# U.S. DEPARTMENT OF COMMERCE
# CHARTER OF THE
# MARINE FISHERIES ADVISORY COMMITTEE

**1. Committee's Official Designation (Title).** Marine Fisheries Advisory Committee

**2. Authority.** The Secretary of Commerce (the "Secretary") approved the establishment of the Marine Fisheries Advisory Committee (MAFAC or the "Committee") on December 28, 1970. The Committee was initially chartered under the Federal Advisory Committee Act, 5 U.S.C., App., on February 17, 1971, with the General Services Administration's concurrence, and has been renewed periodically. It has been determined the Committee's continuance is in the public interest in accordance with the duties and the laws imposed on the Department of Commerce (the "Department").

**3. Objectives and Scope of Activities.** The Committee will advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. Specifically, the Committee will draw on the expertise of its members and other appropriate sources, such as the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS), to evaluate and recommend priorities and needed changes in national program direction. Its objective is to ensure the Nation's living marine resource policies and programs meet the needs of commercial and recreational fishermen, and of environmental, consumer, academic, tribal, governmental, and other national interests.

**4. Description of Duties.** The Committee will advise the Secretary on living marine resource matters or other matters upon request. The Committee will submit reports and recommendations to the Secretary through the Assistant Administrator for Fisheries and the Under Secretary of Commerce for Oceans and Atmosphere. The Committee will function solely as an advisory body, and will comply fully with the Federal Advisory Committee Act.

**5. Agency or Official to Whom the Committee Reports.** The Committee will report to the Secretary through the Assistant Administrator for Fisheries and the Under Secretary of Commerce for Oceans and Atmosphere.

**6. Support.** NOAA's NMFS will provide staff support for the Committee.

**7. Estimated Annual Operating Costs and Staff Years.** The annual cost of operating the Committee is estimated at $270,000. This includes one person-year for staff support plus estimated travel costs for two full committee meetings and for subcommittee or special working group meetings, as necessary.

**8. Designated Federal Officer.** The Designated Federal Officer (DFO) will be a full time employee of NMFS and will be assigned by the Assistant Administrator for Fisheries.

**9. Estimated Number and Frequency of Meetings.** The Committee will meet approximately twice a year, generally in the spring and autumn.

**10. Duration.** Continuing.

**11. Termination.** This Charter shall terminate 2 years from the date of the filing of this charter with the appropriate U.S. Senate and House of Representatives Oversight Committees unless earlier terminated or renewed by proper authority.

**12. Membership and Designation.**

a. The Committee shall consist of at least 15 but not more than 21 members to be appointed by the Secretary to ensure balanced representation geographically, ethnically, and on the basis of gender as well as among commercial and recreational fishermen, environmental, consumer, academic, tribal, governmental, and other national interest groups. Criteria for membership is one or more of the following:

   i. Experience in harvesting, processing, production, or marketing fish or fish products.
   ii. Experience in promoting fishing for pleasure, relaxation, or consumption. This may include operating a recreational fishing business. Recreational fishing experience by itself is not sufficient experience.
   iii. Experience as a former or current officer or in a leadership role in a national, state, or regional organization representing marine fisheries interests.
   iv. Experience in managing and conserving living marine resources or in representing consumers of fish or fish products through active and sustained participation in local, State, or national organizations.
   v. Experience in teaching, writing, researching, consulting, or adjudicating matters related to living marine resources, fishery management, ecosystem approaches to fishery science and management and living marine resource conservation.
   vi. Experience in teaching, writing, researching consulting, or adjudicating matters related to the human uses/values or social sciences associated with living marine resources.

b. The members are appointed for 3-year terms and serve at the discretion of the Secretary. Members are designated as "special government employees" (SGEs) and are selected for their expertise in the aforementioned areas of experience to help guide the Department with implementing its stewardship mission over living marine resources in the most effective manner. Members will be subject to the ethical standards applicable to SGEs. Terms of appointment are contingent upon the Committee's continuation and the active participation of the members. An appointment may be terminated if a member misses two consecutive meetings, unless excused for good cause by the Chairperson or the Vice Chair. Members serve until reappointed or replaced; however, no member may serve more than two consecutive terms. No member may serve on both the Committee and a regional fishery management council at the same time. Vacancy appointments may be made for the remainder of the unexpired term of the vacancy. State officials and their designees who serve as voting members of a regional fishery management council may not be appointed as members of the Committee. No more than one-third of the Committee's voting membership terms shall expire annually.

c. The Chair and Vice Chair will be chosen from among the MAFAC members by the Under Secretary or her or his designee, and shall serve at her or his discretion.

d. The Under Secretary of Oceans and Atmospheres and the Department's Assistant Administrator for Fisheries will serve as non-voting *ex officio* members to the Committee.

e. The executive directors of the Atlantic, Gulf of Mexico, and Pacific Interstate Fisheries Commissions may serve as non-voting *ex officio* members to the Committee.

f. Members of the Committee are not compensated for their services, but will upon request be allowed travel and per diem expenses as authorized by 5 U.S.C. 5701 et seq.

**13. Subcommittees.**

a. The Committee may establish, with the approval of NMFS, subcommittees or working groups of its members, as necessary, subject to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance.

b. The Committee may establish, with the approval of NMFS, task forces consisting of MAFAC members and outside experts as may be necessary, subject to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance.

c. All subcommittees, working groups, and task forces will report back to the parent committee, and will not provide advice or work products directly to NMFS or NOAA.

**14. Recordkeeping.** The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Ellen Herbst
Chief Financial Officer and
Assistant Secretary for Administration

4/14/16
Filing Date