

# **SUMMARY MEETING REPORT**

## **MARINE FISHERIES ADVISORY COMMITTEE**

**Monterey Conference Center**

**One Portola Plaza, Monterey, CA 93940**

**May 12-14, 2009**

The Marine Fisheries Advisory Committee (MAFAC or 'the Committee') met on May 12-14, 2009 in the Colton Rooms I and II at the Conference Center in Monterey, California, James Balsiger, Vice Chair, presiding. This is the first of two meetings scheduled in calendar year 2009.

The agenda (**Attachment A**) covered three full days of work, and was split into several major topic areas: seafood safety and quality; multi-sector ocean use and governance; strategic planning and communications; and presentations on local marine sanctuary and research activities. Updates and briefings were also provided on budget, rules and policy actions, 2009 legislative agenda, and performance metrics. During the afternoons of Day 1 and Day 2, subcommittees met to consider new business and develop recommendations and actions. Subcommittee reports were presented to the full committee for consideration and discussion on Day 3.

The meeting was open to the public in accordance with the provisions of Public Law 9-463, and one member of the public took the opportunity to present oral comments to MAFAC on Day 3. The following is a synopsis of the Committee's discussions and actions (numbers in parentheses correspond to page numbers of the daily transcript, available online at [http://www.nmfs.noaa.gov/ocs/mafac/meetings/2008\\_11/index.htm](http://www.nmfs.noaa.gov/ocs/mafac/meetings/2008_11/index.htm)).

### **Committee members present:**

James Balsiger, Vice Chair  
Mark Holliday, Executive Director  
Tom J. Billy, Committee Liaison  
Randy Cates  
Bill Dewey  
Anthony D. DiLernia  
Patricia Doerr  
Edwin A. Ebisui, Jr.  
Erika A. Feller  
Martin Fisher  
Robert Fletcher  
Catherine L. Foy  
Steve Joner  
Dorothy M. Lowman  
Heather D. McCarty  
Tom Raftican  
Eric C. Schwaab  
David H. Wallace

### **Consultants to MAFAC Present:**

Randy Fisher  
John V. O'Shea  
Larry Simpson

**Staff of the National Marine Fisheries Service attending for all or a portion of the meeting in addition to Dr. Balsiger and Dr. Holliday include:**

Tom Bigford, Chief, Habitat Protection Division, NMFS Office of Habitat Conservation  
Linda Chaves, Seafood Inspection Program  
Walt Dickhoff, Seafood Inspection Program  
Jessica Dutton, Knauss Sea Grant Fellow, Policy Office  
Churchill Grimes, Director, Fisheries Ecology Division, Santa Cruz Lab,  
Southwest Fisheries Science Center  
Tim Hansen, Director, Seafood Inspection Program  
Heidi Lovett, Policy Analyst, Policy Office  
Sam Rauch, Deputy Assistant Administrator for Regulatory Programs  
Alan Risenhoover, Director, Office of Sustainable Fisheries  
John Stein, Deputy Director, Northwest Fisheries Science Center

**Others present for all or a portion of the meeting, providing presentations were:**

Paul Doremus, Deputy Ass't. Administrator, NOAA Office of Program Planning and Integration (PPI)  
Bill Douros, West Coast Regional Director, NOAA Office of National Marine Sanctuaries  
Paul Michel, Superintendent, Monterey Bay National Marine Sanctuary (NOAA/NOS)  
Phil Spiller, Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (FDA)  
Charles Wahle, Senior Scientist, MPA Center, NOAA National Ocean Service

**Members of the public in attendance for all or a portion of the meeting were:**

Matt Armsby, Center for Ocean Solutions  
David Crabb  
Stan Deveroux  
Mike Eng, Monterey Bay National Marine Sanctuary  
Lisa Wooninck, Monterey Bay National Marine Sanctuary

**Tuesday, May 12, 2009**

8:35 Meeting Convened

**A. Seafood Safety and Quality**

**1. FDA Methyl Mercury Contaminants Risk Benefit Report** (Transcript Day 1, p. 30)

Mr. Phil Spiller from the Center for Food Safety and Applied Nutrition, U.S. Food and Drug Administration (FDA) discussed a recently released draft Risk and Benefit Assessment report, summary report and peer review report on the consequences of eating commercially-caught fish for several health endpoints (fetal neurodevelopment, fatal coronary heart disease (CHD) and fatal stroke) for which methyl mercury (MeHg) in the fish is a potential risk factor. The particular conditions of the research were presented in detail. It was found that the association between maternal fish consumption (with average amounts of MeHg of 0.086 ppm) and neurodevelopment is often beneficial for most people even though fish contain MeHg. There is likely an adverse effect for a very small percentage of the population as a result of diets involving fish relatively high in MeHg (which pregnant women and young children are advised not to eat). Additionally, it is estimated that fish consumption currently averts 30,000 deaths per year from CHD and 20,000 deaths per year from stroke.

Mr. Spiller noted that at present, risk management is based primarily on MeHg's adverse contribution to the net effect, and since fish consumption is generally low in the U.S. and women who eat less than 12 oz. fish/wk before pregnancy (roughly 95% of women) often reduce further when pregnant, they are

not gaining the neurodevelopment benefits of fish consumption. Thus, after review of all the public comments received on these reports, the FDA's Food Advisory Committee will be assessing whether the risk management advice should be revised.

After some questions and discussion, further discussion was deferred to the Commerce Subcommittee during its Monday afternoon session. Recommendations on actions that NOAA can take related to this topic were developed and are noted in the Subcommittee report (see section B on Day 3, below).

## **2. NOAA Seafood Safety and Quality Strategic Plan (Transcript Day 1, p.113)**

Mr. Tim Hansen first provided an overview of the process used to develop the draft Strategic Plan; the plan's contents; rationale for why seafood safety is important; projected demand; and how seafood imports are growing. NOAA and FDA are currently responsible agencies for seafood safety. NOAA's Seafood Inspection Program inspects 40% of processed product in the US, but FDA only inspects 2% of imports (which is 80% of American seafood consumption). Increased health risks, lagging consumer confidence, and new international requirements for seafood imports are all pointing to the need to clarify NOAA's policies and priorities with respect to seafood safety, improve seafood inspection and certification, increase fisheries research and monitoring; and improve interagency coordination.

## **B. Local NOAA/NOS Presentations**

### **1. Monterey Bay National Marine Sanctuary Program (Transcript Day 1, p. 184)**

Mr. Bill Douros, West Coast Regional Director for the NOS National Marine Sanctuary Program, opened the session with an overview of the Sanctuary system and statistics on the five sanctuaries in the West Coast Region; summarized the diverse mandates of the Sanctuary program and its legislative history; and spoke briefly about the interactions between Sanctuaries and the NMFS. Paul Michel, Superintendent, presented facts and history specifically about the Monterey Bay National Marine Sanctuary (MBNMS), the largest sanctuary in the system covering nearly 6,100 square miles. Its diverse living marine resources and cultural resources are managed through 26 action plans and ecosystem-based management tools, including a variety of marine protected areas (MPAs). The presentation also provided an overview of all 296 marine protected areas along the entire west coast which equal nearly half of west coast waters; are in state, federal, and jointly managed areas; and cover multiple uses.

### **2. Causes of the Decline/Collapse of the Sacramento River Fall Chinook Fishery (Transcript Day 1, p. 230)**

Dr. Churchill Grimes, Fisheries Ecology Division Director, Santa Cruz Lab, Southwest Fisheries Science Center, discussed the scientific working group that was formed to assess why the Sacramento River Fall Chinook (SRFC) fishery declined sharply from 2004 – 2007. Potential impacts at different life stages and for both captive and natural fish were identified and assessed and the work group found that things went wrong between entering the bay and recruitment to the fishery at age 2. The California current was unusual in 2005 and appeared to affect different species. The work group concluded that the proximate cause of collapse was poor ocean conditions. Essentially in the spring 2005 and 2006 SRFC juveniles entered the ocean under poor ocean conditions (upwelling and SST), the normal food chain did not develop, instead of feast they found famine, and starvation mortality resulted in low survival to age 2 or older. Contributing to the decline is the fact that hatchery fish are an increasing proportion of total returns, but they and habitat degradation reduce diversity within and among runs. To stabilize the populations and fishery, wild populations have to be rebuilt to provide opportunity for increased diversity. Now the working group is assessing whether the performance of current stock predictors can be improved by incorporating ocean environmental information, and

research and monitoring recommendations are being developed for improving the understanding of causes of decline and stock forecasts.

### **C. NOAA/NMFS Reports (Order of items, changed from Agenda)**

#### **1. Upcoming NMFS Rules and Policy Actions: NEPA, ACLs and LAPPs (Transcript Day 1, p. 267)**

A status update of the implementation of the Magnuson-Stevens Reauthorization Act (MSRA) was presented by Mr. Alan Risenhoover, Director of the Office of Sustainable Fisheries. Guidance on annual catch limits (ACLs) was published in a final rule on January 16 and became effective February 17, 2009. They provide a flexible approach, account for U.S. fisheries diversity, and ensure that the MSA mandate is met for ACLs and accountability measures (AMs) to end and prevent overfishing. ACLs must be implemented in 2010 for fisheries subject to overfishing and 2011 for all other fisheries.

A proposed NEPA rule published May 14, 2008, and over 150,000 comments were received before the comment period closed. However, the Administration withdrew the final rule from OMB review on December 19, 2008, and it has not been reintroduced.

The MSRA established specific requirements for establishing and administering limited access privilege programs (LAPPs) and allocation of harvest privileges, and the last Administration set a goal of doubling the number of market-based programs to 16 by 2011. A NMFS report providing non-regulatory technical guidance has been published and in 2007 the agency solicited public comment on what additional guidance is needed on LAPPs. NMFS is determining how to proceed.

Other rulemaking underway addresses: experimental fishing permits, IFQ referenda guidelines, IUU provisions, research and management for deep-sea corals and sponges, and revisions to National Standard 2 (NS2) on scientific information to include peer review standards, role of Council scientific and statistical committees in the review process, and Stock Assessment and Fishery Evaluation (SAFE) report requirements.

#### **1. NMFS Budget Update (Transcript Day 1, p. 301)**

Mr. Sam Rauch, Deputy Assistant Administrator for Regulatory Programs, gave a presentation of the FY2010 President's budget, Administration priorities and how that translates to NOAA and NMFS funding. He first noted that NOAA received \$830 million in stimulus or American Recovery and Reinvestment Act (ARRA) funds which included: \$167M for marine and coastal habitat restoration to support mid- and large-scale restoration projects addressing coral reef conservation, fish habitats, recovery of endangered species, and improvement of coastal resiliency; and \$430M for weather forecasting and satellite improvements and for construction and repair of NOAA facilities, ships and equipment, including the Southwest Fisheries Science Center and a new fisheries survey vessel construction.

For 2010, NOAA requests a total of \$4,484M, an increase of 2.5% or \$110M over the FY 2009 Omnibus Appropriation. Overall, the budget has grown against last year's request and is better aligned with enacted budget than previous years. Of this, the NMFS request is \$911.8M. Increases and decreases compared to the FY2009 budget were presented. NOAA's FY2009 budget which the agency is currently operating under provides \$879.0 M for NMFS, a net increase of \$50.0 M or 6% over the FY 2008 Enacted Budget.

### **3. 2009 Legislative Agenda** (Transcript Day 1, p. 321)

Mr. Sam Rauch provided a detailed table of all legislation in this sessions introduced in the House and Senate and its status to the Committee. The Omnibus Public Lands Bill (H.R. 146, formerly S. 22) passed and was signed by the President on March 30 and contains a number of NOAA related sections such as ocean exploration, undersea research, ocean and coastal mapping and ocean observing, and the Federal Ocean Acidification Research and Monitoring Act of 2009. Several bills that have been introduced that impact NMFS directly address shark conservation; IUU fishing enforcement; seafood safety, food safety modernization, and commercial seafood consumer protection; non-native wildlife invasion prevention; Pacific salmon conservation; reauthorization of the Marine Turtle Conservation Act of 2004 and Coral Reef Conservation Act of 2000; southern sea otter recovery and research; amendments to the John H. Prescott Marine Mammal Rescue Assistance Grant Program and establishment of a national research program to fund basic and applied research on marine mammals; and amendments to the Magnuson-Stevens Act.

The full MAFAC meeting recessed for the day at 3:43 p.m. to resume May 13, 2009, at 8:30 a.m.

### **D. Subcommittee and Working Group Sessions**

The Commerce Subcommittee and the Fisheries Disasters Working Group met concurrently during the afternoon. The Commerce Subcommittee discussed the morning presentations on seafood safety and quality, discussed methyl mercury issues with Mr. Spiller of the FDA; the need for improved outreach and communication and who it should target; and developed recommendations for MAFAC consideration.

The Fisheries Disasters Working Group had developed a draft white paper on their issue over the past several months and from that, developed approximately 15 recommendations covering: goals of fishery disaster declarations; eligibility requirements; implementation issues; allocation criteria; and accountability measures. (Transcript Day 1, p. 339)

Specific recommendations and outcomes of each break-out are provided in the reports presented on Day 3.

## **Wednesday, May 13, 2009**

8:29 Meeting Re-Convened

### **E. Multi-Sector Ocean Use/Governance Briefings**

#### **1. Ocean Acidification** (Transcript Day 2, p. 2)

Dr. John Stein, Deputy Director, NMFS Northwest Fisheries Science Center, presented to the committee on ocean acidification. Ocean acidification, or the decrease in oceanic pH due to increased atmospheric CO<sub>2</sub>, has changed global water chemistry by about 0.1 pH units since the late 1980s, and pH is predicted to decline 0.3 to 0.4 units by 2100. Dr. Stein presented that OA not only alters water pH but also affects carbonate chemistry, reducing the availability of carbon for many biological processes including shell formation and growth. Oceanographic factors such as upwelling also exacerbate the effects of OA by raising and shoaling deep corrosive waters along some shorelines. The science is clear that anthropogenic influences are playing a major role in ocean acidification. Dr. Stein discussed the potential biological, economic and ecological consequences of ocean acidification and oceanic pH changes, and the need for continued research and monitoring. Current NOAA/ NMFS research on this topic was discussed, along with the status of legislation addressing ocean acidification in federal waters.

## **2. Energy – Traditional and Alternative** (Transcript, Day 2, p. 80)

Mr. Tom Bigford, Chief of the Habitat Protection Division, NMFS Office of Habitat Conservation, gave the MAFAC committee a presentation on NOAA's role in traditional and developing energy sectors. He discussed the impact of increasing offshore energy development on fisheries, habitat and protected resources, and presented various energy issues by sector and technology type. NOAA's statutory responsibilities for energy issues were discussed. The needs for new forms of collaboration with outside partners and marine spatial planning were also considered, so that impacts and conflicts can be avoided or mitigated at early stages of the regulatory and planning processes.

## **3. Regional Ocean Governance** (Transcript Day 2, p. 160)

Dr. Mark Holliday, Director of the Office of Policy presented issues related to the development of comprehensive regional ocean governance. Missing governance elements at the national level were discussed, including a statement of national ocean policy founded on ecosystem health; an interagency strategy to execute policy; role of an independent presidential ocean advisor; marine spatial planning; and federal leadership. Collaboration with states, regional government and stakeholders was also emphasized as a priority. The presentation facilitated discussion regarding the role of NOAA and NMFS, Fishery Management Councils and regional offices in such governance structuring, and the potential impact that this issue could have on the Agency's current activities and future strategies for resource management.

## **4. Marine Spatial Planning** (Transcript Day 2, p. 196)

Dr. Charles Wahle, Senior Scientist at the NOS MPA Center, introduced a draft working definition of marine spatial planning (MSP) as: "a comprehensive ecosystem-based process through which compatible human uses are objectively and transparently allocated to appropriate ocean areas to sustain critical ecological, economic and cultural services for future generations." He discussed the core components of comprehensive MSP including spatial data, planning tools, and policy framework and leadership. He also introduced the California Ocean Uses Atlas, a portfolio of GIS maps of ocean uses based on regional collective knowledge. With this tool, key data gaps regarding the range of human interactions with the California coast are being filled and applied to California ocean management.

## **F. NOAA Strategic Planning** (Transcript Day 2, p. 228)

During this session, the process behind the development of NOAA's next generation strategic plan was presented by Mr. Paul Doremus, Deputy Assistant Administrator, NOAA Office of Program Planning and Integration (PPI). It included identifying the vision, mission, and goals of the agency for the next 25 years, and the corresponding objectives and strategies NOAA should pursue in the next five years to progress toward long-term priorities. The Plan is being designed to inform and respond to priorities of the new administration, engage with stakeholders, respond to long-term trends and external challenges, and meet internal requirements. It was emphasized that potential goals and objectives are derived using input from advisory bodies such as MAFAC, and the committee's comments on influential trends, challenges/opportunities, and goals that should be considered are all welcome. PPI has already received and incorporated many of the issues and concepts that MAFAC previously identified during the development and finalization of its *Vision 2020* report.

## **G. Regional Council Performance Metrics / 5-Year Programmatic Plans (Transcript Day 2, p. 305)**

The last presentation of the day, by Mr. Risenhoover, reviewed performance measures and strategic planning relevant to the Regional Fishery Management Councils. NMFS performance is currently assessed using several metrics. The Councils contribute to this performance in several ways including the implementation of required ACL amendments; number of overfished/overfishing stocks (as measured by the Fish Stock Sustainability Index); essential fish habitat (EFH) 5-year updates; the number of catch share or LAPP programs; and the availability of other data including bycatch and social/economic data. Councils will soon be developing their next five year grant proposals where these and possibly new metrics will be considered.

## **H. NMFS – Fishing Industry Communications (Transcript Day 2, p. 342)**

Mr. Alan Risenhoover led this session. The session's goal was to identify means to increase two-way communication between the commercial fishing industry and NMFS at both the regional and national level to increase the productivity, financial viability, and the economic efficiency of our domestic seafood industry as required under the Magnuson-Stevens Act. The NMFS Outreach Strategic Plan developed by the Partnerships and Communications Division of Sustainable Fisheries and current outreach activities was presented to help kick off discussion. The committee discussed current barriers to effective communications between industry and NMFS, and effective forms of outreach and other communications tools that could be employed to better reach both the commercial fishing industry and recreational fisheries in the regions. Members also discussed the role that MAFAC can play in improving the relationship between NMFS and industry.

The full MAFAC meeting recessed for the day at 4:01 p.m. to resume May 14, 2009 at 8:30 a.m.

## **I. Subcommittee Sessions**

Two subcommittees then met in break-out groups to discuss specific topics. The Strategic Planning, Budget, and Program Management Subcommittee met, chaired by Heather McCarty and addressed the NOAA strategic plan, budget, performance metrics, and NMFS communications with industry and the public.

The Ecosystem and Climate Subcommittee met simultaneously, chaired by Tom Raftican, and discussed issues related to the morning presentations on ocean acidification, marine spatial planning, regional ocean governance and synergistic ocean uses (Transcript Day 2, p. 394).

Specific recommendations and outcomes of each break-out are provided in the reports presented on Day 3.

The Strategic Planning, Budget, and Program Management Subcommittee adjourned at approximated 5:35 p.m., and the Ecosystem and Climate Subcommittee adjourned at 5:54 p.m.

**Thursday, May 14, 2009**

**8:40am Meeting Convened**

## **J. Meeting Administration**

### **1. Next Meeting Date and Location** (Transcript Day 3, p. 7)

The Committee discussed the best dates for the next meeting of the year and location. It is tentatively scheduled for the second week in November to be held in DC. Additionally, the committee had a discussion about whether the current meeting format should potentially be changed. Other options for meeting length, number of potential meetings per year, number of topics to be addressed per meeting, length of subcommittee meeting time, and the pros and cons of each were discussed.

### **2. Membership Changes and Nomination Process** (Transcript Day 3, p.33)

The Committee thanked two long-standing members, Anthony DiLernia and Robert Fletcher for their efforts and involvement in MAFAC and other NMFS-related activities and for whom this was their last meeting. Mark Holliday explained that the nomination process for new MAFAC members, to begin terms in October 2009 was underway. An announcement was published in the Federal Register with a closing date of June 5, and the process is similar to last year's in which people can self-nominate or be nominated by colleagues. Federal lobbyists may be ineligible to serve. NMFS' goal is to have a balance of perspectives for the Committee; members should represent different geographic areas, disciplines and expertise.

### **3. New Subcommittee Chairs** (Transcript Day 3, p. 45)

Due to changes in Committee membership there will be some changes in the Subcommittee leadership. The following individuals have agreed to chair specific subcommittees: Cathy Foy, Protected Resources; Heather McCarty, Strategic Planning; Eric Schwaab, Recreational Fisheries Working Group; Tom Raftican, Ecosystems; and Steve Joner, Commerce.

## **Subcommittee Reports and Recommendation**

### **K. Fisheries Disaster Working Group Report** (Transcript, Day 3, p. 47)

Eric Schwaab, Working Group Chair

The MAFAC Fisheries Disaster Working Group had met by teleconference over the past few months, and had developed a draft white paper on the issue that was further discussed and revised during the Work Group session.

The recommendations listed below follow the outline of the white paper. The document addressed issues in five general categories: 1) program principles and objectives; 2) eligibility issues; 3) implementation issues; 4) allocation criteria; and 5) accountability measures. Next step is to transmit report to MAFAC chair and vice chair (Lubchenco and Balsiger), and suggest briefing opportunity to NOAA to be given by the Working Group Chair.



## *Final Fishery Disaster Working Group Report to MAFAC*

### **I. Program Principles & Objectives**

**Recommendation:** All applications should include an assessment of pre-disaster fishery conditions to aid in the evaluation, planning and implementation of assistance.

**Recommendation:** The pre-event assessment process should include an explicit requirement that the assessment be accompanied by input from other management agencies where applicable (dependent on the nature of the disaster).

**Recommendation:** Based on the pre-disaster assessment, the applicant should be requested to articulate how desired post-disaster assistance would compliment current management objectives for the fishery.

**Recommendation:** Where planned management strategies dictate a different post-disaster management outcome than pre-disaster conditions of the fishery, the applicant should be requested to articulate post-disaster management conditions and design and include evaluation criteria to measure successful action.

**Recommendation:** Clarify eligibility to allow impacts to coastal aquaculture, for hire and recreationally dependent communities as a consideration for eligibility and participants to be directly eligible for disaster funding and other assistance.

**Possible Recommendation:** Ensure that NOAA regulations preclude eligibility resulting from circumstances directly attributable to overfishing or as a result of management action directly undertaken to control overfishing.

### **II. Eligibility Issues**

**Recommendation:** Request that NOAA evaluate the concept and develop principles and approaches to applying risk assessment standards in allocation of disaster relief to individual. This is intended as a means to prevent the use of disaster funding to perpetuate or re-establish high risk circumstances.

### **III. Implementation Issues**

**Recommendation** Expenditures must be consistent with existing management plans and in accordance with assessment information provided in the grant request. This evaluation and accompanying grant conditions should take place through establishment of “sideboards” that are broad and philosophical rather than prescriptive.

**Recommendation:** Coordination with other federal or local relief programs is desirable and should be a part of the disaster relief plans where appropriate.

**Recommendation:** Work with Congress to establish a standing disaster fund and developing accompanying use and replenishment criteria to expedite response under certain conditions.

**Recommendation** – Work with Congress to remove all the matching funding conditions.

#### **IV. Allocation Criteria**

**Recommendation:** Funds appropriated for a specific disaster should be allocated by the applicant in accordance with the grant application.

**Recommendation:** Regulations should be adopted to govern the allocation of “lump sum” appropriations that are to be divided among multiple disaster declarations. Regulations should include allocation criteria based upon economic impacts, quality of grant application, etc.

#### **V. Accountability Measures**

**Recommendation:** Evaluations should be conducted on a regular basis at the program level.

**Recommendation:** Evaluations should be conducted for each disaster declaration to assess performance against desired outcomes.

**Recommendation** - Some portion of disaster funds should be allocated for the evaluation of the recovery program.

#### **L. Commerce Subcommittee Report (Transcript, Day 3, p. 99)**

Tom Billy outgoing, Steve Joner Incoming Subcommittee chair

The Subcommittee members discussed the methyl mercury contaminants in seafood risk and benefit report and presentation on Tuesday May 12, 2009, by Philip Spiller of the FDA and asked him additional questions about the report and next steps expected from the FDA. Issues raised included an interest in more research, not only looking at mercury in isolation but to include other broad-based health effects research; the need to better educate the public about seafood and health; who education and outreach should target (i.e., doctors, medical profession, dieticians, etc.); and the merits of very successful past NOAA-organized seafood and health conferences. Next step is to transmit the report and recommendations to the MAFAC chair and vice chair (Lubchenco and Balsiger).

There was also a brief discussion about the NMFS Seafood Quality and Safety Strategic Plan. There was disappointment the written plan was not available to review; there was consensus that of the material presented there were no priorities presented; and MAFAC did not feel comfortable making any recommendations until they had an opportunity to review the written plan. Committee members encouraged NOAA to promptly finish the document, properly vet it, and then request that MAFAC consider it.

#### **Formal Commerce Subcommittee Report to MAFAC**

The MAFAC Committee, having been briefed on the results of the FDA Methyl Mercury (MeHg) in Seafood Risk/Benefit Project and draft report:

- 1) Embraces the risk/benefit approach in general, and its use by FDA for environmental contaminants in seafood in particular;
- 2) Encourages a national cooperative information and education initiative for the public; and

- 3) Encourages continued research on the risks on environmental contaminants and health benefits of seafood. This should include the role of selenium in mitigating the toxic effects of environmental contaminants.

NOAA should:

**Recommendation:** Encourage a letter from the Secretary of Commerce to the Secretary of Health and Human Services expressing its support for FDA’s work on the risk/benefits of methyl mercury in seafood.

**Recommendation:** Plan and conduct more seafood and health conferences to ensure the identification and communications of the results of relevant research to all stakeholders.

**Recommendation:** Formulate a national and international strategy to expand the supply of seafood to meet growing demand for seafood domestically and worldwide.

**Recommendation:** Continue to work with Federal and other partners to conduct research on the risks of environmental contaminants and health benefits of seafood. This should include the role of selenium in mitigating the toxic effects of environmental contaminants; temporal changes in methyl mercury levels in seafood and whether there is a correlation to increasing ambient levels in seawater; and statistics on demographics in order to analyze the effect of geographic or cultural differences in seafood consumption.

MAFAC looks forward to receiving for comment the draft NOAA Seafood Safety and Quality Seafood Plan.

## **M. Strategic Planning, Budget, Program Management Subcommittee Report (Transcript Day 3, p. 136)**

Heather McCarty, Subcommittee Chair

The subcommittee reflected on the strategic planning process presented by Paul Doremus, Deputy Director of NOAA’s Office of Policy and Program Integration. He had noted that he had found MAFAC’s *Vision 2020* report extremely helpful and that in general NOAA prefers input at the front end, rather than just critique after some document is produced. MAFAC noted that during the development of *Vision 2020*, it was hard for MAFAC to stay focused at a ‘higher’ level, thinking more strategically, rather than getting lost in detail and several members encouraged that this higher perspective be maintained.

### **Formal Strategic Planning, Budget, Program Management Subcommittee Report to MAFAC**

#### **I. NOAA Strategic Plan**

The subcommittee agreed that the “2020” document recently prepared by MAFAC for use in the transition and planning process was the appropriate starting point and framework for the requested MAFAC input to the new strategic planning endeavor currently underway. Paul Doremus noted that “2020” already adheres to NOAA’s desired structure of identifying (1) trends, (2) challenges and opportunities, and (3) what NOAA should strive to accomplish.

The subcommittee recommends that additions be made to “2020” – either by inserting new sections into the document or by preparing an addendum – that address the new information on changing ocean conditions and marine use planning as follows:

- A. NOAA should undertake well-designed research on the impacts of changing ocean conditions on aquaculture and fish stocks depended upon by commercial and sport fisheries.
- B. NOAA should undertake research on the impacts of changing ocean environmental conditions on fish seafood safety issues.
- C. NOAA should undertake research on the impacts of changing ocean conditions on coastal communities.
- D. NOAA should undertake research on the impacts of marine use planning on fisheries’ need for access to resources for production, and on the impacts of such planning on coastal and fisheries-dependent communities.

There was also subcommittee discussion on the following additional points:

- A. NOAA/NMFS consider producing new National Standards that address the above issues.
- B. The global aspect of the issues of ocean changes and ocean use – the impacts on the oceans and on US fisheries from the actions of other countries. NOAA needs to be an advocate for US policy protecting the interests of the country and of ocean-dependent users. The Arctic was cited as an example of an opportunity for such advocacy.
- C. The implications, looking ahead to 2035, of changing ocean conditions causing losses or even disappearance of some species – and the effect of changing ocean conditions, for example, on the implementation of ESA and MMPA.

The subcommittee also recommends that additions be made to *Vision 2020* in the form of an addendum asking that NOAA provide definitions and guidelines through a rule-making process on the LAPP (or catch share) provisions in the MSRA, including but not limited to excessive shares, allocations, cost recovery, Regional Fishery Associations and Community Associations as soon as possible (this statement was passed as a formal motion). This section should also include a statement of the need for additional resources to be provided for increased observer coverage and enforcement in relation to LAPPs.

The subcommittee recommends that, after the agreement of MAFAC on the general framework and additions, that a smaller working group should work on the “Daughter of 2020,” to be presented to the rest of group by email and/or teleconference for final agreement. The additions would include more detail generated by the full committee’s accepted recommendations from the Ecosystem Subcommittee to assess impacts of changing ocean conditions and recommend an ocean governance model.

## **II. Transition**

The subcommittee agreed that MAFAC should actively seek a meeting with Dr. Lubchenco to discuss MAFAC recommendations, including “2020.”

### **III. Budget**

The subcommittee agreed that MAFAC members should take all possible opportunities to advocate for the NOAA budget, at the appropriate time.

### **IV. Performance Metrics**

The subcommittee agreed that performance measures need to be developed for the establishment of catch share programs, but did not have time to discuss further.

### **V. Communications**

The subcommittee agreed that the full committee already had a comprehensive discussion on communications, but suggested that the Agency look to the examples of other agencies in making beneficial changes to the communications program. The subcommittee also agreed on the need for “transparency, transparency, transparency” in the Agency’s dealings with the public.

### **N. Ecosystem Approach Subcommittee Report (Transcript, Day 3, p. 185)**

Tom Raftican, Subcommittee Chair

The subcommittee members noted that the multi-sector ocean use and governance issues presented Wednesday had not been identified and considered when *Vision 2020* was originally prepared. They discussed the opportunity to add an addendum to the report to cover emerging topics of importance to MAFAC. They discussed that the science is lacking with respect to ecosystem based management, particularly with respect to ocean acidification and other climate changes and its impacts; there will be a need to identify short term and longer term actions; new management structures may be needed to successfully implement regionally based plans; and that changes in legislation and authorities may be needed for the long term.

#### **Formal Ecosystem Approach Subcommittee Report to MAFAC**

The Committee recommends NOAA undertake a series of actions with respect to multi- sector use and governance of the oceans. These findings and recommendations will be submitted to the Secretary and NOAA in the form of an addendum to the MAFAC Vision 2020 document. In the short term, actions can be undertaken (see below) with respect to ocean acidification, synergistic ocean uses and marine spatial planning. A longer term perspective and recommendation on an approach to advancing regional ocean governance is currently being undertaken by MAFAC (see details below under Regional Ocean Governance).

#### **Ocean Acidification Findings and Recommendations**

Acidification is an overarching threat to the continued functioning of a healthy ocean ecosystem that is essential to the accomplishment of food security and ocean economic objectives of the nation. By the end of the century pH could decrease by as much as 0.3.- 0.4 pH units. Time is critical to conduct research on ocean acidification impacts and our vulnerabilities to better inform the public and decision makers and prepare mitigation and adaptation strategies.

**Recommendation:** MAFAC urges [the Department to work with Congress on] appropriation of the funding authorized by the Federal Ocean Acidification Research and Monitoring Act of 2009 (H.R. 146) to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within NOAA. Creation of an observational

network and subsequent modeling should be a high priority for NOAA and any other agency whose mission is dependant on healthy oceans. A NOAA ocean acidification program should prioritize interagency coordinated monitoring and research on the consequences of ocean acidification on marine ecosystems. Research should include adaptation strategies for fisheries and aquaculture, and techniques for effectively conserving marine ecosystems as they cope with more intense and widespread ocean acidification.

### **Synergistic Ocean Uses Findings and Recommendations**

While many potential ocean governance decisions reflect competing or conflicting interests or mandates for use or non-use of the ocean, there are also subsets of uses that share an affinity. These uses warrant consideration for planning and prioritization purposes as a combined unit because of their synergistic effects. This is in contrast to competing uses which require conflict resolution.

For example, pairing uses of the ocean for energy production with food production could result in a net conservation of ocean space dedicated to consumptive uses. Energy projects require structures which could serve to secondarily support shellfish or finfish culture systems.

**Recommendation:** NOAA should proactively search for creation of partnership agreements for joint multi-sectoral ocean uses that result in synergistic benefits from areas of common usage.

### **Findings and Recommendation for Marine Spatial Planning**

**Recommendation:** MAFAC concludes that marine spatial planning is a preferred tool for analysis of options for regional ocean governance policy decisions. MAFAC will continue to evaluate the options for specific governance models with an expectation of a recommendation to NOAA in the coming months. However, regardless of the final selection among the options being considered, MSP will be a key analytical tool for resolving any underlying policy priorities among alternative ocean uses. In the short term NOAA should immediately support MSP activities that rapidly result in baseline data of *essential* (not all) data collection elements, and target delivery of preliminary decision support tools using these data to assist in priority setting and arbitration of conflicting uses in specific cases where decisions are ready for deliberation. These essential data would include information on both ocean uses and the location and condition of ocean resources and habitat.

### **Findings and Recommendations for Regional Ocean Governance**

An early indication of MAFAC support has been found for a process that results in federal leadership in the creation of a national policy framework or strategy by some new regional governance structure. This framework would then be implemented by members of the regional partnerships (federal, state local governments and stakeholders) using their existing authorities and applying them to carry out the national strategy. Analysis of options will continue by MAFAC members in the interval between now and the fall MAFAC meeting. (Reference Figure 5 as sent separately)

**Recommendation:** MAFAC will continue its deliberations on regional ocean governance to advise NOAA on the preferred model.

### **Continuation of Session M. Strategic Planning, Budget, Program Management Subcommittee Report (Transcript Day 3. p.271)**

#### ***Recommendation passed by separate Motions:***

1. MAFAC, through use of a working group, will develop revisions to the *Vision 2020* document in whichever format is useful to NOAA in a timeframe to make it useful to the NOAA Strategic Planning

process. Revisions will address changing ocean conditions and ocean governance as per the recommendations in those areas recently passed by MAFAC[today] in earlier Motions.

2. After the Working Group has completed its revisions to the document, the document will be brought back to the full Committee for acceptance.

3. The subcommittee should look at the four topics noted in the Strategic Planning Subcommittee report (Session M, above) and make certain that they're included in its revision discussions.

***LAPP Motion that passed:*** MAFAC recommends that NOAA provide definitions and guidelines through rule-making process on the LAPP (or catch share) provisions in the MSRA, including but not limited to excessive shares, allocations, cost recovery, Regional Fishery Associations and Community Associations as soon as possible.

**O. New Business** (Transcript Day 3, p. 336)

**Volunteers for a new Working Group on Governance issues:** Catherine Foy, David Wallace, Dorothy Lowman, Erika Feller, and Bill Dewey.

**Volunteers for a new Working Group on Vision 2020 revisions/additions:** Heather McCarty (Chair), Eric Schwaab, Tom Raftican, Dorothy Lowman, Dave Wallace, Martin Fisher, Catherine Foy, Patricia Doerr, and Tom Billy.

**The MAFAC meeting was adjourned at 3:49 p.m.**

I hereby certify that, to the best of my knowledge, the foregoing meeting summary is accurate and complete.

Mark Holliday, Ph.D.  
Executive Director  
Marine Fisheries Advisory Committee

This meeting summary will be formally considered by the Committee at its next meeting, and any corrections or notations will be incorporated in the summary of that meeting.



**Meeting in Monterey Conference Center**  
 Colton Conference Rooms – Third Floor  
 One Portola Plaza  
 Monterey, CA 93940  
 Phone: 831.646.3770 / Fax: 831.646.3777

<b>Day 1 - Tuesday, May 12, 2009</b>			
<b>Time</b>	<b>Min.</b>	<b>Subject</b>	<b>Presenter</b>
8:30	15	<b>Introductions &amp; Opening Remarks/Transition</b>	Dr. Jim Balsiger, Acting Assistant Administrator for NOAA Fisheries
8:45	15	<b>Agenda Review:</b> Overview of Full Committee and Subcommittee/Working Group Agendas for the Meeting	Tom Billy, MAFAC Liaison
9:00- 10:00	60	<b>Seafood Safety &amp; Quality:</b> FDA Methyl Mercury Contaminants Risk Benefit Report	Philip Spiller, FDA
10:00- 10:30	30	Break	
10:30-12:00	90	<b>Seafood Safety and Quality: NOAA Seafood Strategic Plan – Report out/Discussion</b>	Tim Hansen, NMFS SIP
12:00- 1:00	60	Lunch	
1:15 - 2:15	30	<b>Local NOAA/NOS presentations:</b> <b>- Monterey Bay National Marine Sanctuary Program</b>	Bill Douros, NOS Paul Michel, NOS
	30	<b>- NMFS Santa Cruz Lab:</b> Causes of the decline/collapse of the Sacramento River Fall Chinook fishery	Churchill Grimes, NMFS
2:15-3:15	60	<b>NOAA/NMFS Reports</b> Budget Update  Upcoming rules & policy decisions/actions -NEPA, ACLs and LAPPs  2009 Legislative Agenda	TBD, NMFS  Alan Risenhoover, NMFS SF  Sam Rauch, NMFS DAA
3:15- 3:30	15	Break	
3:30 – 5:00		<b>Subcommittees and Working Groups</b>	
	75	<b>Commerce Subcommittee</b> -Seafood Safety and Quality (Colton Main Room)	Subcommittee Chair
	75	<b>Fisheries Disasters Working Group</b> (Colton Breakout Room)	Eric Schwaab, Working Group Chair
5:00		Adjourn	



**MARINE FISHERIES ADVISORY COMMITTEE**  
**May 12-14, 2009 Monterey, CA**

<b>Day 2 - Wednesday, May 13, 2009</b>			
<b>Time</b>	<b>Min.</b>	<b>Subject</b>	<b>Presenter</b>
8:30- 9:30	60	<b>Multi-Sector Ocean Use/Governance Briefings: Ocean Acidification Briefing/Discussion</b>	John Stein, NMFS Northwest Fisheries Science Center
9:30-10:00	30	<b>Multi-Sector Ocean Use/Governance Briefings: Energy – traditional and alternative</b>	Tom Bigford, NMFS HC
10:00-10:15	15	<b>BREAK</b>	
10:15- 11:15	60	<b>Multi-Sector Ocean Use/Governance Briefings: - Regional Ocean Governance - Marine Spatial Planning</b>	Mark Holliday, NMFS Charles Wahle, NOS
11:15- 12:15	60	<b>NOAA Strategic Planning</b>	Paul Doremus, NOAA Program Planning and Integration Office
12:15- 1:30	75	Lunch	
1:30-2:30	60	<b>NMFS – Fishing Industry Communications</b>	Alan Risenhoover, SF
2:30-3:30	60	<b>Regional Council Performance Metrics / 5-Year Programmatic Plans</b>	Alan Risenhoover, SF
3:30 – 3:45	15	<b>BREAK</b>	
3:45 – 5:00	75	<b>Strategic Planning, Budget, Pgm. Mgt. Subcommittee</b> Transition, Budget, Perf. Metrics, Communications, Councils	Subcommittee Chair
	75	<b>Ecosystem (&amp; Climate) Subcommittee</b> Ocean acidification, energy, governance, spatial planning	Subcommittee Chair
5:00		Adjourn	

**MARINE FISHERIES ADVISORY COMMITTEE**  
**May 12-14, 2009 Monterey, CA**

<b>Day 3 – Thursday, May 14 2009</b>			
<b>Time</b>	<b>Min.</b>	<b>Subject</b>	<b>Presenter</b>
8:30-9:00	30	<b>MAFAC Administration</b> - Time and Place, Agenda Next Meeting - New members; charter; Subcommittee chairs	Mark Holliday, NMFS
9:00-10:15	75	<b>Fisheries Disaster Working Group – Report &amp; discussion</b>	Eric Schwaab, Working Group Chair
10:15-10:30	15	Break	
10:30-12:00	90	<b>Commerce Subcommittee Report Out</b>	Subcommittee Chair
12:00-1:00	60	Lunch	
1:00-1:45	45	<b>Ecosystem Approach Subcommittee Report Out</b>	Subcommittee Chair
1:45-2:30	45	<b>Strategic Planning, Budget, Pgm. Mgt. Subcommittee Report Out</b>	Subcommittee Chair
2:30- 2:45	15	Break	
2:45-3:00	15	<b>Public Comments</b>	
3:00-4:00	60	<b>New Business</b> <b>Review of Action Items/Next Steps</b>	Mark Holliday, NMFS Office of Policy
4:00		<b>Adjourn</b>	