

**U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE**

**MARINE FISHERIES ADVISORY COMMITTEE  
WASHINGTON COURT HOTEL  
WASHINGTON, D.C.  
JUNE 4-6, 2007**

**SUMMARY REPORT**

The Marine Fisheries Advisory Committee (MAFAC or ‘the Committee’) met June 4-6, 2007, at the Washington Court Hotel in Washington, D.C. Originally planned as the second of two meetings for Fiscal Year 2007, delayed Congressional passage of the 2007 budget caused the Committee’s winter meeting, scheduled for February 2007, to be cancelled. Dr. William T. Hogarth, Assistant Administrator for Fisheries, and MAFAC Vice Chair, held a conference call with the Committee in April to discuss and plan the agenda for the June 2007 meeting. The June meeting was scheduled to coincide with National Ocean week and the Sustainable Fisheries Leadership Awards ceremony. MAFAC developed the Sustainable Fisheries Leadership Awards and serves as the external panel to review nominations.

The agenda (*Attachment A*) focused on issues of continuing involvement for the Committee, including aquaculture, FishWatch and the Committee’s Vision 2020 project. In addition, the Committee was given an in-depth briefing on the key provisions of the Magnuson-Stevens Reauthorization Act (MSRA) and the agency’s implementation strategies and progress, particularly with regard to Annual Catch Limits (ACLs). The full Committee convened for the first day and a half, June 4 and 5, before breaking into Subcommittees. It reconvened the afternoon of the last day, June 6, to deliberate and report out any consensus recommendations to the agency.

The meeting was open to and attended by several members of the public, NOAA-NMFS staff, and other federal agencies. Below is a synopsis of the Committee’s discussions and corresponding page numbers of the transcript.

**Monday, June 4, 2007 Ballroom**

**9 AM – Meeting Convened**

Introductions and Updates (pgs. 4-51) Dr. Hogarth called the meeting to order. He began by welcoming the two newest members of the Committee and presenting a certificate of appointment to John P. Connelly, President of the National Fisheries Institute, and John

“Randy” Cates, President and owner of Cates International, an offshore aquaculture facility in Hawaii.

Dr. Hogarth gave brief updates on agency related items, including the status of the budget and legislative initiatives of interest.

Dr. Hogarth reviewed Committee attendance, informing members that Capt. Tony DiLernia, Committee Liaison, would join the meeting the next morning to lead members in an in-depth discussion of the Vision 2020 project. He noted Chris Dorsett and Heather McCarty were unable to attend due to conflicting meetings of their respective fishery management councils. Dr. Ken Roberts and Jim Donofrio were also not in attendance.

In reviewing the meeting’s agenda, Dr. Hogarth began with acknowledging the successful passage of the Magnuson-Stevens Reauthorization Act (MSA) and the pending workload involved. He noted the anticipated impact to be realized by the fishing industries and coastal communities and the need for intense public education and understanding about the elements involved with ending overfishing, implementing annual catch limits, as well as developing a national recreational fishing registration program. He requested MAFAC to serve as a sounding board on the agency’s policy development and implementation strategies in the months ahead.

Dr. Hogarth then discussed the recreational fishing provisions of the MSA, particularly the development and implementation of a national registration program and his initiative to bring on board Gordon Colvin and Pres Pate, former heads of the marine fisheries divisions for the states of New York and North Carolina respectively. Dr. John Boreman, Director of the Office of Science and Technology, would meet with the Committee and the Committee’s RecFish Working Group on Wednesday morning to update everyone on the status of implementing recommendations of the National Academy of Sciences to improve data collection programs as well as develop a national registry.

Dr. Hogarth requested MAFAC’s continuing involvement with the public education webpage of FishWatch, which has been further developed onto a test website for which the agency would like to have the Committee’s members provide detailed reviews and comments prior to the public launch tentatively scheduled for sometime in August.

Dr. Hogarth thanked MAFAC for all its work on aquaculture, particularly Tom Billy and Eric Schwaab who met with the Under Secretary in March 2007, to deliver the Committee’s recommendations developed at its July 2006 meeting (see July 2006 Summary Report). Included with those recommendations were final comments on the 10-year plan, scheduled to be published later in the year, and an aquaculture summit, which has been scheduled for June 26-27, 2007, in Washington, D.C. Six members of MAFAC will serve as panelists or panel facilitators at the summit. All members of MAFAC are invited to attend and will be receiving an invitation via e-mail.

Dr. Hogarth briefly touched on the Vision 2020 project, apologizing for having to cancel previously planned work meetings, but complimented Capt. DiLernia, Mary Hope

Katsouros, on contract to the agency, and Dr. Mark Holliday, Director of the Office of Policy, for their efforts to develop a more robust draft for the Committee to build on. Dr. Hogarth acknowledged he was pleased with the progress thus far, and expressed his desire to have a well developed strategy for gaining input from the public prior to going fully public with the document. This issue became the subject of lengthy deliberation on both Tuesday and Wednesday full Committee sessions (see below).

Lastly, Dr. Hogarth acknowledged his international obligations as Commissioner and Chair of two international management and science bodies – the International Whaling Commission (IWC), and the International Commission for the Conservation of Atlantic Tunas (ICCAT). In addition to the impacts on his domestic schedule, he articulated his concern and frustration with the international community as it relates to the management of western Atlantic bluefin tuna, which have serious indications the stock may have already collapsed.

Dr. Hogarth recognized each of the Subcommittee chairs for preparatory comments on what they anticipate their subcommittees and/or work groups to address (pages 26-51). Jim Gilmore, Chair of the Budget and Strategic Planning Subcommittee, indicated they looked forward to the MSA presentations and planned to meet for half a day beginning at 9 a.m. on Wednesday, June 6.

Tom Billy, Chair of the Commerce Subcommittee, reviewed a number of aquaculture related items. Noting that the Committee's recommendations thus far had been implemented by NOAA and the agency, Mr. Billy suggested members begin thinking about other related issues of importance that MAFAC could assist the agency with, including the legislation, FishWatch, seafood marketing councils, and revisiting the Ocean Commission findings.

Bob Fletcher, Chair of the Protected Resources Subcommittee and RecFish Working Group, reviewed the work to-date on the Recreational Improvement Program, including Rob Kramer's willingness to work with the agency as a member of the Operations Team and to provide feedback information to MAFAC for use in its future reviews and deliberations of the RecFish Working Group.

Government Travel Procedures (pgs. 51-76) - Tywana Otts, Division of Communications and Partnerships of the Office of Sustainable Fisheries gave a power point presentation on the rules and requirements of traveling for the government. Members found the presentation very helpful and will individually follow up with Ms. Otts to provide additional comments or suggestions. The presentation will be posted to the Members Area webpage for future reference.

Federal Advisory Committee Act Rules and Public Communication (pgs. 67-92) – Mr. Andrew McCreedy, Office of General Counsel, Department of Commerce, gave a brief overview of the Federal Advisory Committee Act (FACA) and the limitations on communicating with the public. A lengthy discussion ensued regarding an October 2006 letter sent to MAFAC from a number of organizations and individuals in opposition to

MAFAC's July 2006 recommendations on offshore aquaculture. A letter of acknowledgment was sent to the signatories by the Committee's Executive Director, indicating the views had been received and made part of the administrative and public record. The A.A. for Fisheries and the Under Secretary had also received a copy of the letter which was formally controlled for response. However, some members expressed concern that MAFAC Members did not appear as responsive and may have been perceived as uninterested or dismissive of the comments received.

Per General Counsel, it was made clear that it is inappropriate and beyond the legal authority for a FACA Committee to respond to members of the public on behalf of the government. As their sole purpose is to advise and communicate with the government entity for which they were organized, they do not have the authority to communicate on matters of government policy.

It was clarified that with the exception of acknowledgements and courtesy correspondence, a FACA Committee's communication is to the agency it advises – not the public for which it has no obligation or authority. However, it was explained that an agency can request its FACA Committee to provide advice on how it should respond to such a correspondence, which the agency can then either adopt or disregard. In the particular case referenced above, the letter had already been sent to several levels of leadership within NOAA, and was received well after MAFAC's consensus recommendations were adopted at its meeting and posted to the public web page.

FishWatch (pgs. 92-157) – Alan Risenhoover, Director, Office of Sustainable Fisheries, and Michael Kelly, Communications and Partnership Division, gave a presentation on the status of the FishWatch webpage project. The concept of FishWatch was initially presented to and supported by MAFAC at their April 2000 meeting in Charleston, S.C. Subsequent to that meeting, the concept has been included in the National Academy of Public Administration's recommendations to improve agency outreach. In recent years, the initiative has gained support and momentum within NOAA. The website is not intended as an advocacy site, but rather as an educational platform to inform the public and consumers about the health of the nation's fisheries stocks and the science-based information on which management of sustainable seafood is based.

Targeted for a public launch in August 2007 at the annual Seafood Cook-Off in New Orleans, MAFAC was asked to review and comment on the web page content and roll-out strategy in preparation for an August debut. Members were very enthusiastic about the development progress to-date and very supportive of the need to provide neutral, science-based information as the nation's leading authority in fisheries science, management and sustained use. Various suggestions of additional content, consistent look and presentation of information, as well as consideration to larger 'eco-labeling' issues were presented and briefly discussed.

Magnuson-Stevens Reauthorization Act – Overview of Key Provisions (pgs. 157-166): Mr. Risenhoover gave a brief overview of the newly reauthorized Magnuson-Stevens Act, its key provisions, and web location where all relevant information, activities and

implementation status can be located and tracked by the general public (<http://www.nmfs.noaa.gov/msa2007/>). Key provisions include ending overfishing and utilization of market-based approaches to accomplish this goal, which has led to the inclusion of a major new section of the Act on Limited Access Privilege Programs (LAPPs). Improving science was another key goal of the Act particularly as it relates to recreational fishing data and the call for a national registry. Science and Statistical Committee involvement and some level of peer review are required for the process of establishing annual catch limits. Additional provisions focused on regional ecosystem pilot studies, 5-year research plans, by-catch reduction strategies, deep sea corals stewardship, and cooperative research projects.

International fishing provisions and action items were summarized, including illegal, unreported, and unregulated fisheries (IUU), reducing by-catch, and developing a certification process to identify, and report annually to Congress, those nations not taking appropriate actions to address these concerns. The Act provides that such nations may be subject to sanctions under the High Seas Drift Net Enforcement Act.

Lastly, Mr. Risenhoover summarized the key goals for improving the implementation procedures of the National Environmental Policy Act (NEPA) as they relate to fisheries management; conflict of interest provisions for members of Fishery Management Councils (FMCs) and Scientific and Statistical Committees; and statutory formalization of pre-existing programs, including community-based restoration and joint enforcement agreements.

Magnuson-Stevens Reauthorization Act – Annual Catch Limit Provisions (ACLs) (pgs. 166-196) – Mr. Risenhoover detailed the agency’s process and progress for developing national guidelines for FMCs to begin establishing ACLs. The Act requires that ACLs and accountability measures be implemented by 2010 for fisheries determined by the Secretary to be subject to overfishing, and for all other fisheries by 2011. Looking at the requirements of the new Act, the agency is in the process of developing guidance for the Councils to determine whether or not they have catch limits already in place that meet the requirements under the new Act. In addition to establishing ACLs, the agency must also develop guidelines for accountability measurements to ensure that overfishing is being prevented. The agency sees these two elements as working together to achieve the overall goals of the Act’s overfishing provisions.

Knowing the process will be a lengthy one, the agency is pursuing an aggressive schedule to develop guidelines in time for the Fishery Management Councils (FMCs) to comply with Act’s deadlines. In February 2007, NMFS published a public scoping document and by April received over 2000 comments. Based on this scoping, the agency hopes to publish a draft environmental impact statement in July 2007 and simultaneously conduct a 45-day public comment on a proposed rule with the goal of final guidelines published by the end of the year.

Mr. Risenhoover reviewed some of the key issues and considerations identified in the scoping process that the agency is currently attempting to address, including the need to

identify an appropriate proxy for determining a level of overfishing that can accommodate and/or be translated from the various management strategies utilized by the FMCs (i.e. optimum yield, maximum sustainable yield, effort controls, etc.). Other issues included how to address situations in which a fishery's ACL may have been primarily harvested in state waters, what to do about multi-species management, and how to develop measures of 'sustainability.' All received comments and documents are posted to the above referenced web page.

Magnuson-Stevens Reauthorization Act – NEPA Procedures (pgs. 196-225) – Mr. Risenhoover then summarized the Act's environmental review procedures between NEPA's regulatory requirements and MSA's statutory requirements, and the process the agency has undertaken to implement these provisions. The Act requires the agency to revise and update NEPA procedures to better conform to the MSA process, consult with the Council on Environmental Quality (CEQ), and the regional FMCs, and to publish a proposal within six months. These new procedures will apply to MSA activities only and not impact procedures for habitat or protected resources.

The Act established the Council Coordination Committee (CCC), which recently developed a straw-man process that would provide a single type of environmental review document, impact assessment, and approval process. NMFS posted on its web page, the straw-man proposal along with accompanying trigger questions to solicit public comment on key aspects to be addressed. The comment period ended in April 2007. In addition, each FMC has conducted listening sessions to receive comment. These meetings concluded in May. The agency is working with CEQ and hopes to have a proposal published in July and open for a 90 day public comment in order to comply with the six month deadline. MAFAC and its members were encouraged to get any comments regarding the trigger questions into the agency as quickly as possible.

Over 1600 comments were received on the CCC's straw man proposal and NMFS's trigger questions. Most comments were in the form of a pre-scripted form letter opposing the CCC's straw man proposal. However, some individual letters from organizations were received and the agency has posted those on the website along with the form letter so everyone can review the concerns. Key comments included whether or not there is need to change anything, whether NOAA or the FMCs should be the lead in developing and/or reviewing environmental impact statements, assessments and alternatives. What range of alternatives is necessary, how should the comment period requirements of NEPA coincide better with those of the MSA, and what is the appropriateness of the analysis, public access to comments, conflict of interest, etc..?

In discussion, two other issues, LAPPs and disaster declaration regulations, were addressed. With regard to regional disaster provisions, Sam Rauch, Deputy A.A. for Fisheries Regulatory Programs, indicated the agency intended later in 2008 to publish a notice of proposed rulemaking to solicit a list of questions and concerns around which a rule would be developed.

It was suggested that the agency provide better education and communication on LAPPs, their intended purpose, the variety of programs and comparative pros and cons. Mr. Risenhoover explained the agency has developed a LAPPs clearinghouse of information on the website along with some technical guidance to help with the development of LAPPs and provide comparisons between the various alternatives. In addition, it was also mentioned that the advocacy group Environmental Defense has published a report articulating the benefits of LAPPs and has initiated a process of going around the country to meet with fishing groups who are interested in exploring such a program. The website for Environmental Defense's report will be forwarded to members.

FishWatch Assignment & 3<sup>rd</sup> Party Certification Concerns (pgs.225-238) – FishWatch issues, both short-term recommendations to the agency in preparation for an initial launch in August, and long-term issues of content development, maintenance, and the related issues of third-party certification programs and the role of potential Seafood Promotion Councils were briefly discussed and assigned to a working group of the Commerce Subcommittee which met Wednesday morning, July 6, to begin deliberation.

**4:30 PM Meeting adjourned for the day.**

**Tuesday, June 5, 2007 Springwood Meeting Room**

**9 AM Meeting Reconvened**

The full Committee met until noon to discuss the Vision 2020 project (pages1-128). Dr. Hogarth opened the discussion, complimenting the Committee on the drafted product to-date and detailing some of his thoughts for including public review before the document is finalized. The Committee focused most of its discussion on the content of the document, identifying additional issue areas, including international issues, development of a requirements section, integrating reference to the Oceans Commission recommendations where appropriate, ecosystem management, and more robust outline of issues associated with aquaculture. Dr. Mark Holliday, Director of the Office of Policy joined the discussion and referred the Committee back to the Statement of Task document distributed to the Committee in September 2006, detailing the purposes of the document, particularly the agency's interest in gaining public input. Dr. Holliday outlined a potential strategy for posting a series of questions to the public for response. These responses could later be considered by MAFAC in its final deliberations and drafting. The Committee deferred further discussion on public input and production schedule until the next day. The full Committee adjourned into Subcommittees and working groups until noon the following day.

**Wednesday, June 6, 2007**

**1:20 PM Full Meeting Reconvened**

Capt. Dilernia, Committee Liaison, called the meeting to order and informed the Committee Dr. Ken Roberts sent word that he was not at the meeting due to the death of his mother. Ralph Rayburn offered to coordinate donations for flowers to be sent to the family from the Committee.

Capt. Dilernia then reviewed the order of subcommittee and working group reports.

RecFish Working Group (pages 4-24) – Protected Resources Subcommittee and RecFish Working Group Chair, Bob Fletcher, verbally reported to the Committee that the working group had met with Dr. Boreman and staff that morning to receive an update on the agency's process and progress for implementing its RecFish Improvement Program. Mr. Fletcher referenced some of the activities identified in the Committee's binders that had already been initiated, including a pilot data comparative project that was initiated in the Gulf, the enlistment and formation of recreational advisory committees within the councils, and initial contact from the agency to the marine fishery state directors, identifying what NMFS thinks the minimum data requirements may be and requesting an opportunity to work with the states.

Mr. Fletcher indicated the RecFish Working Group's commitment to assist the agency in facilitating full participation and input into the process and complimented Dr. Boreman and his staff on the transparency of the process. Attending the RecFish Working Group breakout session was: MAFAC members Bob Fletcher, Tom Raftican, and Rob Kramer. NMFS representatives Dr. Boreman, Rob Andrews, and Forbes Darby. And Don Hansen, member of the public and Chairman of the Pacific Fishery Management Council.

Strategic Planning, Budget & Program Management Subcommittee Report - Magnuson-Stevens Act (pages 24-27) – Subcommittee Chair, Jim Gilmore, presented the Subcommittee's report to the full Committee for deliberation (*Attachment B*). The Committee's Subcommittee on Commerce took up discussion of the MSRA and provided some general recommendations for the agency to consider during its development and implementation of the Act's ACL provisions. Particular attention was given to ensuring flexibility and working with the regional FMCs. The Committee agreed to also avail itself to review and comment on future implementation activities. Mr. Gilmore motioned for the Committee to accept the report. Pete Leipzig seconded and that report was accepted unanimously.

Commerce Subcommittee (pages 27-37) - Subcommittee Chair, Tom Billy, presented the Subcommittee's report (*Attachment C*). The Subcommittee met and received an update from Dr. Michael Rubino, Director of NOAA's Aquaculture Program. The Subcommittee discussed NOAA's progress to-date on MAFAC's marine aquaculture recommendations from July 2006, including increased budget support, adoption of a 10-year plan, and the organizing of an aquaculture summit. Discussion focused on the impediments of marine aquaculture in the U.S. and the need to improve communication between industry and NOAA to identify and set research priorities.



It was recommended that it would be wise to delay finalizing the 10-Year plan until after the Aquaculture Summit (June 26-27, 2007), which could provide significant information to be included. It was also recommended that the agency conduct a legal review of the National Offshore Aquaculture Act from a business perspective, including identification of potential business ‘traps’ that may exist in the bill as currently drafted. Lastly, it was noted that there continues to be inconsistency between NOAA headquarters and regional staff support of the agency’ position on aquaculture. The hesitancy appears to be based on a variety of factors including conflicting mandates, priorities and institutional knowledge. It was recommended that the agency needs to engage in more intra-agency education and communication efforts regarding aquaculture.

Dr. Hogarth was very complimentary of MAFAC’s recommendations and guidance and requested the Committee continue it’s involvement with marine aquaculture. Mr. Billy motioned for the Committee to accept the report. Tom Raftican seconded. The report was accepted unanimously.

FishWatch (pages37-72) – The Commerce Subcommittee met to take up FishWatch. Ralph Rayburn was requested to take the lead on this issue for the Subcommittee and that a FishWatch working group be established. Ralph detailed the Working Group’s report (*Attachment D*). The Committee was extremely supportive of the FishWatch initiative as an opportunity for the agency to take a stronger position in defense of itself as the nation’s leading authority. In addition to the report, Committee members agreed to provide comments to Michael Kelly by early July as the agency readies the web page for an initial public launch later in August.

Mr. Rayburn moved the report be accepted by the full Committee. Steve Joner seconded.

A related topic of third-party certification was discussed in-depth, particularly as it relates to the Marine Stewardship Council’s (MSC) reliance on NMFS data for its certification process, the potential long-term drain on agency resources in responding to the growing demands of third-party certification, and the inconsistency of third-parties to rely on NMFS science, yet not acknowledging that fisheries seeking certification are being managed by this same science and transparent public process. It was acknowledged that third-party validation is important and MSC is one of the most thorough. However, there was strong encouragement for NMFS to meet with the MSC and explore how the U.S. fisheries management system and rebuilding plans can receive better recognition or validation in their evaluation process. It was also encouraged that NMFS may want to contact other countries who are individually experiencing the same frustration and concerns – specifically Australia, New Zealand, Canada and potentially Norway. The Committee considered making a formal motion for recommended action. Dr. Holliday pointed out that in terms of budgetary resources and fishery management and science standards, NMFS has a public and peer reviewed process fully in place. Dr. Hogarth indicated that there has been increasing interest and activity expressed to him about this issue and that whether or not MAFAC makes a formal motion on this subject, he is committed to working with staff to review the issue and options.

The FishWatch report was accepted unanimously.

Vision 2020 Project (pages 72-110) – Committee Liaison, Capt. Dilernia, reported that a working session on the Vision 2020 project was convened on Tuesday afternoon and Wednesday morning to further flesh out and task additional drafting assignments. Revisions from those sessions and individual contributions were given to Mary Hope Katsouros and Michele Shea of the Fish for the Future Foundation, for inclusion with a new draft to be made available to members before the end of the week. Vince O’Shea volunteered to help with a thorough refinement of the document and a comparative review with the original Statement of Task outlined in September 2006.

Dr. Hogarth confirmed his purpose for the document as not only guiding his last months as A.A. of the agency but, more importantly, as a transition document to the incoming Administration.

A great deal of discussion occurred about how to proceed with the drafting timeline and incorporating public input. It was concluded that all comments and assigned additions were to be submitted to Mary Hope and Michele by **July 6**. These changes would be incorporated into another draft by **July 15** and sent back out to the full Committee for further review and refinement. In **August**, a draft will be posted on the web along with trigger questions for the public to respond to. The comments will be collated and submitted to the full Committee by **November 1<sup>st</sup>** for consideration. The Committee will finalize the document at their meeting in December and determine a publication timeline and rollout strategy.

Next Meetings (pages 111-116) – The first meeting of Fiscal Year 2008 will be during the last half of December 2007 in either New Orleans, LA, or Tampa, Florida. The second meeting will be held June 30-July 2, 2008, in New York City.

Dr. Hogarth thanked the Committee for working so quickly and effectively on each of the issues. In addition to Vision 2020 in December, there may be need to include aquaculture.

#### **4:40 P.M. The Committee Adjourned Sine Die**

All documents and transcripts associated with MAFAC meetings and deliberations are posted at [www.nmfs.noaa.gov/ocs/mafac](http://www.nmfs.noaa.gov/ocs/mafac).

#### **ATTENDANCE**

##### **MAFAC**

Dr. William T. Hogarth, Vice Chair and A.A. for Fisheries  
Tom Billy  
Laurel Bryant, Executive Director, MAFAC  
Randy Cates

John Connelly  
Bill Dewey  
Capt. Tony Dilernia, Committee Liaison  
Randy Fisher (Non-Voting Consultant, Pacific States Marine Fisheries Comm.)  
Robert (Bob) Fletcher  
John Forster  
Catherine Foy  
Jim Gilmore  
Steve Joner  
Rob Kramer  
Peter Leipzig  
Mary Beth Nickell-Tooley  
John (Vince) O'Shea (Non-Voting Consultant, Atlantic States Marine Fisheries Comm.)  
Tom Raftican  
Ralph Rayburn  
Eric Schwaab  
Larry Simpson (Non-Voting Consultant, Gulf States Marine Fisheries Comm.)

**Absent Members:**

Jim Donofrio  
Chris Dorsett  
Heather McCarty  
Dr. Ken Roberts

**NOAA/NMFS Staff:**

Rob Andrews, Science and Technology, NMFS  
Dr. John Boreman, Director, Office of Science and Technology, NMFS  
Susan Bunsick, Aquaculture Program Office, NOAA  
Forbes Darby, Recreational Fisheries Coordinator, Sustainable Fisheries, NMFS  
Dr. Mark Holliday, Director, Office of Policy, NMFS  
Michael Kelly, Partnerships and Communications, Sustainable Fisheries, NMFS  
Andrew McCreedy, General Counsel, Dept. of Commerce  
Dr. Steve Murawski, Director of Scientific Programs and Chief Science Advisor, NMFS  
Rachel O'Malley, Environmental Liaison, Sustainable Fisheries, NMFS  
Tywana Otts, Partnerships and Communication, Sustainable Fisheries, NMFS  
Sam Rauch, Deputy Assistant Administrator for Regulatory Programs, NMFS  
Alan Risenhoover, Director, Office of Sustainable Fisheries, NMFS  
Dr. Michael Rubino, Director, Aquaculture Program, NOAA  
Katie Semon, Sea Grant Fellow, NMFS

**Members of the Public and other agencies:**

Buffy Baumann, Food and Water Watch  
Patty Doerr, American Sportfishing Assoc.  
Tom Fote, Jersey Coast Anglers Assoc.  
Joseph Gordon, National Environmental Trust  
Don Hansen, Pacific Fisheries Management Council

Mary Hope-Katsouros, Fish for the Future Foundation  
Gina Martin, N.W. I.FC  
Maxwell Mayerux, USDA  
Michelle Shea, Fish for the Future Foundation

Respectfully Submitted by

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Laurel G. Bryant  
Executive Director, MAFAC  
July 20, 2007

May 30, 2007 Final

(Attachment A)

**MARINE FISHERIES ADVISORY COMMITTEE**  
**JUNE 4-6, 2007**  
**WASHINGTON, D.C.**  
**Washington Court Hotel**  
**525 New Jersey Avenue, Washington, D.C. 20001 (202) 628-2100**  
<http://www.washingtoncourthotel.com/>

**MONDAY, JUNE 4, 2007 *Springwood Meeting Room***

**8:30 AM** *Morning Refreshments Available*

**9:00** Opening Remarks and Introductions – *Dr. Bill Hogarth, AA for Fisheries*

**10:00** MAFAC Subcommittee Chairs – Brief over views of Subcommittee & Working Group Agendas for the meeting:

Jim Gilmore – Strategic Planning Subcommittee – MSA implementation  
Tom Billy – Commerce Subcommittee – Aquaculture  
Bob Fletcher – RecFish Working Group

**10:30** MAFAC Administration – *Tywanna Otts, Outreach Coordinator*

MAFAC – Federal Advisory Committee Act, *Andy McCready, General Counsel, Dept. of Commerce*

**11:30** Fish Watch – *Alan Risenhoover, Director, Office of Sustainable Fisheries*

**12:30 PM** LUNCH

**1:45** Magnuson Stevens Act – Status of Implementation, NEPA Improvement, Annual Catch Limits and Limited Access Programs – *Alan Risenhoover*

**5:00** Adjourn

**TUESDAY, JUNE 5, 2007**

**9:00 AM** Full Committee Discussion - Vision 2020 Project Discussion – *Dr. Tony DiLernia, MAFAC Liaison, and Mary Hope Katsouros, Foundation*

*Hogarth,  
Fish for the Future*

**12:00 PM** Lunch

**1:00** Working Groups – Aquaculture and Vision 2020 - Meeting Rooms TBD

**5 PM** Adjourn

**WEDNESDAY, JUNE 6, 2007**

**9 AM -1 PM** Subcommittees & Working Group – MSA and RecFish Meeting Rooms TBD

**1 PM** Full Committee – Subcommittee and Working Group Reports and Full Committee Actions

**4:30 PM** Administrative Business – Next meeting location & dates

**5PM** **Adjourn Sine Die**

Strategic Planning Committee  
Subcommittee on MSA  
Wednesday, June 06, 2007

Attendees: Alan Risenhoover, Ralph Rayburn, Catherine Foy, Dorothy Lowman, Randy Cates, Peter Leipzig, Mary Beth Nickell-Tooley, Jim Gilmore and Tom Billy

MAFAC members including members of the Magnuson – Stevens Act subcommittee, met with Alan Risenhoover of NOAA Fisheries, Office of Sustainable Fisheries to continue discussion of implementation of the MSA reauthorization. The Committee offers the following recommendations and comments:

- The group urges NOAA Fisheries to make clear that Fishery Management Plans (FMPs) do not need to be amended simply to reflect the Annual Catch Limit nomenclature adopted in implementing regulations but only to ensure consistency with the concepts in MSA and new National Standard 1 guidelines.
- The group urges NOAA Fisheries, in consultation with NOAA General Counsel, to advise councils on which FMPs are deemed to be in compliance with revised National Standard 1 Guidelines.
- The group urges flexibility in revised National Standard 1 Guidelines for circumstances where there are data poor species within a fishery subject to annual catch limit (ACL) requirements.
- The group urges NOAA Fisheries to recognize and provide flexibility for situations where an ACL set below an overfishing level (OFL) might be exceeded in a year without an adverse biological impact.
- The group strongly supports NOAA Fisheries' plan to hold a public workshop in the fall to discuss developments relating to MSA implementation.

Mr. Gilmore motioned for the Committee to accept these recommendations. Mr. Leipzig seconded. The recommendations were unanimously accepted.

**MAFAC Aquaculture Working Group Meeting  
Washington Court Hotel  
Washington, D.C.  
June 5, 2007**

Workgroup chairman Tom Billy opened the meeting and referred participants to notes from previous meeting and several letters provided by MAFAC members in advance of the meeting, as well as information from the NOAA Aquaculture Program.

I. Tom Billy invited Dr. Michael Rubino to give a program brief indicating progress made on recommendations to NOAA as made in the July 2006 letter from MAFAC to NOAA. Michael Rubino reviewed the actions that have resulted from the letter as they relate to the four main points of the letter.

**1– Formally adopt the 10-Year Plan for the NOAA Aquaculture Program**

- Plan has been adopted; it's now in final stages of being completed as far as layout and design.

**2 – Provide substantially increased budget resources for the NOAA Aquaculture Program**

- In FY06 NOAA had \$25 million in aquaculture [all but \$9m was Congressionally directed funds]
- In FY07 NOAA has \$8 million; this year, all budget decisions will be awarded through the Broad Area Announcement
- In FY06, NOAA awarded \$3.2 million in *National Marine Aquaculture Initiative* Projects
- In FY07, NOAA will award \$3.5 million in *National Marine Aquaculture Initiative* Projects. Will be announced in August when grants are awarded.
- In FY08, NOAA Aquaculture Program will have about a \$9 million budget
  - The NOAA Aquaculture Program now has a separate line item in the President's budget submission to Congress.
  - R&D initiatives continue; i.e., NMAI is set at \$1.7 in President's budget

**MAFAC discussion** – The workgroup discussion centered on the impediments to additional U.S. marine aquaculture. Discussion focused on lack of an adequate NOAA budget; lack of hatchery capability; and lack of a coordinated and efficient license process to permit new operations. Discussion also included a call for improved communication flow among the industry and NOAA with regard to identifying and setting research priorities. Currently, NOAA is working through regional science centers and encouraging them to communicate with local industry to identify trends/needs for research.

Discussion moved to stock enhancement and replenishment and the importance of publicly-funded research assistance in setting up and improving stock enhancement programs. NOAA addresses this issue in the 10-Year Plan.

**3 – Launch a broad marine aquaculture development initiative**

- Convene a National Summit on Aquaculture [Planned for June 26-27, 2007]
  - In March 2007, the Secretary announced that he would convene this in June 2007
  - The focus of the Summit is the business side of aquaculture [investment, jobs, competing uses and the appropriate role of the federal government in creating incentive programs and research]
  - A draft agenda was shared with MAFAC members and meeting participants and Michel Rubino reviewed the available details of the Summit.

**MAFAC Discussion** – Posed the question that it might be wise to wait on finalizing the 10-Year plan because it would be significantly informed by the Summit. Discussion focused on how the outcome of the Summit will be folded into either this version of the 10-Year Plan or the next iteration. Other discussions:

- NOAA Aquaculture Program has assembled an “Aquaculture Points of Contact” (POC) group in April to identify research priorities; improve communication and coalesce aquaculture expertise across the country. POC group includes policy, regulatory, and scientific staff;
- NOAA Aquaculture Program is focused on improving working relationships with other federal agencies interested in aquaculture. NOAA has enhanced its relationship with NIST and worked with that agency to formulate its 2007 call for advanced technology proposals to include aquaculture; and
- NOAA Aquaculture Program is also working to enhance relationship with a broad array of other groups interested in aquaculture including state fisheries directors, fishery management councils, E-NGOs, research institutions, others.

**4 – Revisit Chapter 22 of the U.S. Commission on Ocean Policy’s final report to Congress for elevation of additional aquaculture recommendations to the U.S. Ocean Action Plan.**

- Nothing to report to date.

II. Michael Rubino also provided an update on the National Offshore Aquaculture Act

- Significant change from 2005 Act is that this is a ‘marine bill’ which means that the research section is focused on all of marine aquaculture
- Introduced into the House in April
- Senate introduction is expected this Summer
- Support for the revised bill from organizations around the country
- Some E-NGOs and fishing groups continue to voice opposition to the bill

**MAFAC Discussion** – Suggested that a ‘legal’ review of the bill from a business prospective could be a useful exercise to examine whether or not businesses would actually invest in aquaculture based on the present bill language. There are legal concerns about the intent of the language of the bill, i.e. there needs to be an analysis of the potential business ‘traps’ in the current bill. MAFAC members encouraged a legal review from an industry standpoint. Michael Rubino noted that the agency staff would be available to consult on alternative language.

Discussion also focused on the need for and interest in pilot projects in various regions.

Discussion also focused on the hesitancy of NOAA’s staff in the regions and in the field to be supportive of the agency’s position on aquaculture. This hesitancy appears to be based on a number of issues, including conflicting mandates, priorities, institutional knowledge and other reasons. There is a need for more interagency education and communications efforts regarding aquaculture. Other discussions covered:

- Foreign [vs. U.S.] ownership provision in Administration’s 2007 Act – same as 2005 Act provision;
- Use of energy platforms – provision in Administration’s 2007 Act is the same as 2005 Act provision, i.e., the Administration’s bill would not extend life of platform;
- State ‘opt out’ provision – discussed details of Administration’s version of the ‘opt out’ provision;
- Permit duration – discussed details of Administration’s the 2007 Act provision (20 years, renewable up to 20 years); and
- Demonstration projects – discussed need to look at synergies with recreational fishing – e.g., barge pumping water in federal waters off Hawaii is where fishermen congregate. There are other observations of fishing intensity around structures. Where to locate (Most opposition? Most opportunity?)



Tom Billy thanked Michael Rubino and staff for the impressive progress. Since this effort is still a work in process, it was felt that MAFAC should stay active in this area and members should try to attend the Summit.

ATTENDEES

Members:

Randy Cates  
John Connelly  
Bill Dewey  
Tom Billy  
Larry Simpson  
John Forster  
Ralph Rayburn (end of meeting only)

NOAA:

Michael Rubino  
Kate Naughten  
Susan Bunsick  
Bruce Morehead  
Andy Lazur  
Laurel Bryant (beginning only)

Others:

Buffy Bauman (Food and Water Watch)  
Max Mayeaux (USDA)

Mr. Billy motioned for the report to be accepted. Mr. Joner seconded. The report was accepted by the Committee with unanimous consent.

## **FISHWATCH WORKING GROUP JUNE 6, 2007**

### MAFAC Members –

Tom Billy  
Randy Cates  
John Connelly  
Bill Dewey  
Catherine Foy  
Jim Gilmore  
Steve Joner  
Pete Leipzig  
Dorothy Lowman  
Mary Beth Nickell-Tooley  
Tom Raftican  
Ralph Rayburn

### Staff –

Bill Hogarth  
Michael Kelly  
Alan Risenhoover  
Katie Semon

### Visitors --

Buffy Baumann  
Don Hansen

Tom Billy – Chair of Commerce SC open discussion bringing the group up to date on the purpose of the meeting reflected in the interest of the full committee in forming a work group to considered outreach to consumers on seafood. Chairman Billy designated Ralph Rayburn as the working group chair.

Rayburn took the chair and suggested that focus of the session be on preparation of a Fish Watch document to roll out at the New Orleans seafood event and led general discussion. Outcomes –

### **General –**

1. Maintain a Fish Watch Working group to guide and validate the Fish Watch program.
2. Encourage NOAA Fisheries/NMFS to be forceful in support of its actions.
  - a. It does a very good job.
  - b. Folks are supportive of NMFS supporting itself.
  - c. Fish Watch is one tactic in promoting fisheries management effectiveness.
3. Certification programs wouldn't work in the domestic fisheries if NMFS didn't provide all the data. Could get third party to always validate effective management in certification process of fisheries under a domestic management program.

### **Look at content of website –**

- Considered top bullets – in hierarchy of personal preference – price – quality- sustainability
- Consider choices in purchase – texture, preparation, nutrition, any cautions.
- Want about 30 species in roll out.
  - Request addition species
  - Review pages and get back with Michael and Katie

- By July 1, staff will have reviewed pages and get back to the working group.
- Still schedule for roll-out on Aug. 5.
  - Press conference etc. in New Orleans.
  - Starting in July getting word out –
    - Stickers
    - Fish wrap.
    - Other promotional materials

Mr. Rayburn motioned for the report to be accepted. Mr. Joner seconded. The report was accepted by the Committee with unanimous consent.