

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

**MARINE FISHERIES ADVISORY COMMITTEE
SUMMARY REPORT**

**WASHINGTON, D.C.
HOTEL WASHINGTON, PARK VIEW ROOM
JANUARY 7-10, 2003**

The Marine Fisheries Advisory Committee (MAFAC) met at the Hotel Washington in Washington D.C. on January 7-10, 2003. Following is a Summary Report of that meeting presented in chronological order.

Tuesday, January 7, 2003

This was the first meeting of the MAFAC in FY03 and of its newly selected membership since the last meeting in May of 2002. Eleven of the twelve new members appointed by the Secretary in September 2002 attended, along with 9 reappointed members (attendance list below). As with all meetings involving new members, the meeting was held in Washington D.C. with the first day dedicated to orienting the new members to travel procedures, ethical and financial disclosure requirements, and general administration needs for committee functions and activities. In addition, each Office Director or their appointed representative, provided an overview of their office structure, key staff, mission responsibilities and services, and priorities issues for fiscal year 2003. Alvin Osterback, MAFAC Industry Vice-Chair, opened the meeting by recognizing Dr. William T. (Bill) Hogarth, Assistant Administrator for Fisheries, to welcome the new members and provide some introductory remarks regarding the pending week's meeting.

Dr. Hogarth acknowledged his enthusiasm for the new membership and its wide ranging diversity in terms of geographic representation and professional expertise. He also informed members that this was the largest MAFAC in recent history with nearly a full complement of 21. Although the Secretary had appointed a full membership of 21, one of the new appointees representing a large contingency of the recreational community felt that their conflicting obligations impeded their ability to serve. Dr. Hogarth recognized Rob Kramer, Executive Director of the International Game Fish Association, as his nominated candidate to the committee invited guest and observer to this meeting. Following the day's list of Office overviews, Conrad Mahnken, National Aquaculture coordinator for NOAA Fisheries, gave a detailed presentation of the status of Aquaculture as a policy issue within NOAA and the various scientific and policy decisions that must be made by the federal government in general and NOAA in particular. This presentation generated a tremendous amount of interest in the Committee which will be discussed further below.

Wednesday, January 8, 2003

Meeting Convened at 8:00 am Alvin Osterback, Industry Vice-Chair, opened the meeting by reviewing the meeting agenda and instructing members that the Wednesday would be dedicated to full committee discussions with Dr. Hogarth, Dr. Lent, and Jack Dunnigan in response to their various presentations. Thursday would be dedicated as a workday – key issues would be identified, any necessary modifications made to the Committees structure, and members assigned to Subcommittees and projects of interest. The Chair then recognized Dr. Hogarth for opening remarks.

Dr. Hogarth gave a brief overview of the day's agenda and the key issues he wanted to discuss with them and gain their input. He emphasized his appreciation for the advancements the Committee had made as an effective Advisory body in recent years, acknowledged the Committee's influence on various reform initiatives currently being conducted within the agency, including the National Academy of Public Administration (NAPA) Report to Congress (July 2002), and expressed his commitment to utilizing the Committee as a balanced sounding board to advise the agency on pending issues of national policy.

Mel Moon, a member of the newly formed federal advisory committee on Marine Protected Areas (MPA), offered to serve as a liaison for MAFAC at any future MPA meetings.

Alvin Osterback reviewed the Committee's discussions the previous day noting the tremendous amount of interest in aquaculture. A brief discussion followed with a unanimous sense that aquaculture will be a keystone policy and science issue in the years ahead and that it requires high-level decision-makers to give clear direction and commitment. Discussion was deferred until further action by the full committee could be considered.

Regulatory Streamlining Project. Dr. Rebecca Lent, Deputy Assistant Administrator for Fisheries, provided a presentation on the status of the agency's initiative to streamline the regulatory process (Regulatory Streamlining Project). Dr. Lent detailed plans to help decentralize the process toward the regions and the councils, and establish standardized operations that will be tested and measured for effectiveness on a number of regulatory packages planned in the future. The ensuing discussion generated some specific recommendations. Briefly, there was universal acknowledgment that "front loading" the process was critical for providing decision-makers with all of the information prior to making any decisions. To improve the process it was suggested that prior to a Fishery Management Council submitting a regulatory package to the agency, that review and input be requested first from their appropriate Advisory Panels. This was suggested as a simple check box in the regulatory Operational Guidelines. Concern and caution was expressed with regard to "front loading" the process to such an extent that it could trigger time lines that would push the decision-process too quickly before "good" data is available. There was overall support for suggesting the agency be certain to engage in better education of the stakeholders and how the overall process works, and why. It was suggested that this could be accomplished through the existing "scoping process" established with the Councils. Lastly, it was cautioned that NOAA Fisheries and the Councils have differing views of their responsibilities under the National Environmental Policy Act (NEPA) and that despite efforts under the RSP, the agency will continue to run into problems until there is a clearer understanding of each party's responsibility.

Sustainable Fisheries Act Report Card. Dr. Lent gave a brief overview of NOAA Fisheries internal review (“report card”) of the agency’s success in implementing the Sustainable Fisheries Act (SFA). This has been requested by Dr. Hogarth to evaluate where the primary problems are what solutions may be available. Some of the review informally reflects that thinking that has gone into the formal reauthorization package. It was suggested that the agency identify some cost/benefit analysis on what the return on investment is in terms of jobs, value of fisheries, etc.. Dr. Lent acknowledged the suggestion noting that estimates of \$8 billion in revenues and jobs should be included up front with the resulting report.

Ecosystem-Based Task Force. Dr. Bonnie Brown, MAFAC member and Ecosystem-Based Task Force chair gave a presentation on the work and draft document that has been prepared by MAFAC’s Ecosystem Task Force. She briefly oriented newer members to the genesis of this project when Dr. Hogarth had requested in November 2001 that MAFAC take up the issue to provide guidance on how to approach ecosystem management and respond to Congressional interest in receiving the agency’s input. Dr. Brown detailed the process and mile-stones underway since January of 2002 and requested that the MAFAC begin a formal review of the paper-to-date, make final revisions, and prepare it for formal discussion and submission to NOAA Fisheries at the next meeting of MAFAC. Following a brief discussion, it was agreed that the Committee’s newer members would require time to familiarize themselves with the issue and the Task Force’s work-to-date. Discussion was deferred until the Thursday workday.

Magnuson-Stevens Act Reauthorization (MSA). Jack Dunnigan, Director of the Office of Sustainable Fisheries, informed members that although the Administration’s draft legislation had not changed from last year’s version, now that it was the beginning of the new (108th) Congress, the legislative package needed to go through formal clearance again. As such, the final legislative package was not yet available for distribution to members. Once it completes a second clearance, copies would be transmitted to the members. Members suggested that the bill’s provisions be summarized and posted on the web, and any changes or modifications in language clearly noted and posted for comparative purposes.

Individual Fishing Quotas.

Jack Dunnigan continued the above presentation with a focus onto the Administration’s inclusion of individual fishing quotas (IFQs) as transferability options with in the MSA reauthorization. Due to Congressional concerns, the IFQ transferability option will be made contingent on a “referendum” process. Members had little to no support for an IFQ referendum process and felt strongly that IFQs should remain at the discretion of the individual Fishery Management Councils. Discussions pointed to empirical cases which demonstrate that overfished fisheries rebuild biologically and economically sooner when managed as an IFQ fishery. Members also questioned what would be the criteria for a referendum – who would be the voting membership? what would be the measurement for passage, simple majority or a certain percentage? Members urged the agency to proactively engage the ‘processing’ community and allow a dialogue to occur prior to going before the hill with these options or risk creating another protracted debate that threatens to stalemate reauthorization. It was also suggested the agency provide an analysis demonstrating the cost/benefit of moving fisheries to an IFQ format.

Capacity.

Jack Dunnigan also gave a presentation on the agency's progress toward a national plan of action to address overcapacity and preparations for the Food and Agricultural Organization, COFI, meeting in February. Copies of the national plan are anticipated to be ready at the end of January and will be distributed to members.

Overall the draft document made available to members prior to the meeting was applauded and well received. The agency was urged to broaden the scope of this issue and its importance. Reducing overcapacity is a fundamental solution to other continuing problems that exacerbate fisheries management, and which are economically as well as biologically wasteful: bycatch, enforcement costs, rebuilding and overfishing. The expenditures to address overcapitalization may be small compared to the level of economic gain and benefits realized by reducing overcapitalization. Possible funding sources were also discussed and the Capital Construction Fund was suggested as a potential source to examine.

National Standard 1 Guidelines - "Overfishing".

Jack Dunnigan presented the agency's activities underway to address National Standard 1 Guidelines (NS1G) and the concern that it is not working as intended. Jack informed members that the agency intends to proceed with an Advance Notice of Proposed Rule making with the hopes of a final rule in 2003. The presentation focused on a list of problem areas with NS1G, including: the definition and use of the minimum stock size threshold for determining when a stock is overfished; calculation of rebuilding targets, appropriate to the prevailing environmental regime; calculation of maximum permissible rebuilding times for overfished fisheries; definitions of overfishing as they relate to a fishery as a whole or a stock of fish within that fishery (vs. management of 900+ separate stocks); procedures to follow when rebuilding plans require revision after implementation (i.e. rebuilding rates are slower or faster than expected, other parameters change); the relationship between maximum sustainable yield (MSY) and (optimum sustainable yield) (OY); relationship between target and threshold/limit control rules; and the need for increased flexibility for innovative management - especially in data-poor situations. The presentation concluded with a request that the Committee to review two workshop documents generated to explore NS1G - "National Standard 1 Guidelines Workshop" (July 2000) and "Status Determination Criteria in Data-poor Environments" (May 2001) - and provide formal input to the agency at the next meeting of MAFAC in May 2003. The Committee was asked to focus on a variety of key problem issues plaguing NS1G that would be detailed in the ANPR including: How should the process respond in the face of new and changing information in the middle of a rebuilding plan? How should a multi-species stock be addressed? What about in a data poor environment? The Chairman made note that this be an action-item for the Committee work session the following day. Dr. Hogarth expressed the need to have MAFAC's input to ensure everyone was at the table to help resolve these on-going issues.

Meeting adjourned at 5:18 pm.

Thursday January 9, 2003

Meeting Reconvened at 9a.m. Industry Vice Chair Osterback reviewed the day's agenda, designating the morning session to review and modify the Committee's subcommittee structure and [Operational Policy](#) based on the previous day's presentations and discussions. The Committee made a motion (below) to amend the Operational Policy adopted in May, 2002, by eliminating the Legislative and Budget Subcommittees and establishing four standing subcommittees consisting of a Bycatch Subcommittee, Science Subcommittee, Outreach Subcommittee, and Aquaculture Subcommittee. The motion also provided that the Industry Vice Chair have the responsibility of assigning members to the subcommittees. In addition two working groups were established – the National Standard 1 Guidelines Working Group and Capacity Working Group – membership appointed by the Industry Vice Chair based on expressed interest from members. Maggie Raymond, Industry Vice Co-Chair, made a three-part motion (below) to: 1) formally acknowledge the Committee's appreciation to the members of the Ecosystem-Based Management Task Force (E-b Task Force) as established in November 2001, names to be provided by the Industry Vice Co-Chair; 2) continue the E-b Task Force with a revised membership to include newly appointed members; and 3) to ensure that a final product from the E-b Task Force be transmitted to MAFAC prior to the next meeting for consideration and final action at its next meeting.

Motion #1: Establish new MAFAC Subcommittee Structure – Passed Unanimously January 9, 2003

- “1. The MAFAC Operational Policy adopted in May, 2002, be amended by establishing four standing subcommittees consisting of the Bycatch Subcommittee, the Science Subcommittee, the Outreach Subcommittee and the Aquaculture Subcommittee;***
- 2. That references to the Legislative Subcommittee and the Budget Subcommittee be deleted;***
- 3. That reference to the Outreach Work Group in the Operational Policy be changed to Outreach Subcommittee;***
- 4. That the Aquaculture Subcommittee be responsible for framing issues on aquaculture in order to provide appropriate advice on this issue to the Secretary of Commerce;***
- 5. That the Bycatch Subcommittee be responsible for framing issues on bycatch in order to provide appropriate advice on this issue to the Secretary of Commerce;***
- 6. That the Industry Vice Chair have the responsibility of assigning members to the subcommittees; and***
- 7. That a working group (two working groups) be established to develop MAFAC advice on potential revision of National Standard 1 Guidelines under the Magnuson-Stevens Fishery Conservation and Management Act, (and on Capacity reduction in U.S. fisheries as a strategy to reduce overfishing under the MSA and the international efforts administered under the United Nation's to reduce overfishing worldwide) with membership determined by the Industry Vice-Chair.”***

Motion #2 - Acknowledge Previous Work of Ecosystem-Based Management Task Force (E-b Task Force) and authorize it's continuation under new MAFAC membership - passed unanimously January 9, 2003.

- “1) That MAFAC formally acknowledge its appreciation to the members of the E-b Task Force and Technical Committee members;***
2) That the E-b Task Force be continued with a revised membership that includes those interested MAFAC members and other non-MAFAC members whose assistance is needed and who are interested; and
3) That a final product shall be transmitted to MAFAC prior to its next meeting for MAFAC action.”

Following these motions and discussions, the Committee took a morning break while the Industry Vice Chair and Co-Chair met to consider and appoint membership to the newly formed Subcommittees, Working Groups and E-b Task Force. The Committee reconvened and membership was appointed – as identified below with their assigned tasks.

AQUACULTURE SUBCOMMITTEE: The Subcommittee is responsible for framing issues on aquaculture to the full Committee in order to provide appropriate advice on this issue to the Secretary of Commerce.

Members: Dr. Bonnie Brown, John Forster, Don Kent, Dr. Ken Roberts, Elizabeth Sheehan, Randy Fishery (Advisory), and Conrad Mahnken (NOAA Fisheries liaison)

BYCATCH SUBCOMMITTEE: The Subcommittee is responsible for framing issues on bycatch to the full Committee in order to provide appropriate advice on this issue to the Secretary of Commerce.

Members: Bob Fletcher, Jim Gilmore, Rod Moore, Ralph Rayburn, Larry Simpson (Advisor)

OUTREACH SUBCOMMITTEE: The Subcommittee is responsible for identifying and recommending strategies to improve public understanding and stakeholder communication regarding agency actions.

Members: Scott Burns, Tony DeLernia, Dick Gutting, Mel Moon, Vince O’Shea (Advisor)

SCIENCE SUBCOMMITTEE: The Subcommittee is responsible for identifying and framing key issues of scientific issues as they relate to management policy and their implementation.

Members: Dr. Bonnie Brown, Jim Cook, Chris Dorsett, Peter Leipzig, Dr. LaVerne Ragster, Kate Wynne

ECOSYSTEM-BASED MANAGEMENT TASK FORCE:

Members: Bonnie Brown, Tony DiLernia, Jim Gilmore, Mel Moon, Ralph Rayburn, Elizabeth Sheehan, Kate Wynne, Dieter Busch (NOAA Fisheries Advisor)

CAPACITY WORKING GROUP: Review and advise the Secretary of Commerce on the current issue of reducing ‘overcapacity’ in U.S. fisheries as it applies to legislative authorization anticipated in pending legislative debates.

Members: Scott Burns, Jim Cook, Pete Leipzig, Ralph Rayburn

NATIONAL STANDARDS 1 GUIDELINES (NS1G): Review and advise the Secretary of Commerce on how National Standard 1 Guideline to determine and control “overfishing” in U.S. fisheries may need to be modified and improved to achieve the goals of the Magnuson-Stevens Fisheries and Conservation Management Act as amended by the Sustainable Fisheries Act of 1996 (SFA).

Members: Chris Dorsett, Rod Moore, Maggie Raymond

11:45 - Committee Broke for Lunch and Work Sessions

At 11:45, following the appointment of members to each standing subcommittee, working group and the E-b Task Force, the Committee broke for lunch and convened into separate working sessions in which the above working units met to develop reports outlining overall strategies and recommendations for consideration by the full Committee. The following reports were submitted to the full Committee for consideration and, following discussion, received unanimous approval as recommendations and action items from the MAFAC to be presented the following day to the Assistant Administrator of Fisheries and the Secretary of Commerce.

3:30 - Committee Reconvened to Consider Working Session Reports

AQUACULTURE SUBCOMMITTEE REPORT - Approved Unanimously January 9, 2003, and Submitted to Assistant Administrator of Fisheries January 10, 2003:

Members Present:

Dr. Bonnie Brown

John Forster

Don Kent (Chair)

Dr. Ken Roberts

Elizabeth Sheehan

Randy Fisher (Advisory)

Conrad Mahnken (NOAA Fisheries liaison)

Conducted election of Subcommittee Chair - Don Kent

I. Discussion of Aquaculture Issues and Subcommittee’s Task:

1. Role of NOAA in Marine Aquaculture in the Exclusive Economic Zone (EEZ):

A. The success of marine aquaculture in the U.S. EEZ will depend on the Under Secretary of Oceans and Atmosphere elevating the issue with the mutual counterpart at the Department of Agriculture (USDA) so that the two agencies can work synergistically in developing marine aquaculture within the EEZ that is coordinated with states and

consistent with the many laws and responsibilities under the authority of the USDA and Department of Commerce.

B. NOAA Fisheries Role and Responsibilities in Marine Aquaculture include:

- * Interaction between cultured species or organisms and wild species and the health and well-being of those wild species;

- * Minimize learning curve among NOAA partners (US Coast Guard, OAR, NOS, etc) with permitting and oversight authority in the marine environment;

- * Evaluate the social and economic impacts of marine aquaculture - MAFAC is a microcosm of the larger stakeholder population that can be impacted and for which NOAA must involve;

- * Integration of NOAA Policy and Science to Advance Aquaculture - NOAA cannot advance aquaculture on one hand and then regulate it out of existence on another. Rather, NOAA must utilize its expertise in research, regulation, financial services and educational outreach to advance aquaculture in a manner where these elements are complementary and not contradictory;

2. Review Legislation and the Code of Conduct: The previous Administration's legislation was reviewed and commented on by the MAFAC 1999. The subcommittee understands that this legislation is in the process of being re-worked. When available, the Subcommittee would like to prepare MAFAC for review of the legislation and the Code of Conduct to provide input to the agency.

3. Pew and Ocean Commission Reports are anticipated to have sections related to aquaculture. The Subcommittee will undertake review of these sections for MAFAC to consider and provide any recommendations to NOAA to help advance aquaculture in the EEZ.

4. Strategies as a Tool for NOAA Fisheries:

- * Aquaculture is one of the tools that NOAA has to address maintaining healthy fisheries and providing seafood to the consumer.
- * Aquaculture replenishment for stocks used by both commercial and recreational fishermen.
- * Homeland Security, the decreased independence from relying heavily on foreign seafood supplies has been a recent topic of discussion.

BYCATCH SUBCOMMITTEE REPORT - Approved Unanimously January 9, 2003 and Submitted to Assistant Administrator of Fisheries January 10, 2003:

Members Present:

Bob Fletcher

Jim Gilmore

Rod Moore
Ralph Rayburn (Chair)
Larry Simpson (Advisor)

Conducted election of Subcommittee Industry Vice Chair – Ralph Rayburn

I. Identified associated elements of topics to include:

Baseline data/information	Success stories
Regulatory discards	International impacts
High grade	Recreational fisheries
Gear	National Observer Program
Legal	Vessel monitoring system
Goal setting	Volunteer efforts

II. Considered immediate milestone events:

1. SFA Report Card
2. Response to Oceana petition
3. Recommendations
 - A. Ensure accomplishments on bycatch are highlighted:
 - Success stories
 - Observers on At-Sea Processor Association vessels with real time reporting.
 - B. Gulf of Mexico turtle excluder devices and Kemps ridley stocks - increase in nesting females over the last 15 years.
 - C. Identify actions pre and post SFA activities
 - D. Quantify experiences as possible/appropriate
 - E. Develop comprehensive list of actions/ initiatives related to bycatch
 - NOAA Fisheries
 - Councils
 - Users
 - F. Identify current observer initiatives
 - Note full coverage in some fisheries
 - G. Utilize as opportunity for public education

III. Action Items:

1. The Bycatch Subcommittee requests copies of the response to the Oceana petition and the (internal) SFA Report Card as soon as possible.
2. Desire to work with NOAA Fisheries on challenges related to bycatch as reflected in the SFA Report Card and the response to the Oceana petition.
3. Desire to work with NOAA Fisheries Outreach to help identify success stories and case studies.

4. Desire to work with NOAA Fisheries on its standardized bycatch reporting methodology. Initial recommendation is a general protocol to be refined by the Fishery Management Councils and applied on a FMP specific basis.
5. Desire to work with NOAA Fisheries in activities associated with the legislative “refinement” process in both the reauthorization of the MSFCMA/SFA and the MMPA relative to bycatch issues.
6. The Bycatch Subcommittee views the Marine Protective Area initiative as relevant to the issue of bycatch and therefore desires to be engaged in the MPA issue.

**OUTREACH SUBCOMMITTEE REPORT - Approved Unanimously January 9, 2003,
and Submitted to Assistant Administrator of Fisheries January 10, 2003:**

Members Present:

Scott Burns

Tony DeLernia (Chair)

Dick Gutting

Mel Moon

Laurel Bryant (Advisor)

Dr. William T. (Bill) Hogarth (drop-in visit)

Conducted election of Subcommittee Industry Vice Chair - Tony DeLernia

I. Discussion of Subcommittee Directive: Two focuses -

1. “Big C” Communications – Agency lacks ability to communicate the “Big Picture” to the general public at-large, tell the story of progress and activity being conducted on their behalf for the health and well being of the nation’s fisheries.

2. “Little C” Communications - Agency lacks the ability to communicate its actions in a routine fashion and process with the regulated community and key stakeholders in a timely manner. E.g. regulation changes to permit holders, state directors, processors/marketers, sportfishing community, and environmental watchdogs. These are operational communications that must be addressed in order to make regulatory actions and mission fulfillment function more effectively.

II. Subcommittee Discussion:

1. Lack of Process - Draft Strategy Requested: The Outreach Subcommittee agreed that the agency’s inability to routinely deliver a ‘message’ and measure its progress creates the opportunity for other entities to deliver a message and measured on misinformation. This absence creates a vacuum for misinformation and misdirection of priorities and resources. The Outreach Subcommittee requested an overall ‘Communications Plan/Strategy’ and was informed that one currently does not exist but is in the process of being developed and drafted.

2. Evaluate Role of NOAA Public Affairs vs. Regulatory Communication: The Outreach Subcommittee was informed that the primary staff responsible for communicating the actions and activities of NOAA Fisheries to the press and the public-at-large is a staff function controlled by the National Oceanic and Atmospheric Administration (NOAA Public Affairs). NOAA is comprised of five Line Offices, of which only Fisheries is regulatory. If NOAA 'Fisheries' is to overcome the obstacles to its chronic problems with public perception, this possible difference in culture and priority may need to be more fully evaluated.

III. Desired Outcome:

1. NOAA Fisheries core mission of stewardship over the nation's living marine resources and the actions and/or progress toward that mission must be more effectively and consistently communicated to key audiences and the general public.
2. As a matter of routine business, regulated stakeholders (including states) must be accurately informed in a timely manner.

IV. Action Items:

1. MAFAC anticipates opportunity to review and comment on a draft 'master' Communication Plan.
2. MAFAC anticipates the opportunity to provide comments of the Status of Stocks and NOAA Fisheries' annual reports. Although these reports are in various stages of development and production, MAFAC - in fulfillment of its advisory mission - anticipates the opportunity to review and provide comment to the leadership of NOAA Fisheries prior to final production.
3. MAFAC members will poll their representative constituents regarding suggestions on how to better meet their needs for improving communications between NOAA Fisheries and the regulated and/or interested stakeholder communities regarding agency actions.
4. MAFAC anticipates to serve as a resource to assist the Secretary with responding to the various evaluative reviews of NOAA Fisheries and the fisheries management process, including the Ocean Commission and Pew Foundation reports.

SCIENCE SUBCOMMITTEE REPORT - Approved Unanimously January 9, 2003, and Submitted to Assistant Administrator of Fisheries January 10, 2003:

Members Present :

Jim Cook

Chris Dorsett

Peter Leipzig

Dr. LaVerne Ragster (Chair)

*Kate Wynne (*Vice Chair)*

Conducted election of Subcommittee Chair and Vice-Chairs - LaVerne Ragster as Chair, and Kate Wynne as Vice Chair.

The Science Subcommittee requests that the Spring 2003 meeting include an opportunity to hear a presentation from an appropriate representative of NOAA Fisheries to address the following issues and questions regarding the science area of activity:

- 1) What is the current status and the challenges and opportunities that exist for standardization of peer review procedures? How do these procedures interface with policy development at NOAA Fisheries?
- 2) Please give an indication of the allocation, and the rationale, of the resources for science to various regions.
- 3) What is the progress on development of effective collaboration among internal groups and with external groups? Why have the successful initiatives worked?
- 4) What is the progress on ensuring the appropriate level of staffing for scientific and socioeconomic research and policy development at NOAA Fisheries for the near future - given the expected loss of a significant number of personnel to retirement and the need for new skills?
- 5) What is the level of preparation in terms of organization and policy for addressing the need for interdisciplinary orientation and skills to support the implementation of ecosystem-based approaches for the management of fisheries?
- 6) What are the objectives for data collection in recreational fisheries?
- 7) What is the status of efforts to transition from data poor to data moderate situations?

CAPACITY WORKING GROUP REPORT

Members Present:
Scott Burns (Chair)
Jim Cook
Pete Leipzig
Ralph Rayburn

Conducted election of Subcommittee Chair - Scott Burns

Working Group Discussion:

- 1) Draft U.S. Plan of Action for Managing Fishing Capacity

The Capacity Working Group supports NOAA Fisheries decision to make this issue a priority, and its leadership at FAO on this matter. While we have not all had an opportunity to thoroughly review the 'Draft' we generally support its ambitious goals.

2) Individual Fishing Quotas (IFQs) and Buybacks

The 'Draft' plan identifies a range of tools that can be used to address over capacity. The Working Group has an especially strong interest in two:

A) The Working Group shares MAFAC's historic interest in IFQ's and endorses MAFAC's earlier statement on this issue.

B) We note the complex relationship between government financed buybacks and industry financed initiatives (i.e. Is it fair to provide government support for some buybacks and not others? Do pending efforts to create government buybacks deter the creation of private initiatives?). The Capacity Working Group wants to highlight the need for local stakeholders to play the lead role in crafting buyback initiatives, with support from NOAA Fisheries.

3) The Capacity Working Group wants to highlight the importance of the international dimension of the overcapacity problem. Overcapacity in the international fleet directly effects U.S. interests. (i.e. growing overcapacity in the western and central pacific and its effect on U.S. purse seine and longline fleets.) The Subcommittee encourages MAFAC/NOAA Fisheries to devote attention to this international component of the problem, along with it focus on domestic overcapacity.

4) We ask MAFAC/NMFS to consider supporting two legislative initiatives:

A) The West coast groundfish buyout bill (Note: one member recused himself from this discussion)

B) Legislation to address the potential negative effects of the Capital Construction Fund in overcapitalized fisheries.

5) The Capacity Working Group noted that reducing overcapacity can serve a number of purposes, including economic rationalization of fisheries, reduction of bycatch and other environmental effects of fishing an others.

Question for NOAA Fisheries: Is the agency considering all of these purposes in selecting target fisheries and implementing its plan action?

NATIONAL STANDARD 1 GUIDELINES (NS1G) REPORT -

Members Present:

Chris Dorsett

Rod Moore (Chair)

Maggie Raymond

Conducted an election of Working Group Industry Vice Chair - Rod Moore

Subcommittee Discussion:

The NS1G Working Group decided to approach its task in two steps:

STEP 1 involves review of the list of issues being proposed by NOAA Fisheries in its review of NS1G to ensure that it is complete.

STEP 2 will be accomplished after NOAA Fisheries releases its Announced Notice of Proposed Rulemaking (ANPR). The Working Group will meet by email if necessary to suggest comments that MAFAC may wish to make on the proposed rule, and if necessary make suggestions on how NOAA Fisheries is presenting the issue.

In regard to additional issues for consideration, the NS1G Working Group identified the following which were raised by MAFAC members during discussion with NOAA Fisheries leadership:

- 1) Flexibility in rebuilding times, especially in cases of poor data;
- 2) Balance conservation needs with effects of rebuilding requirements, especially in multi-species fisheries;
- 3) How (does the agency) decide when a rebuilding target is reached and what action is then taken? and;
- 4) How do you resolve the apparent inconsistency of having to rebuild to MSY (maximum sustainable yield) with the requirement to achieve OY (optimum yield).

Motion - Unanimously passed by NS1G Working Group and Full Committee, January 9, 2003:

- 1) Move that MAFAC adopt the (NS1G) Work Group report;
- 2) Move that MAFAC ask NOAA Fisheries to provide MAFAC members with a copy of the report of the Seattle Workshop on National Standard 1 Guidelines;
- 3) Move that MAFAC request the Assistant Administrator for Fisheries to provide the NS1G Working Group – under appropriate conditions of confidentiality – with a copy of the proposed rule on National Standard 1 Guideline before it is published.

ECOSYSTEM-BASED FISHERIES MANAGEMENT TASK FORCE (E-bFM) TASK FORCE) REPORT:

Members Present:

Bonnie Brown (Chair)

Tony DiLernia

Jim Gilmore

Mel Moon
Ralph Rayburn
Elizabeth Sheehan
Kate Wynne
Dieter Busch (NOAA Fisheries Advisor)

I. Role of E-bFM Task Force: Synthesize existing technical information particularly with respect to how E-b FM should be used as a Department of Commerce internal document. Promote input from any interested MAFAC members. Final product for transmission to MAFAC at the next meeting for MAFAC action.

II. Immediate Goals: Concise cover page with the definition of what is meant by E-bFM, what problems (its methodologies) address, the benefits and payoffs of using this approach, bulleted actions items, implementation time-line, strategically selected yet modest pilot projects that are sure winners.

III. Specific Discussion Items:

1. Existing document lacks sizzle, excitement, or a ‘hook’ - (it does not resonate with those concerned about fisheries management and the overall mission of NOAA Fisheries to rebuild and sustain the nation’s fisheries biologically and socio-economically - lgb suggestion).

2. Whose the audience for this report? It’s important to decide for whom the document is intended?: the Assistant Administrator for Fisheries (NOAA Fisheries), the Undersecretary of NOAA, Secretary of the Department of Commerce, Congress, etc.. If intended for NMFS (NOAA Fisheries and its response to Congressional inquiry, what are the ‘needs’ this document must satisfy) what Does Dr. Hogarth do with this document? Needs to include bulleted action items.

3. Single species management systems have unintended consequences (synergistic effects) so the E-bFM Task Force should look at the transition from single species to multi species to ecosystem management scenarios to illustrate the benefit of E-b Fisheries Management – identify cases that illustrate benefits from transitioning from a single species management system to a multi-species management system. Identification of such examples will help calm the ‘politics’ of pressuring complex and far reaching decisions to be based on the limited information currently available.

4. One of the weakest points of resource management relates to communication and collaboration; NOAA Fisheries needs to change the process by which it defines “a problem and its causes,” with better focus on interactions among constituents and an understanding of a problem, (the strategy of) team building, and trust. Interagency Communication, coordination and cooperation versus control must be given more prominence and emphasis from leadership as a key strategy and tool.

5. How can NOAA Fisheries implement this approach given their immediate problems with the management and legal system? Perhaps this is an opportunity to show a ‘win’ by strategically selecting a modest pilot project area such as Caribbean coral reef system or an MPA such as Channel Islands National Marine Sanctuary, Monterey Bay, California, or others....????

6. Other items are necessary to assist the agency with moving forward with E-bFM and prioritizing it among the many competing demands of its mission. The E-bFM Task Force needs to take the existing document further regarding implementation:

A. Solicit a study to design an implementation scheme: how would this work in a particular area such as the NW groundfish fishery where compliance issues exist?

B. With the pressure ‘zoning’, more impetus for considering E-bFM needs to be provided. How does this approach get integrated with compliance under existing law?

C. In competition with scarce resources (i.e. funding and FTE labor) how can NOAA Fisheries be proactive in this area while still fulfilling current mandates?

Proposal: NOAA Fisheries should create a 10-year plan with time-lines, budget amounts and FTEs required. Take a regional or Council area and consider applying this approach on that limited scale.

7. What other components of MAFAC advice would be useful or broadly applicable? (e.g. particular case studies, cost benefit analysis, specific recommendations for accessing local and regional expertise, where does aquaculture fit into this philosophy, how is the guidance likely to be interpreted or misinterpreted by Congress, where to biological opinions fit into the process... etc.?)

8. Action Items:

A. Copies of a 1995 and 1999 report from J. Gilmore that was published in response to the National Academy of Science report showing numerous points where At-Sea-Processors matched up the suggested elements of E-bFM with current practices in the NW fishery.

3:30 - Full Committee Reconvened

The full Committee reconvened at 3:30 to discuss and approve the above reports in preparation for their submission and presentation to Dr. William Hogarth the following morning.

Industry Vice Chair Osterback recognized Mel Moon. Mel distributed a reference document for MAFAC committee members to read regarding Indian tribes. After passing selected sections around the room to the MAFAC, Mel remarked that on other occasions he has been asked if he knew of material that would be helpful to inform others about policy and law regarding U.S.– Tribal matters and to explain why co-management of natural resources exists in certain areas of the country. Mel informed the committee that he felt that these sections in particular should be helpful and hoped that they would provide some background and insights to the question of US-tribal laws, policies and co-management of natural resources. The reference selections were from two chapters (One and Three) of the book entitled Indian Rights by Steven Pevar. This

particular book is very current, addressing actions occurring within the present administration of President George W. Bush as well as within previous administrations. The style of the book is question and answer format with supporting references. Mel further mentioned that it is part of an ACLU series on human rights, and as such, it provides the appropriate legal citations when these are called for to support a statement or perspective.

5:30 pm - Committee Adjourned A joint reception with the Fishery Management Council Chairs and Executive Directors was held from 6:00-7:30pm.

Friday, January 10, 2003

The Committee reconvened at 8:00 a.m. Each Subcommittee, Working Group and the E-b Task Force submitted and presented the above reports to Dr. Hogarth for discussion and recommendation. Below is a summary of each presentation and discussion.

Bycatch Subcommittee: Dr. Hogarth appreciated the Subcommittee's identified issues to identify the progress that has been made to reduce bycatch, and to continue the progress with developing standardized reporting, general protocols to be refined by each council as they apply it to their management plans. Dr. Hogarth noted that when the SFA (internal) report card is completed that MAFAC would be provided a copy and also be notified of when the agency response to the Oceana petition is approved and filed with the Federal Register.

Science Subcommittee: In response to the list of scientific questions and issues raised, Dr. Hogarth responded that a similar discussion had occurred the previous day at the Fishery Management Council Chairs' meeting, noting the overlapping issues being raised by MAFAC. Dr. Hogarth already designated Dr. Michael Sissenwine to attend the next Council Chairs meeting in May and go over the science operations within NMFS - the same will be presented to MAFAC at its next meeting in May.

Outreach Subcommittee: In addition to the Subcommittee's request to review a national outreach and communication plan and the annual status of the stocks report, Dr. Hogarth also referenced his desire to get out an annual report for 2002 and obtain MAFAC input prior to its release. He indicated that report would be ready in three or four months so that NOAA Fisheries can release a timely annual report for 2003 early next year.

Aquaculture Subcommittee: Dr. Hogarth acknowledged that he was glad the MAFAC had taken a strong interest in this issue. In addition to the issues raised by the subcommittee Dr. Hogarth pointed out that the General Counsel for NOAA had indicated that any aquaculture in the Exclusive Economic Zone is considered a fishery and would require a management plan amendment and all the other elements involved (environmental impact statements, etc.). The issue that states must be involved in the development of any aquaculture activity in the EEZ and that consistency with state coastal zone management plans must be ensured. However, the general issue that aquacultural-raised fish would be regarded as a fishery was viewed as

unreasonable. Dr. Hogarth suggested this as an item to be evaluated in terms of preauthorizing legislation. Also, the development of criteria for what is 'enhancement' as regards aquaculture raised fish. This may be a separate focus for the Subcommittee to explore.

Ecosystem-Based Task Force: Dr. Hogarth was very appreciative of the work that had been conducted thus far. He encouraged MAFAC to complete this product at its next meeting so that it would be ready for congress and others as the concept of ecosystem-based fisheries management continues to take hold. Also, Dr. Hogarth like the concept of identifying a number of potential pilot project areas where ecosystem management can be developed and implemented. The MAFAC included discussion and development of a final report as an agenda item for its May 2003 meeting.

Overcapacity Working Group: Dr. Hogarth agreed with the various aspects of biological and economic improvements that would be accrued from reducing overcapacity. The need to internationally address this concern is very serious. Dr. Hogarth referenced the Inter-American Tropical Tuna Commission in the eastern tropical Pacific where effort is undergoing tremendous growth and Spain continues to build huge vessels to replace smaller vessels. Domestically, a tremendous amount has been done via management and technology and must now be done via addressing overcapacity. It will depend on the perception of fishermen as to whether it is being done fairly and equally.

National Standards 1 Guidelines (NS1) Working Group: The Subcommittee expressed interest in reviewing the agency's draft proposed rule to modify NS1 - noting that it would likely be very detailed and that if MAFAC were to provide input to the agency prior to publication it would need to review the draft. Dr. Hogarth agreed to check with the attorney's to determine whether or not and how the agency could receive MAFAC's advisory input into a draft proposed rule.

Dr. Hogarth acknowledged how impressed he was by the subject matters the Committee had selected and the depth of the discussions and materials being reported. He indicated that he would provide any information and technical assistance allowed to support the Committee in conducting its work, and looked forward to the next meeting.

The Committee and Dr. Hogarth discussed the dates and locations for next two meetings, which are as follows: May 12-16, 2003, San Diego, California; and December 8-12, 2003, in New York, New York. Accommodations and agenda items to be completed in follow-up actions.

The Industry Vice Chair moved that the meeting be adjourned, the motion was seconded.

9:45 AM Meeting Adjourned.

ATTENDEES:

MAFAC Members

1. Dr. Bonnie L. Brown
2. Scott Burns
3. James (Jim) Cook
4. Capt. Anthony (Tony) DiLernia

5. Chris Dorsett
6. Robert (Bob) Fletcher
7. John Forster
8. James (Jim) Gilmore)
9. Richard (Dick) Gutting, Jr.
10. Dr. William T. Hogarth (Co-Chair, NOAA Fisheries)
11. Donald (Don) Kent
12. Peter Leipzig
13. Melvin (Mel) Moon, Jr.
14. Rodney (Rod) Moore
15. Alvin Osterback, Sr. (Industry Vice Chair)
16. Margaret (Maggie) Raymond (Industry Vice Co-Chair)
17. Dr. LaVerne Ragster
18. Dr. Kenneth (Ken) Roberts
19. Ralph Rayburn
20. Kathleen Wynne
21. Elizabeth Sheehan

Consultants to MAFAC:

Randy Fisher
 Capt. John (Vince) O'Shea
 Larry Simpson

Staff to MAFAC:

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

Presenters & Attendees

Laurie Allen - Director, Protected Resources, NMFS
 Lee Benaka - Sustainable Fisheries, NMFS
 William Chappell - Sustainable Fisheries, NMFS
 Jack Dunnigan - Director, Sustainable Fisheries, NMFS
 Marjorie Ernst - Marine Protected Areas, Advisory Committee, NOS
 Virginia Fay - Sustainable Fisheries, NMFS
 Harrison Ford - General Counsel, DOC
 Mark Holliday - Director-Acting, Management & Budget, NMFS
 Mary Hope-Katsouris
 Dale Jones - Director, Enforcement, NOAA
 Don Knowles - Intergovernmental Programs
 Rebecca Lent - Deputy Director, Regulations, NMFS
 Garry Mayer - Deputy Office Director, Habitat Conservation, NMFS
 Bill Merrill
 Patricia Oliver - Travel Office, NOAA
 Bonnie Ponwith - Science & Technology, NMFS
 Richard Surdi - Sustainable Fisheries, NMFS
 Dana Topousis - Marine Protected Areas, Advisory Committee, NOS

Respectfully submitted,

Laurel G. Bryant
Designated Federal Officer

March 21, 2003
Date