 and how they relate to one another.

8 MS. CANTRAL: The first week in January it
9 will be due.

10 MR. RUCKELSHAUS: The first week in January.

11 MS. CANTRAL: It has gone through its first
12 draft cycle. We had a round of comments on those drafts
13 and a workshop for the people who are doing that
14 research to collaborate and figure out what needs to be

15 done next, and then they will have a draft report due in

16 a little over a week, then it will go through another

17 review cycle, with the final product due to the

18 Commission the first week in January.

19 ADMIRAL GAFFNEY: Would you agree, as a

20 principal, to unscrew that mess?

21 (Laughter.)

22 MR. RUCKELSHAUS: Well, this is my question.

1 This is where I think the staff needs some clarity. It
2 has been suggested that the issue of clarity of the laws
3 are that the fact that the laws, as Andy suggested, may
4 overreach, be included under accountability.

5 I mean, I think we are all aware of the
6 comparisons of making laws and making sausages, and,
7 nevertheless, trying to make them clear and make them
8 non-redundant and not give the administrative branch,
9 for example, assignments that there is no hope of
10 carrying out. Those are all important points to make.

11 I guess my question is, Would you desire to have that
12 written in the form of a principle?

13 ADMIRAL GAFFNEY: I would.

14 DR. EHRMANN: That is what he is suggesting,

15 yes.

16 MR. RUCKELSHAUS: All right. Why don't we, so

17 we can try to see if we can reflect that in a principle.

18 DR. EHRMANN: Admiral?

19 CHAIRMAN WATKINS: I think your idea of

20 highlighting the land-atmosphere-sea issue is extremely

21 important. You know, I think it is one of the major

22 findings. It is not new, we didn't invent it, but I am

1 telling you the American psych does not believe that

2 Iowa is directly related to the oceans.

3 In the minds of some of the experts that came

4 before us in the Chicago hearing, it was very clear that

5 they did, but it is still not within the American

6 thought process. In fact, even the Act itself requires

7 us to go to the littoral governors; we are going to send

8 this for comment to all of the governors.

9 I believe it does feed in to another portion

10 that we haven't even addressed and aren't addressing

11 here today, but it leads to a finding of that interface.

12 Certainly, when we get into integrated ocean observing

13 system, are we talking about ocean instruments only, are

14 we talking about atmospheric instruments, or are we

15 talking about landmass instruments? I think it is all
16 of the above. I think it is a very good point, and I
17 applaud that kind of we will find the principle under
18 which that kind of a concept can be best explained.

19 DR. EHRMANN: Thank you. I think a number of
20 very helpful comments for that group as they go forward
21 with further drafting. I won't repeat all of the items
22 in terms of a summary. I want to obviously preserve our

1 time for the commissioners, but I think everyone heard a
2 number of common themes echo across several of those
3 comments.

4 I just want to ask Laura and her folks whether
5 there are any questions you have for clarification, or
6 one question?

7 Yes?

8 MS. CANTRAL: In the discussion, Dr. Sandifer,
9 your comments and a few others about "Best Available
10 Science," I am wondering if that suggests you want a
11 different title for that right now, a little header,
12 "Best Available Science"? Is it better to call it "Best
13 Available Information" or should we broaden the
14 comments?

15 Dr. Rosenberg, I am a little unclear about how
16 to incorporate the process remark that you were getting
17 at. That is my only question.

18 DR. SANDIFER: From my perspective, I would
19 prefer a title of "Best Available Science and
20 Information," a clear specification in the statement
21 itself that one is after using the "best available
22 science," but there would be other information of a non-

1 science nature that might be applicable. I am not
2 wordsmithing; I am not writing something.

3 That is the main issue, and I hope that if we
4 use a good term like "best available science" in the
5 statement of the principle itself, we will deal with
6 some of the issues related to quality control, if not,
7 let Andy suggest how it would be dealt with.

8 I do agree we are not after just science, we
9 are after ensuring that we are getting the best
10 available science and the other appropriate information
11 for decision making.

12 DR. EHRMANN: Dr. Rosenberg, do you want to
13 respond?

14 DR. ROSENBERG: I am not entirely sure how to

15 do it, either. Of course, I was on this working group,
16 so I quite enjoyed beating up on Bill for the work that
17 we all did, so it is basically his fault.

18 (Laughter.)

19 DR. ROSENBERG: I do think that somehow we
20 need to incorporate the process of making a judgment
21 about whether something is the best available at the
22 time, and that probably means we incorporate concepts

1 such as peer review by an independent group of
2 scientists. I also agree with Paul that you need to
3 separate science and information. They are not
4 necessarily one in the same. I would be happy to try to
5 work with you to develop that definition, but I don't
6 have a set of words.

7 John?

8 DR. EHRMANN: Yes?

9 DR. ROSENBERG: If I can just return for a
10 moment to the point about the conflicting laws and
11 mandates, not to wordsmith but I am not sure "unscrew
12 the mess" would be the best title.

13 (Laughter.)

14 DR. ROSENBERG: It does seem to me that in an

15 overall heading for this section on principles, all of
16 these things go towards that goal of unscrewing the mess
17 in a way. Accountability does certainly, transparency
18 does, participatory governance does, and so on.

19 Perhaps, the place to address it is in that
20 chapter for the set of principles, because it is a goal
21 for all of the different elements, I think. I mean, it
22 is not the only goal, but it is a goal for all of the

1 elements. That might be one way to address

2 Admiral Gaffney's concern, which I share.

3 DR. EHRMANN: Well, let me suggest --

4 MR. RUCKELSHAUS: We could quote Dickens who

5 said, "The law is an ass."

6 (Laughter.)

7 DR. EHRMANN: Let me suggest the staff can

8 look at that a couple of different ways, and then give

9 the working group some options to look at and the full

10 Commission when they see this next coming back from the

11 working group.

12 Any other questions, Laura? Are you clear?

13 MS. CANTRAL: Yes.

14 DR. EHRMANN: Let me thank the Commissioners

15 for those, I think, very helpful comments and then turn
16 to Dr. Sandifer to introduce us to the three principles
17 that his working group has worked on. I am going to
18 suggest that we take each one individually in terms of
19 discussion, because they are different and there are, as
20 you can see, quite a bit of words associated with each.
21 Why don't we do precautionary approach and then we will
22 discuss that and then move on.

1 DR. SANDIFER: By way of introduction, our
2 working group has spent quite a bit of time particularly
3 on precautionary approach and ecosystem-based management
4 approach. Because these terms are in such wide use in
5 so many disparate arenas, they often end up with
6 differing shades of meaning and interpretation.

7 We believe that they are so central as
8 overarching guiding principles for resource management
9 and stewardship, we felt it essential for us to be
10 unambiguous, as the accountability principle suggest
11 that we be, as to what we are talking about. We have
12 derived as a first step in developing our approaches
13 here very specific definitions.

14 In this process, the working group, all of

15 whom are here today, you have got these "suspects" plus
16 Jim Coleman at the end and on occasion during our
17 discussions we were joined by Dr. Rosenberg,
18 Mr. Rasmuson, and Dr. Ballard. I don't think we ever
19 had all of them in the room at the same time, but we had
20 them all come in and out at different times. We have
21 had quite a bit of discussion at the working group level
22 about the appropriate ways to deal with these issues.

1 Now, we are very clear that, as the first
2 statement in front of you says, "A precautionary
3 approach should be used in developing and implementing
4 required management plans for coastal and ocean
5 resources and activities." Let me give you just a
6 little bit more background.

7 If you take the first sentence of this
8 definition, it is adapted almost word for word from the
9 North Pacific Fishery Management Council's document,
10 "Responsible Fisheries Management Into the 21st
11 Century." It very clearly states the basis for
12 application of science-based judgment on the front end
13 rather than on the back end of decision making.

14 The second part of the definition is taken in

15 a very straightforward way from the definition of
16 precaution developed at the United Nation's Conference
17 on Environment and Development in Rio. That one very
18 clearly states that, "Scientific uncertainty by itself
19 should not be used to stop responsible officials from
20 taking necessary actions to prevent environmental
21 degradation."

22 The last statement puts these into a very

1 clear context where it requires again the science and
2 also essentially require -- it doesn't essentially, it
3 does require review of the restrictions and the
4 precautionary measures so that we assure we are getting
5 it right whenever we develop and implement a management
6 plan. This has been very carefully crafted at this
7 point and we present it for discussion to the rest of
8 the body.

9 John?

10 DR. EHRMANN: Thank you. Comments from
11 commissioners?

12 Admiral Gaffney?

13 ADMIRAL GAFFNEY: Paul, just for the other
14 commissioners, we discussed the requirement for the

15 management plan, and I think what we discussed here is
16 this is a definition that stands by itself. The
17 requirement for a management plan would be found,
18 presumably when we are all finished, and articulated in
19 other areas. This doesn't say when the management plan
20 is required, if one is required, but that will be
21 addressed elsewhere. That is why you don't say whether
22 it is required here or not; is that correct?

1 DR. SANDIFER: That is correct. The statement
2 and the discussions from our working group say that
3 whenever a management plan, and we were using the case
4 of living marine resources most often, but not
5 exclusively, but it is most often our discussions.

6 Whenever a management plan was required, then
7 the precautionary approach should be one of a couple of
8 guiding principles that are used in development of that
9 plan. If you are going to use a principle as a basis
10 for development of a plan, you are going to know exactly
11 what it is, and this is what we say that approach would
12 be to development of the plan. Now, it may be in a
13 given arena, Fishery Management Council, for example, a
14 specific kind of plan and what not, all of that will be

15 spelled out in their requirements. It is not attempted

16 to be done here.

17 ADMIRAL GAFFNEY: MPAs as well, et cetera?

18 DR. SANDIFER: MPAs whatever.

19 ADMIRAL GAFFNEY: Yes.

20 DR. SANDIFER: Whatever was required to have a

21 plan. This simply just says if you are going to have a

22 plan, you use a cautionary approach to development of

1 that plan, and that approach is based on science.

2 DR. EHRMANN: Okay. Mr. Koch?

3 MR. KOCH: I think Stewardship did an

4 excellent job with this definition, and I fully support

5 the provision about, "Where there are threats of serious

6 irreversible damage, lack of full scientific certainty

7 shall not be used as a reason for postponing action in

8 order to prevent environmental degradation."

9 I am wondering if Stewardship has a comment,

10 however, on the concern that obviously is expressed many

11 times by people on this approach about whether or not a

12 lack of full scientific certainty is used to stop things

13 from happening where there is not an apparent immediate

14 threat? In other words, the approach can be criticized

15 by people because they say, "Well, without full
16 scientific certainty, you shouldn't do anything." I
17 know that is not the intent of this. I know in
18 reasonable hands it would not be used that way, but I
19 would appreciate any comment you had. Certainly as we
20 put this out we will get that question raised. I would
21 like to know how this wording would respond to that
22 concern?

1 DR. SANDIFER: If I may, John, and then ask
2 others of the working group.

3 DR. EHRMANN: Sure.

4 DR. SANDIFER: We spent a considerable amount
5 of time here, and I expect that when the ultimate text
6 is presented for people to review, and by that I mean
7 the expanded report kind of text, I wouldn't be at all
8 surprised to see language not in a definition, but
9 saying exactly what you just said. The intent was not
10 to use lack of scientific or the lack of scientific
11 certainty to stop something as well.

12 We believed after a great deal of discussion,
13 and I will let the member speak for it, with a lot of
14 people on this particular issue that the last sentence

15 here is the best way to take care of that concern, and
16 that was to deal with the development of management
17 plans including the "Scientific assessment, monitoring,
18 potential for mitigation -- and appropriate periodic
19 review of the scientific basis for precautionary
20 restrictions, and the restrictions themselves."

21 I am quoting it now, Chris, but that would
22 take care of the concern because it sets the entire

1 basis in which an evaluation of any kind would be made,
2 whether go or no go, and a process for coming back at an
3 appropriate time and reviewing that decision. I believe
4 that we have adequately addressed that, but I am
5 speaking only for myself now. We spent a great deal of
6 time, as you might imagine, with this number of people
7 talking about it. I think they will tell you that they
8 support it, but I am going to let them speak for it.

9 DR. EHRMANN: Other comments? Admiral?

10 ADMIRAL GAFFNEY: I agree with everything Paul
11 just said. The fact that there is some transparency
12 here in that when one uses the approach in any
13 situation, that there is immediately some scientific
14 rationale given for it that is available to everyone, it

15 is not an absolute guarantee, but would tend to get you

16 away from emotional and political arguments.

17 You would try to present the best scientific

18 evidence you have, and that may be that we don't have

19 any. At the same time, then you have to say, well, if

20 we don't have any or if it is incomplete, then we ought

21 go out and do some monitoring to try to improve our

22 scientific evidence.

1 Then, on the basis of that monitoring, you
2 might decide, "Well, gee, we did it wrong, we ought to
3 tighten the screws, or we ought to loosen the screws or
4 vacate the restriction," or whatever, based on what you
5 find.

6 So, it tries to take it away from emotion and
7 politics and put it more into the area where you have
8 got good, solid information -- presumably, information
9 that is transparent and available to all sides of an
10 argument. It is not perfect, but some cost to enter the
11 game here.

12 DR. EHRMANN: Okay. Let me suggest we take --
13 you wanted to make a comment, right, or are you
14 commenting on this same point?

15 DR. ROSENBERG: On this issue.

16 DR. EHRMANN: Why don't you go ahead, then I

17 will take Ms. Borrone and Mr. Ruckelshaus, and then we

18 will move on to the next principle.

19 DR. ROSENBERG: Yes. I mean, clearly this is

20 a concern, and we have to be careful that the definition

21 is the entire definition not one sentence in it. I

22 think that is the challenge. But including the words

1 "judicious," "responsible management," "sound scientific
2 research" and "Where there are threats of serious or
3 irreversible damage," and then as pointed out by the
4 others, the requirement to implement monitoring and
5 evaluation or adaptive management is sort of the short
6 form of that last full sentence, are all of the
7 safeguards that it seems to me are crafted here to
8 prevent the -- "Well, we are not really sure, therefore,
9 we shouldn't do anything, and we really don't have any
10 interest in becoming more sure," which is I guess the
11 fear in sort of caricature form.

12 So, I do think that it is important that it is
13 important to emphasize those words as we continue to
14 utilize the precautionary approach.

15 The only other comment I would make is that
16 the last part on management plan should include
17 "scientific assessment, monitoring," et cetera. It is
18 not taken from, but it is quite similar to material that
19 is in the technical guidelines in the precautionary
20 approach that FAO produced for the Code of Conduct for
21 Responsible Fisheries.

22 I mean, that is useful. It is not something

1 de novo that has never been included in discussions of
2 precautionary approach, it is used internationally as
3 well, that idea that you need to have ongoing assessment
4 monitoring and an adaptive management program.

5 DR. EHRMANN: Thank you.

6 Ms. Borrone?

7 MRS. BORRONE: Okay. I guess Andy said it
8 quite eloquently, but I think I am still struggling with
9 some of the discussion we had in the Governance Work
10 Group. As you heard Mr. Ruckelshaus say before, we had
11 developed a definition of our own regarding
12 precautionary approach.

13 While I think this definition captures a great
14 deal of what our thinking was about, I am concerned that

15 it doesn't really grasp the idea of the prudent
16 foresight that we were talking about in regard to both
17 ocean and environmental policies, again, embracing the
18 idea of the interaction of the earth systems, I guess is
19 the best way to put it.

20 I don't know what the words are that I am
21 troubled by. I am just saying somehow I think we need a
22 little bit more work to try to blend the thoughts that

1 we were expressing in our own definitional development
2 process.

3 DR. EHRMANN: Thank you.

4 Mr. Ruckelshaus?

5 MR. RUCKELSHAUS: Mine really is a question,
6 Paul. We have the precautionary approach that applies
7 just to required management plans as I read this. I
8 guess my question is, Did you consider other actions,
9 government actions, permits? There are regulatory
10 actions that government takes involving substances --
11 whether it is toxic substances, pesticides, whatever it
12 might be -- and there are also private actions that take
13 place that clearly have an impact on the oceans. Is
14 there some reason why we just applied this principle to

15 the approach to government plans?

16 DR. SANDIFER: Bill, I will not speak for the

17 working group, but for myself at this point, that this

18 came up principally in the context of dealing with

19 fisheries management plans, the fishery management

20 planning process, and management process. That is

21 probably where that kind of language has crept into

22 here.

1 There are other management plans, however,
2 beyond fisheries and we wanted to be sure we did deal
3 with it whenever there was a resource management plan in
4 place. I will let the rest of the working group, if
5 they wish to, respond to whether it should be used more
6 broadly than that. I certainly don't have any problem
7 because it is an approach to dealing with resource
8 issues. That is really what it is.

9 Does anybody else want to take a part of that?

10 ADMIRAL GAFFNEY: I think it is a good
11 suggestion. I think maybe we limited ourselves, and we
12 should look for another word to use other than
13 "management plan."

14 MR. RUCKELSHAUS: Yes.

15 DR. EHRMANN: It is part of the integration
16 now that there is kind of a product coming from both
17 working groups on this topic. I think the governance
18 group, because of purview, you know, that is a
19 discussion that initiated here and will need to take
20 place to understand how to integrate the desires of both
21 groups as a number of commenters have suggested.

22 MR. RUCKELSHAUS: Right.

1 DR. EHRMANN: I am going to take Mr. Dickerson
2 for one last comment on this, and then the admiral if he
3 wishes to make a comment, before we move on.

4 MR. DICKERSON: Well, I guess in looking
5 through all of our testimony and trying to look at
6 precautionary approach as defined and what its impact
7 would have been on there, I mean, certainly you can see
8 lots of issues in pollution or overfishing where we
9 screwed things up. I am not sure it was a failure
10 because we didn't have the precautionary approach. We
11 didn't have the sustainability, I think, the ecosystem
12 management, all of those kinds of things in place.

13 I remember back in Alaska when we heard about
14 the sea lion population and we heard about what was a

15 very effective fishery management system there. Biomass
16 was preserved, even growing. Yet, because of an unknown
17 impact on a certain sea lion population, fishing was
18 suspended for what was deemed to be an effective fishing
19 operation. So I don't know if within your group, Paul,
20 that you guys went through that particular example and
21 how this predefined precautionary approach might have
22 applied in there.

1 That just seems to me like an example where
2 this approach, from the data that we heard and the data
3 that we heard as a follow up to that, that maybe
4 precautionary approach had been misapplied or certainly
5 had yielded a result that was arguable whether or not
6 that was there. There wasn't science, but it was just,
7 "Okay, let's just not touch anything because we don't
8 know." Let Andy respond to it, if you may, because we
9 dealt with a number of these issues.

10 DR. SANDIFER: I have a familiarity with the
11 sea lions issue. We did deal with a number of these issues,
12 Larry.

13 DR. ROSENBERG: I am not sure that I think --
14 I mean, there are lots of different views of that

15 particular example. I think that the overall reason for
16 some of the things, as you point out, that have been
17 screwed up is a combination of factors. It certainly
18 relates to ecosystem-based management and the like, but
19 in many cases it is because of extensive delays in
20 implementing protective measures.

21 A recurring litany of, "Well, we are not
22 really sure." In fact, that was true with sea lions as

1 well. It wasn't that there was no action taken, in my
2 view, nor was it that there was no science. There was a
3 struggle between what actions you should take and how
4 much certainty is enough to decide that you should take
5 additional actions.

6 Now, there are some other very complicated
7 factors in the particular sea lion example that are
8 still being worked through in terms of actual causes of
9 decline. I don't think that it is the precautionary
10 approach that motivated the restrictions on sea lions be
11 they appropriate or not.

12 They didn't close down the fishery -- well,
13 they did just for a short time. It was actually a fact
14 that the sea lion population was judged to be

15 endangered, which is in some ways the antithesis of
16 precaution, if you say, "Well, we will take action when
17 a stock is endangered."

18 MR. DICKERSON: But you have cited things that
19 are covered under "best available science" and
20 "timeliness" and all of these other things. So I get
21 back to perhaps, what is the applicability of this
22 backup clause?

1 DR. ROSENBERG: It does seem to me that we do
2 have a very long and rather sordid history of delaying
3 action and calling for another study in lots of
4 different environmental problems. I don't think the
5 precautionary approach solves all of the issues that
6 come up in dealing with living marine resource
7 management or any other resource management.

8 It does address at least that aspect of the,
9 in some ways, natural tendency to say, "Let's get the
10 next study, let's just do another study," as if nature
11 will wait, which unfortunately it doesn't. You know,
12 there is a very long litany of examples of that, some of
13 which we have seen in our testimony including in the
14 center of the universe, New England.

15 You know, you could look around the country
16 for all of these issues and find examples. It doesn't
17 mean it would apply in every case, but there certainly
18 are a long set of cases. The same thing as timeliness
19 doesn't apply in every case.

20 In some cases, things have been done in a very
21 timely manner, not necessarily a good manner, but a
22 timely manner in terms of responses, and so on. We

1 should be careful, I think, with any of the principles
2 not to view a single one as "the" thing that will fix
3 resource management or another problem.

4 DR. EHRMANN: Okay. Admiral, did you want
5 to--?

6 CHAIRMAN WATKINS: Are we close?

7 DR. EHRMANN: Yes, on this. We need to move
8 into the next one.

9 CHAIRMAN WATKINS: Well, I just wanted to say
10 that, you know, every once in awhile in one of these
11 exchanges like this, you hear some little pearls of
12 words that I think can be very important. I know my
13 experience 20 years in a National Security Council
14 meeting in which it was said that, "Isn't it better,

15 Mr. President, to defend our people than avenge them."

16 He said, "Don't lose those words."

17 (Laughter.)

18 CHAIRMAN WATKINS: What I am saying, I heard

19 Lillian say "prudent foresight," I happen to believe

20 that is a better principle than precautionary approach,

21 although I like precautionary approach under prudent

22 foresight.

1 I think that because of what Andy says and
2 others that this might be broader than the context in
3 which the good Stewardship Committee brought it up under
4 fisheries, that that is a better principle under which
5 this is one of the techniques were used.

6 I would ask the commissioners to allow the
7 staff as we begin to write to, perhaps, come up with
8 some different titles of these things to be somewhat
9 more consistent with the other principles that have been
10 laid out, if that is agreeable, to give it a try, rather
11 than to lock in, that this may be a subset of a much
12 broader principle.

13 DR. EHRMANN: Okay.

14 DR. COLEMAN: I just happen to agree with

15 that. I like that approach very much. Lillian, it is

16 your place in the sun.

17 MRS. BORRONE: It's the Governance Committee's

18 work. I'll take it.

19 (Laughter.)

20 DR. EHRMANN: I know from sitting in on some

21 of the work group discussion, you know, that there are

22 diverse views among the commissioners about whether the

1 words "precautionary approach" should be used or not,
2 and I am not hearing you say that it shouldn't be. You
3 are talking about this as a chapeau kind of thing.

4 CHAIRMAN WATKINS: No, no, no, precautionary
5 approach should be used. I am saying that I believe it
6 is a very important subset of a larger principle, that
7 is all I am saying.

8 DR. EHRMANN: Right. Right, I just wanted to
9 clarify that that was what you were --

10 (Simultaneous discussion.)

11 CHAIRMAN WATKINS: It affects much more than
12 just, say, fisheries which is the context, and we said
13 there was going to be some modification to include other
14 things.

15 DR. EHRMANN: Right, exactly. Let me suggest
16 that we do need to move to the next principle, just
17 because again we have a number of things to cover today.
18 I know these are all meaty topics. This is, again as
19 the Chairman said, the first opportunity for the
20 Commission to talk about these, but certainly not the
21 last.

22 DR. SANDIFER: Obviously, my working group had

1 nothing to do as you can tell.

2 (Laughter.)

3 DR. SANDIFER: We also believed that the

4 living marine resources in particular and in general

5 marine resource management should be based upon an

6 ecosystem approach, an ecosystem-based management

7 approach.

8 Again, we define "ecosystem-based management"

9 to mean managing human activities and their potential

10 impacts on species or resources within the context of

11 their interactions with other species in the physical

12 environment, and that that management framework should

13 be multi-species and cross physical boundaries.

14 The real point to make here is that we are

15 asking or recommending to this body that this become an
16 overarching principle for resource management, and to
17 understand that it would be substantially different from
18 the more traditional practice of managing as if marine
19 species were separate and independent entities.

20 We also clearly understand that migration to
21 an ecosystem-based management approach will take some
22 time. It certainly cannot occur overnight because it

1 does require a consideration of multiple species and
2 multiple interactions.

3 In this case with the physical boundaries,
4 what we were also talking about were land, air and sea
5 interactions. This is something that would take a
6 substantial amount of time and effort, but we believe
7 would be well worth that effort.

8 Angela, would you move to the next slide. I
9 need to finish going through all of this, just so you
10 understand what we are talking about.

11 (A slide presentation in progress.)

12 DR. SANDIFER: We are suggesting that the
13 policy-making processes would include an appropriate
14 regional ecosystem framework. Our working group spent a

15 considerable amount of time looking at definitions of
16 not only what ecosystems were, but how one would place
17 them into a geographic context which would make sense
18 from the geopolitical realities, and how do you, in
19 fact, put this into a place where entities could deal
20 with it.

21 After very detailed and laborious study, we
22 came back to almost where we started, I guess, after

1 looking at lots of opportunities and alternatives.

2 Looking particularly at the description of large marine

3 ecosystems, you find that probably the best proxy for

4 the marine ecosystems are the regions or proxies now

5 bounded by the Regional Fishery Management Councils with

6 the addition of the Great Lakes region.

7 We had considerable discussion about whether

8 or not the Mid-Atlantic region within the Fishery

9 Management Councils continues to make a lot of sense

10 from an ecological perspective. One can argue this

11 until the cows come home, but the reality becomes not

12 just the ecology of the region, but the ecology of

13 humans. How many human decision makers can you get

14 around one table at one time in order to argue over

15 something and come to a conclusion.

16 Our recommendation at this point would be to

17 utilize the Regional Fishery Management Council network

18 as it currently exist with the addition of an eco-region

19 for the Great Lakes and the addition of moving inland to

20 the upstream limits of watersheds for the discussion of

21 factors affecting those resources, whatever those

22 resources may be. Again, obviously our initial

1 application is in the living marine resource or
2 fisheries arena.

3 With that as background, that is the
4 recommendation. One, that we use an ecosystem-based
5 management approach that is defined as it was in that
6 first of the slides. Second, we use the regional
7 framework now described by the Regional Fishery
8 Management Councils with the Great Lakes added and with
9 the upstream limits of watersheds added as the
10 boundaries for our discussions on an ecosystem
11 management framework for whatever else we may be
12 considering.

13 Thank you.

14 DR. EHRMANN: Thank you.

15 Mr. Ruckelshaus, I think you were first.

16 MR. RUCKELSHAUS: In the interest of trying to

17 conform these definitions and make them sort of similar

18 and as clear and simple as possible, I personally

19 believe that first paragraph is the definition of

20 ecosystem-based management, the next paragraph is what

21 it is not, and the third paragraph is how to use it at

22 least in one context, and then the fourth -- the next

1 page all has to do with regional ecosystems and how to
2 use this, again use the first paragraph principle. I
3 don't disagree with what you are saying in these other
4 paragraphs, but I just question whether they are
5 principles.

6 DR. SANDIFER: Mr. Ruckelshaus, I think our
7 working group would agree with you. I just felt it
8 necessary to bring that material -- that is more
9 explanatory. I should have asked Angela to break it up
10 into separate slides.

11 It is meant that the definition would stand by
12 itself, and that there would be a sentence saying this
13 would be used as a basis for resource management, and
14 then the rest of this is simply explanatory so everybody

15 would understand the context in which we are proposing

16 it.

17 MR. RUCKELSHAUS: Okay.

18 DR. EHRMANN: Dr. Coleman?

19 DR. COLEMAN: Two comments. First of all, I

20 do like the definition itself. It is very, very good.

21 But as I read it, and particularly as you get into the

22 context of writing the report, you express everything

1 and "managing human activities and their potential
2 impacts." It sort of implies that all impacts are human
3 induced, and yet there are changes and impacts by
4 natural processes. Somewhere in that discussion I think
5 you need to take that into account.

6 DR. SANDIFER: My colleague,
7 Dr. Muller-Karger, has just whispered in my ear, I told
8 you so.

9 (Laughter.)

10 DR. COLEMAN: Well, thank you, Frank. I
11 really appreciate that.

12 DR. SANDIFER: The comment is well taken. We
13 had an interesting discussion on this, and there are
14 things that we can't manage. We don't manage

15 hurricanes, for example.

16 DR. COLEMAN: That's right.

17 DR. SANDIFER: We manage an impact, and the

18 impact on humans perhaps on resources. We kept going

19 around. You know, we don't manage fish. They don't pay

20 much attention to us. They don't vote, and they don't

21 pay much attention, but the people who interact with

22 them do. We get off on that discussion. I think that

1 is an excellent comment, and I believe the working group
2 would be more than willing to accept any kind of
3 language suggestion. Staff will work on that. I think
4 you are absolutely right.

5 DR. COLEMAN: I do not mean to change this
6 definition. I think it is very, very concise. It is
7 just in the discussion of it in the text that it should
8 be referred to.

9 DR. SANDIFER: Thank you.

10 DR. COLEMAN: By the way, we went to dinner
11 last night and he paid for my dinner last night to bring
12 this up.

13 (Laughter.)

14 DR. MULLER-KARGER: They listen more to you

15 than to me.

16 (Laughter.)

17 DR. COLEMAN: The second comment I have, and

18 it again is something I think that your working group

19 should evaluate, when you look at the boundaries, your

20 map that you have, in terms of expressing those

21 boundaries and you are following the fisheries, indeed

22 the boundaries probably apply to the fisheries. But

1 when you look into the coastal component of it or the
2 very near shore, you are crossing immense changes in
3 ecosystems.

4 The one I am most familiar with is the Gulf of
5 Mexico. You are going from a coral reef environment all
6 the way to a desert nearly in West Texas. I think you
7 need to, again, in the discussion indicate that this is
8 primarily from a fisheries base.

9 DR. SANDIFER: If I may response?

10 (No verbal response.)

11 DR. SANDIFER: Jim, we had some lengthy
12 discussions, and there may be a way to do that. We
13 anticipate once the Commission as a body, Governance and
14 others dealing with coastal zone management come back

15 with recommendations, that there would be some kind of
16 subset units dealing with the smaller still recognizable
17 ecosystems.

18 Once you are trying to look at a broad picture
19 of what makes big ecosystems, what makes sense, then
20 this framework seemed like a reasonable place for us to
21 start. We present it to you. It is not a conclusion;
22 it really is a starting place.

1 But, after having looked at a lot of
2 literature and having a lot of testimony on this, we
3 didn't find a better way, unless you get to such
4 fragmentation that it become very difficult to aggregate
5 it and coordinate it.

6 One of the issues we keep talking about is
7 coordination. We are looking at this as more of a
8 coordination mechanism. When it gets to the coastal
9 zone management kinds of issues, those will have to be
10 done at some other level and then integrated up. I
11 think we would all agree at least.

12 We have had a lot of discussion along these
13 same lines. Just like the Gulf of Mexico issues related
14 to the watershed are so huge, you have got forty-

15 something states I believe involved.

16 DR. COLEMAN: Yes.

17 DR. SANDIFER: That is going to take a little

18 bit more thought and figuring as to how one would break

19 it out. For the moment, though, looking at the marine

20 side, looking at management of the marine resources,

21 this seemed to be the reasonable place for us to

22 recommend to start.

1 DR. EHRMANN: I am going to take the
2 commissioners who have asked -- are you done? I'm
3 sorry.

4 DR. COLEMAN: Yes.

5 DR. EHRMANN: Okay. The commissioners have
6 asked to be recognized with their cards. I also suggest
7 that while we would like to have as much back-and-forth
8 discussion as possible, I want to make sure we maximize
9 the time for comments, too. Unless you have a direct
10 question to the working group, just say, "Good idea,"
11 that is all you have to say (laughter).

12 Dr. Muller-Karger?

13 DR. MULLER-KARGER: This came up before and
14 just to keep with the same theme. The regions that came

15 up on the map, of course, are based on the present

16 Fisheries Management Council areas. I think that we

17 need to consider their larger scales of ecosystem

18 managements that are based on scale, oceanic scale and

19 on global scale.

20 Somehow I don't think that the first paragraph

21 definition itself is not incompatible with that, but

22 what follows does tend to narrow down the geographical

1 scope of the definition. I think that we need to

2 capture that somehow.

3 DR. EHRMANN: Great, great. Thank you.

4 Dr. Rosenberg and then Lillian.

5 DR. ROSENBERG: Thank you. Two comments with

6 regard to what Frank just said. By the way, Frank, if

7 you want to buy me dinner, I would be happy to raise a

8 point for you.

9 (Laughter.)

10 DR. ROSENBERG: I think we should be careful

11 in describing how this will be operationalized, as Bill

12 put it, that we don't indicate that, you know, once you

13 set up a regional council that you should never talk to

14 another regional council nor that everything must be

15 decided as a collective body.

16 Clearly, there are things that cross these

17 boundaries as well as can easily be broken out into more

18 workable units within the boundaries. This is just an

19 operational convenience in a way. There are several

20 different ways you could do it. I am not sure you would

21 advance very far by fiddling with the boundaries very

22 much.

1 I would point out that there are three areas
2 that are not included on the map, and there shouldn't be
3 any confusion about it, lest somebody run out of the
4 room and say that we have decided to get rid of Hawaii
5 and the Pacific territories or the Caribbean.

6 (Laughter.)

7 DR. ROSENBERG: Clearly, those are regions
8 that are used in the Fishery Management Council process,
9 but also of course need to be included in our process.
10 The third one is that there is not Fishery Management
11 Council, but there also are concerns over pelagic or
12 highly-migratory ecosystem not just for fisheries
13 purposes, but for lots of other things that go well
14 beyond just coastal management. We need to think about

15 pelagic ecosystem; in other words, offshore, moving very
16 broadly. It would see to me that somehow that needs to
17 be accommodated in some sort of an ecosystem-based
18 management approach, as well as in some set up of
19 ecosystem-based council process or regional council
20 processes.

21 DR. EHRMANN: Thank you.

22 Ms. Borrone?

1 MRS. BORRONE: Okay. I do appreciate the hard
2 work that the Stewardship Committee did in developing
3 this definition. I would like to offer two thoughts for
4 you to consider. The first is that I am not sure if we
5 mean managing human activities as much as we mean
6 understanding the interrelationships between human
7 activities and the natural environment or the natural
8 systems.

9 The second thought is that I believe there is
10 a goal; there is a responsibility to assure sustainable
11 economy as well as sustainable systems. So, I just
12 offer you those two thoughts to see if they can be woven
13 in some fashion.

14 DR. EHRMANN: Very good. Thank you.

15 Admiral, do you have a comment?

16 CHAIRMAN WATKINS: Well, I think this is such

17 a significant issue, because it is a major change in the

18 way of doing business, in the way of governing and so

19 forth. I think it is one of the major findings,

20 although again we didn't admit it, is that nature

21 manages by ecosystem and they do a beautiful job of it,

22 an inspirational job. Despite human activity, they try

1 to survive, they try to sustain, they are timely. They
2 meet all of the principles.

3 So, I think one of the important findings is
4 the explosion of information technology, computer
5 capabilities, capacity to do things more as nature does
6 gives more impetus to the need for change and
7 restructure of the way we manage. We heard Admiral
8 Collins today talk about it. Everything we have heard
9 is "cooperation" and "coordination."

10 We can do today what we couldn't do yesterday.
11 Even when the Stratton Commission reported out, they
12 didn't have the capability to ecosystem manage. We
13 don't even have all of the tools today, but certainly as
14 a long-range objective we can set it up, and, hopefully,

15 stage our governance practices in "bites" that are
16 reasonable to execute over the next few years. I hope
17 that that is the kind of thinking we have as we move out
18 of just the definition of ecosystem management into
19 actually employing it across the working group
20 activities because it is going to drive almost
21 everything we do.

22 Therefore, I think the time we spend on this

1 today, just in this discussion, is vital to the writing
2 by the staff of all of the other issues, because they
3 all fit within it. It is the movement out of the
4 stovepipe approach to management to the horizontal
5 integrated approach with modern technology. I think
6 that is something that needs to be highlighted to
7 people, that we cannot manage any more in the 19th
8 century structure we have set up.

9 DR. EHRMANN: Excellent. Thank you.

10 Dr. Sandifer, why don't we introduce the third
11 principle from your group.

12 DR. SANDIFER: Biodiversity. If you will cut
13 to the chase, to the last paragraph here, in fact it is
14 one sentence. Very simply put, the Stewardship Working

15 Group believes that maintaining biological diversity on

16 this planet is essential for long-term human survival.

17 Therefore, we would suggest as a principle that

18 conservation of biodiversity should be an explicit

19 consideration of any ecosystem-based management regime.

20 All the rest of this is suggesting things that

21 we need to do along with putting that goal in place or

22 that overarching principle in place, but the principle

1 is that conservation of biodiversity would become an
2 integral part of all of our management activities in the
3 ocean and related areas.

4 DR. EHRMANN: Thank you very much.

5 Dr. Coleman, comments?

6 DR. COLEMAN: Again, I compliment you on a
7 very concise definition, however --

8 DR. EHRMANN: (Laughter) However?

9 DR. COLEMAN: But your third paragraph in
10 there, and I would not recommend that you change it, but
11 again in the discussion it is stated in a very negative
12 aspect, you "explore the range of causes for declining."
13 Decline is dependent upon time scales, spatial scales,
14 and so forth. In fact, there are some areas where

15 biodiversity is increasing. I would hope that you would

16 put it also on a positive, that the program should

17 explore, conduct research not only on the negative

18 declining, but also on the positive gains, and so forth.

19 We would have a better chance of making a contribution

20 if we understood the positive gains than we would by the

21 negative gains. It is a suggestion.

22 DR. SANDIFER: Well taken.

1 DR. COLEMAN: Well done.

2 DR. EHRMANN: Other comments?

3 DR. SANDIFER: Frank owes you another dinner.

4 (Laughter.)

5 DR. COLEMAN: This one is on you (laughter).

6 DR. EHRMANN: Any other comments from the

7 commissioners on the biodiversity?

8 (No verbal response.)

9 DR. EHRMANN: Again, the last sentence is

10 really what they are focusing on as the principle or the

11 definition, the other is meant to provide context.

12 DR. SANDIFER: May I have one minute for

13 context?

14 (No verbal response.)

15 DR. SANDIFER: One of the concerns that we
16 were dealing with is that it seems to be so little
17 systematic work at the research level in the scientific
18 community on biodiversity issues, and that is why that
19 background. I believe that the REMO Group will address
20 this in their suite of research activities as well as
21 issues.

22 DR. EHRMANN: Very good.

1 Let me ask the staff, Malcolm and your folks,
2 whether they have any questions or clarifications?

3 MR. WILLIAMS: No.

4 DR. EHRMANN: They have already rewritten
5 everything. It is all under control. Thanks, thank you
6 very much.

7 DR. COLEMAN: Very good.

8 DR. EHRMANN: That is the overview of the part
9 of the report that deals with principles. I will turn
10 it back to the Chair to introduce the next section of
11 the outline.