

**MARINE FISHERIES ADVISORY COMMITTEE (MAFAC)  
PARADISE POINT RESORT, BAYVIEW ROOM  
SAN DIEGO, CALIFORNIA  
MAY 13-15, 2003**

*Tuesday, May 13, 2003*

**Convened at 9 AM**

Alvin Osterback, Industry Vice Chair, opened the meeting and quickly reviewed the agenda and turned to Dr. William (Bill) Hogarth, Assistant Administrator for Fisheries, for opening comments. Bill Hogarth, announced the formal appointment of Rob Kramer, President of International Game Fish Association, as the newest member to MAFAC, bringing the Committee up to its full compliment of 21 members. He then reviewed a number of the agenda items, noting the agenda was developed as a follow-up to the projects and issue-work assigned at the January 2003 meeting in Washington, D.C. Of particular importance would be receiving the report from MAFAC's Ecosystem Task Force on ecosystem-based approaches for fisheries, requested from MAFAC in November 2001 in preparation for reauthorization of the Magnuson-Stevens Act (MSA) and congressional interest in ecosystem management approaches. He also mentioned his interest the Committee's discussion of National Standard 1 Guidelines (NS1) and the agency's receipt of comments in response to an Advanced Notice of Proposed Rulemaking (ANPR). Lastly, Bill Hogarth announced the agency had released that morning, 10 am EST, the Status of Stocks 2002 report, which he looked forward to discussing with MAFAC in terms of how the agency can improve this report to be more easily understood.

During the discussions below, Alvin Osterback recognized Sarai I. Dominguez of Congressman Duke Cunningham's district office who arrived to observe the Committee's discussions that day.

***Sustainable Fisheries Act – 5 year Review (Dr. Rebecca Lent)***

Dr. Rebecca Lent, Deputy AA for Fisheries Regulatory Programs, distributed a draft of the Sustainable Fisheries Act five-year review and gave a brief summary of some of the key areas the agency hopes to pursue in coming months. Of primary interest is the continuing effort to streamline the regulatory process and build consistency between the various mandates under which the agency and its regulated stakeholders must operate. Members were informed the draft document was under review by the regions and centers. Members were asked to review the document and e-mail any comments to Rebecca Lent and Jack Dunnigan by May 23, 2003, the following Friday.

***National Standard 1 Guideline (Jack Dunnigan)***

Jack Dunnigan, Director, Office of Sustainable Fisheries, gave a summary of comments received by the agency in response to the Advance Notice of Proposed Rule Making to consider modifications to the definitions of overfished and overfishing as they occur under the National Standard 1 Guidelines of the MSA. Published in the Federal Register on February 13, 2003 and closed April 16, 2003, the agency received over 6,600 faxed comments alone. Although most comments received were of the post-card ‘campaign’ variety, approximately 50 submissions of detailed thoughts and comments were received. It was noted that NOAA Fisheries is behind in its use of e-technology to facilitate major rulemaking initiatives. Recommendation was made that the agency explore how the Food and Drug Administration has provided for on-line comments including televised conferences that were also placed on the web. This reduced the campaign spamming that occurred on the NS1 ANPR.

Jack informed members that an internal working group had been established and that a meeting had just occurred the week before in Kansas City for folks who have experience with implementing NS1 Guidelines could discuss the problems and benefit from each other’s experiences. Jack then presented the overall comments as having been received under five key issue areas whose range of solutions he summarized as being between the extremes of maintaining status quo to complete over haul.

The Committee had a lengthy discussion with Bill Hogarth, Jack Dunnigan, Rebecca Lent, and Dr. Michael Sissenwine, Chief Scientist for Fisheries, on each of these key issue areas. Much of the discussion points were Dr. Sissenwine’s responses to questions about the Internal Working Group on NS1. The five-key issue areas and general points of discussion are summarized as follows:

National Standard 1 Guidelines ANPR – Overview of Comments Received

General Comments:

- 1) Maintain conservation orientation of the guidelines
- 2) Provide increased flexibility
- 3) Provide more guidance

Five-Key Issue Areas:

1. MSST – Minimum Stock Size Threshold – developed as a benchmark by which to determine ‘overfished’.

Discussion Points:

- Can’t legislate behavior of an ecosystem. In situations where a stock can rebuild in 10 years, under current legislation, further restrictions are imposed despite improvements in stock size.
- Need some default way of making the determination for overfished, particularly in data poor circumstances. However, need something with flexibility. Prior to 1996 recruitment was looked at as a measure for determining overfished or overfishing which allowed management to be based on population dynamics rather than static legislative requirements.
- Look at ‘indicators’ within the ecosystem that can assist in determining changes including stock declines.
- Guidelines need to amplify what we mean by rebuilding targets and overfishing so that changes in the ecosystem – regime shifts – can be dealt with. Scientists feel that rather than trying to rebuild toward a hard target threshold that may be based on when the ecosystem was at one extreme or cooperation or the other – instead, we should be making certain the fishing level is in a sustainable proportion to the biomass.
- In dealing with regime shifts and the application of utilizing running averages of a population over time needs to be viewed and applied symmetrically. In other words when you get a bad assessment one year you don’t over react and close things down. By the same rules, when you have a really good assessment one year, you don’t immediately go back to business as usual.

2. Environmental Regime Change – Should shifts in the environment be taken into account to adjust rebuilding targets? Can a reduction of a stock due to historic fishing

mortality be accounted for as part of a change in the environment – or is it something else?

Discussion Points:

- The failure of the current standards to take environmental changes into account set up the fishery management process for failure.
- The science used to determine levels of the past and understand ‘regime shift’ must also recognize that the past levels were not hard targets but rather a range between highs and lows.
- The agency science is in line with the need to not punish the process by mandating a specific time frame or a target that the ecosystem will no longer support. However, when a population is less productive, for whatever reason, reduction in fishing mortality may be required.

3. Maximum Permissible Rebuilding Time – A broad category of comments were received.

Discussion Points:

- The 10-year rebuilding time frame was an arbitrary time-line driven by what was felt would be necessary to rebuild the New England groundfish fishery. It’s apparent that it does not work for everything.
- Need to look at all the factors influencing a fishery and develop species or fishery appropriate rebuilding schedules.
- The process mistakenly assumes that there was equilibrium before fishing began.

4. Rebuilding Plans Requiring Revision - The current system manages to the pound. Each year an assessment is conducted and produces a new data point requiring a plan to be revised before it can be determined what management measures are working or not working.

## Discussion Points:

- Need to see multi-year fishery management plans. For example – conduct assessments every three years and develop any necessary amendments every four years. Give the process time to assess impacts before taking actions which may be unnecessary or harmful.
- Need to stop managing at the line of the rebuilding target and instead manage in the context of above or below the line symmetrically over time – not at every new data point.
- If a stock is rebuilding it should be able to be managed under a multi-year plan. If the stock is in bad shape, annual revisions may be appropriate and necessary.

### ***Status of Stocks (Bill Hogarth & Jack Dunnigan)***

The Status of Stocks report for 2002 was distributed for discussion and response. Noting this report continues to be controversial, Bill Hogarth, Jack Dunnigan, Michael Sissenwine and Rebecca Lent were interested in discussing some various options under consideration by the agency to improve the document's ability to communicate information without compromising the technical neutrality of information contained within the document. Although there was frustration that the report has been used to portray the agency as not knowing anything about fishery stocks because of the inclusion of all stocks within the EEZ – most of which are not subject to target harvesting, there appeared to be general acknowledgement that the agency had done a better job of trying to communicate the difference between unknown and known stocks and placing these terms in context. Inclusion of the Stock Assessment Improvement Plan in the appendices was noted as more informative and helpful in differentiating between those stocks that are primary targets of harvesting (major) versus those that are not (minor).

### ***Outreach & Public Education Strategy (Laurel Bryant)***

Laurel Bryant, Office of Constituent Services, Outreach Team, gave a brief presentation on the status of the new office and current staffing plans. In addition and in supplement to the above discussion on the annual Status of Stocks report to Congress, a new initiative to design a web page aimed at providing the public with on-going information as to the status and profile of each managed stock was presented. The MAFAC was unanimously supportive of this initiative and agreed to serve as an advisory resource on the information elements to be included with this web page. The MAFAC recommended that sufficient resources be invested to design the web page in a manner that it can be actively and routinely updated with the relevant information. They encouraged the agency to seek out professional web designing resources to accomplish this.

*Wrap-Up*

*Adjourned for the day at 5pm*

*6:00-7:30 pm Reception at Point Loma's Sportfish Landing hosted by Sportfishing Association of California curteously of Bob Fletcher.*

*Wednesday May 14, 2003*

*Re-Convened at 8:30 am*

Alvin Osterback called the meeting to order and introduced the first issue on the agenda, NOAA Fisheries National Bycatch strategy. In response to this presentation and a related presentation given later in the day by Bill Robinson, Deputy Assistant Administrator for Sustainable Fisheries in the Northwest Regional Office regarding a pilot project for full retention in the west coast groundfish fishery, these two items are sequentially listed below.

***National Bycatch Strategy (Jack Dunnigan) and Full Retention Pilot Project in W.Coast Groundfish Fishery (Bill Robinson, NWR)***

Jack Dunnigan gave a brief power point presentation on the NOAA Fisheries' National Bycatch Strategy and the agency's response to Oceana's petition for a national rule making on bycatch. On a related topic, Bill Robinson, Deputy for Sustainable Fisheries in the Northwest Regional Office, gave a presentation on various full-retention (of bycatch) programs and an initiative for a full retention pilot project in the West coast groundfish fishery. An extensive discussion on both presentations occurred between MAFAC and the agency's leadership. The resulting recommendations were submitted by MAFAC's Subcommittee on Bycatch and unanimously adopted by MAFAC as a whole *see [Attachment-A](#)*.

***NOAA Fisheries Science & Technology – Status & Initiatives (Dr. Michael Sissenwine)***

Dr. Michael Sissenwine, newly created Chief Scientist of NOAA Fisheries, gave a presentation on the new organizational structure between management and science center units. Dr. Sissenwine explained some of the downfalls of the previous organization in

which science centers reported to regional office units. As an agency whose policy decisions are based on the results of neutral science, this structure left ‘science’ vulnerable to the pressures of policy demands and placed science in a subservient position to policy. To address this conflict, the structure was reorganized to have all science centers report to a Chief of Science with a parallel reporting system for regional offices to report to the Deputy for Regulatory Programs. It is felt that this new structure will ensure equitability between the two ‘forces’ comprising management decisions and allow for any disputed issues to be fully examined and resolved in a consistent manner and resources to be distributed according to the national priorities rather than regional politics. The MAFAC engaged in a lengthy discussion which recognized the problematic issues the reorganization was designed to address, and at the same time expressing concern that the separation of science from management may result in the same problems that historically lead to the previous organization of placing science in a more supportive position. To address these historical problems with the new organization, MAFAC recommended that mechanisms for routine communication processes to be established between management and science and the fishery management councils. The full Committee of MAFAC unanimously adopted the advisory recommendations submitted by the Subcommittee on Science (*see [Attachment-B](#)*).

***Ecosystem-Based Approach to Fisheries Management – Task Force Report to MAFAC (Dr. Bonnie Brown)***

Dr. Bonnie Brown, member of MAFAC, and Dieter Busch, contractor to NOAA Fisheries, submitted to MAFAC (distributed in advance of the meeting) the [Ecosystem-Based Approach Strategic Guidance report](#) developed by MAFAC’s Ecosystem Task Force. Dr. Brown provided an overview of the reports contents and opened the document up for discussion and modification.

There was concern expressed by the full Committee that the original assignment to MAFAC -- to host and facilitate the development of a report on the issues of an ecosystem-based approach to be considered during the reauthorization of the Magnuson-Stevens Act - had expanded beyond the original assignment. An ecosystem-based approach was generally considered as an evolutionary process of science for understanding and improving fisheries management in a flexible and dynamic manner.

Concern the task force’s report could be interpreted as recommendations for unrealistic legislative mandates prompted MAFAC to summarize the report’s key issues as guidelines only, to be considered during reauthorization of the Magnuson-Stevens Act in

order to address the need for flexibility currently lacking in the amendments of 1996. The summary recommendations and accompanying technical document on ecosystem-based management for fisheries is enclosed as [Attachment-C](#).

***Capacity Reduction (Jack Dunnigan)***

Jack Dunnigan gave a brief presentation of the agency's latest draft document to implement the nation's over capacity reduction plan, consistent with the United Nation's plan to reduce overcapacity in fisheries. Following a brief discussion, the MAFAC encouraged the agency to revisit the document and take a more proactive and progressive approach to establishing a transparent and consistent process for identifying and reducing overcapacity in U.S. Fisheries. This issue was moved to the December meeting agenda as follow-up.

***Essential Fish Habitat (Dr. Bill Hogarth)***

Dr. Hogarth gave a preliminary outline of his concerns over the provisions for protecting Essential Fish Habitat (EFH). He referenced that the previous guidance from the agency for determining EFH had been translated so broadly as to render the utility of EFH unrealistic and controversial for the fishery management councils to contend with. He proposed that the agency would work to better articulate these problematic concerns and provide background material for MAFAC to address at its next meeting.

**4pm Committee Adjourned for Subcommittee Work**

**6:00 – 9:00 Reception and dinner at Hubbs-Seaworld Research Institute for the posthumous awarding of the 'Environmental Hero's Award' to Milton Shedd**

***Thursday May 15, 2003***

**8:00 am Subcommittee Work Continued**

**10:00 am Full Committee Reconvened**

Alvin Osterback called the meeting to order and called for the Subcommittees to submit their reports for discussion, review and adoption. The Subcommittees on Bycatch, Science and the Ecosystem Task Force (detailed above) were adopted unanimously.



***Aquaculture Subcommittee Report (Don Kent)***

Bill Hogarth requested that MAFAC be the key advisory group on how NOAA moves forward with aquaculture policy and the Joint Subcommittee on Aquaculture (JSA) charter. Conrad Mahnken, Aquaculture Coordinator at NOAA Fisheries, has been designated as the liaison to MAFAC. Don Kent presented the Aquaculture Subcommittee report and recommendations. Concern was expressed over the need to expressly emphasize the need for any marine aquaculture activities to be conducted with the permission of and in coordination with an adjoining coastal state(s) and in compliance with the provisions of the Coastal Zone Management Act (CZMA). Ralph Rayburn involved with drafting a document on the issue of EEZ consistency that will be submitted to the Congressional Oceans Commission. A copy will be made available to MAFAC as well. Once clarification was agreed to, the full Committee adopted the Subcommittee's report unanimously (see [Attachment-D](#)).

***Outreach Subcommittee Report (Maggie Raymond)***

Maggie Raymond presented the Outreach Subcommittee report and recommendations. Some discussion and concern was expressed over a possible breach in jurisdictional protocol with the inclusion of a recommendation that the Committee's transmittal letter emphasize the Ecosystem Task Force's report was not to be construed as suggestions for legislative mandates. Following some discussion, the Subcommittee report was unanimously adopted (see [Attachment-E](#)).

***Science Subcommittee Report (Kate Wynne)***

Kate Wynne presented the Science Subcommittee report. The Subcommittee discussed Dr. Sissenwine's presentation regarding the organizational restructuring of the agency to separate science from management and concerns over previous attempts and failures associated with this strategy in the past. Specific concerns were over the issue of communication between these two entities at the regional level, need to have a mechanism in place to ensure continuity and transparency, and the allocation of research funds between and within the regions. The Subcommittee recommended that at the December 2003 meeting, Dr. Sissenwine provide an update on the restructuring and what strategies or mechanisms will be put in place to address these concerns. Due to the lengthy discussion on organizational restructuring, the Subcommittee acknowledged Dr. Sissenwine did not have the time to respond to the questions submitted to him at the January 2003 meeting and they would like an opportunity for him to complete his

presentation particularly with regard to the peer review process. Lastly the Subcommittee recommended receiving updates on a number of initiatives including the ‘Stock Assessment Improvement Plan’, collaborative research efforts, and efforts to improve data gaps particularly with regard to recreational fisheries. The Subcommittee submitted and the full Committee unanimously adopted a list of initiatives and follow-ups they would like the agency to provide as progress and implementation occur (*see [Attachment-B](#)*).

### ***Administrative Business***

Alvin Osterback then turned the Committee’s attention to administrative business and the need to identify the dates and locations of the meetings for spring and fall of 2004. In an effort to ensure attendance, MAFAC has adopted the procedure of agreeing to the dates and locations for meetings a year in advance. At its January 2003 meeting in Washington, D.C., the Committee agreed to meet in New York City, December 9-11, 2003. Following some discussion, the Committee agreed to meet in Alaska in July of 2004 (specific location to be determined), and in Florida in January 2005 (specific location to be determined).

In discussing the agenda items for the next meeting in New York City, NY, December 2004, the following issues were identified: Follow-up on Science Subcommittee questions, and the status and mechanisms established to ensure continuity between management and science under the new organization; Essential Fish Habitat; the status of various Investigator General reports being conducted to evaluate and explore agency operations; and update on the status of the national overcapacity reduction plan consistent with the United Nation’s Food and Agriculture Organization’s (FAO) initiative.

### **12:30 pm – Final Adjournment**

#### ***ATTENDEES:***

#### **MAFAC Members**

Dr. Bonnie L. Brown

Jim Cook

Tony DiLernia

Chris Dorsett

Bob Fletcher

John Foster

Jim Gilmore

Dick Gutting, Jr.  
Dr. Bill Hogarth (Co-Chair, NOAA Fisheries, AA)  
Don Kent  
Peter Leipzig  
Mel Moon, Jr.  
Rod Moore  
Alvin Osterback, Sr. (Industry Vice Chair)  
Maggie Raymond (Industry Vice Co-Chair)  
Ralph Rayburn  
Kate Wynne  
Elizabeth Sheehan

**Consultants to MAFAC:**

Randy Fisher  
Capt. Vince O'Shea

**Staff to MAFAC:**

Laurel Bryant, Designated Federal Officer  
Tywana Otts, Office of Constituent Services

**Absent:**

Scott Burns  
Dr. Laverne Ragster  
Dr. Ken Roberts  
Larry Simpson (Consultant, Gulf States Marine Fisheries Commission)

***PRESENTERS & ATTENDEES***

Laurel Bryant  
Dieter Busch  
Sara Dominguez (Guest, Congressman Duke Cunningham)  
Jack Dunnigan  
Dr. Rebecca Lent  
Bill Robinson  
Dr. Mike Sissenwine

Respectfully Submitted



Laurel G. Bryant, Designated Federal Officer  
Designated Federal Officer  
June 20, 2003

