

OVERVIEW and RECOMMENDATIONS

MARINE FISHERIES ADVISORY COMMITTEE Annapolis, MD · October 19-21, 2010

The Marine Fisheries Advisory Committee (MAFAC or ‘the Committee’) met October 19-21, 2010 at the Historic Inns of Annapolis (Maryland House) in Annapolis, Maryland. Tom Billy, Chair, presided at this third scheduled meeting in calendar year 2010. The meeting agenda is attached as Appendix A.

Day 1 started with an update of the scientific activities surrounding the ongoing research and monitoring of the Deepwater Horizon oil spill in the Gulf of Mexico and a status update of the Natural Resource Damage Assessment Activities. This was followed with additional updates on the FY2011 NOAA Fisheries budget and efforts to finalize NOAA’s Next Generation Strategic Plan. Day 2 began with a Report from NOAA presented by NOAA’s Principle Deputy Under Secretary followed by discussion of NOAA's law enforcement and compliance assistance program, and status report of the new National Ocean Policy and coastal and marine spatial planning efforts, and description of marine habitat assessments. The latter including the new Habitat Assessment and Improvement Plan (HAIP) and critical habitat designation processes for endangered species. On Day 3, the Committee discussed current & future NMFS services to stakeholders (sectors, communities, and consumers) and the committee visited the nearby College Creek Living Shoreline Restoration Site on the campus of St. Johns College.

During the afternoon of Days 1 and 2, subcommittees met to further consider the information presented in the morning and to develop recommendations and action. Subcommittee reports were presented to the full committee for consideration and discussion on Day 3 and approved recommendations are presented in this Overview, beginning on page 2.

The meeting was open to the public in accordance with the provisions of Public Law 9-463, and a public comment period was offered. The following are the Committee’s recommendations and actions (numbers in parentheses correspond to page numbers of the daily transcript, available online at http://www.nmfs.noaa.gov/ocs/mafac/meetings/2010_10/index.htm).

Committee members present:

Mark Holliday, Executive Director	Patricia Doerr
Eric Schwaab, Assistant Administrator for Fisheries and <i>ex officio</i> member	Martin Fisher
Tom J. Billy, Committee Chair	Randy Fisher (<i>ex officio</i> member)
Heather D. McCarty, Committee Vice-Chair	Catherine L. Foy
Terry Alexander	Ken Franke
Randy Cates	Steve Joner
Anthony Chatwin	John (Vince) O’Shea (<i>ex officio</i> member)
Paul Clampitt	George Nardi
Pamela Dana	Tom Raftican
Bill Dewey	Keith Rizzardi
	David H. Wallace

Staff of NOAA and the National Marine Fisheries Service, including those providing presentations to MAFAC included:

Karen Abrams, Office of Habitat Conservation, NMFS
Dr. James Balsiger, Regional Administrator, NMFS Alaska Regional Office
Tom Brosnan, Communications Team Lead, Assessment and Restoration Division, NOS Office of Response and Restoration
Dr. Steve Brown, Chief, Assessment and Monitoring Division, Office of Science and Technology
Laurel Bryant, NOAA Fisheries Communications Specialist
Gordon Colvin, MRIP Program Manager, Office of Science & Technology, NMFS
Tim Donovan, Special Agent, Northeast Enforcement Division, NOAA Office of Law Enforcement
Paul Doremus, Acting Deputy Assistant Administrator, NOAA Office of Program Planning and Integration
Russell Dunn, Senior Advisor on Recreational Fisheries, NMFS
Lorenzo Juarez, Deputy Director, NOAA Aquaculture Program
Jim Lecky, Director, Office of Protected Resources, NMFS Headquarters
Heidi Lovett, Policy Analyst, Policy Office, Office of the Assistant Administrator
Kari MacLauchlin, Knauss Sea Grant Fellow, Policy Office, Office of the Assistant Administrator
Monica Medina, Principal Deputy Under Secretary, NOAA

Kate Naughten, National Outreach Coordinator, NOAA Aquaculture Program
Gary Reisner, CFO and Director, Office of Management and Budget, NMFS
Alan Risenhoover, Acting Director, NOAA Office of Law Enforcement

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

Dr. Steve Alexander, Director, Science, Engineering & Technical Services, IAP Worldwide Services
Mackenzie Huffman, Arnold & Porter LLP
Hilary Robinson
Bruce Tackett

MAFAC RECOMMENDATIONS

Each of the following subcommittee reports and recommendations were approved by MAFAC on the third day of the meeting, October 21, 2010.

Recreational Fishing Subcommittee Recommendations

Transcript, Day 3, p. 218

Pamela Dana, Acting Subcommittee Chair

1. NOAA should increase the number of members appointed to Recreational Fishing Working Group (not to exceed the 25 total membership) to address geographical gaps in representation, e.g., the Caribbean and Pacific Islands.
2. To establish continuity of the work of the Recreational Fishing Working Group (RFGW), the term of members of the RFGW be extended from one to two years, with a caveat that NOAA could extend that term to develop an appropriate long-term transition period to ensure the continuity of the group's institutional knowledge.

It was also recommended that the NOAA Recreational Fishing Regional Coordinators (who report to Russ Dunn as National Coordinator) be tasked to directly work with their region's recreational fishing groups utilizing the network of the RFWG as a source of contact data (and then report up to him). An important element of this recommendation is that a network communications system be developed, and that the process be captured from a financial standpoint for future budgeting consideration. Finally a due date should be assigned to complete the development of the network communication system with direction be given to provide a progress report to MAFAC Recreational Subcommittee.

Strategic Planning, Budget and Program Management Subcommittee

Transcript, Day 3, p. 235

Heather McCarty, Subcommittee Chair

1. During his presentation on the NOAA Strategic Plan, Paul Doremus commented that MAFAC, in closed session, could participate in a preview of the implementation plan and budget. The committee agreed it is a good plan for MAFAC to request such an opportunity.
2. The subcommittee suggests that MAFAC consider recommending a closer integration of the Sanctuary Program (NOS) with NMFS.
3. MAFAC recommends that aquaculture research grants require no more than 25% match.
4. MAFAC requests NOAA recommend to the FDA and the Gulf states that the recently established reopening criteria for oyster growing areas be considered interim until they can be appropriately vetted by the Interstate Shellfish Sanitation Conference (ISSC). In light of the unusual circumstances presented by the DWH disaster, NOAA should also encourage the ISSC Executive Board consider a process to evaluate and approve reopening criteria as soon as possible and not to wait for their biennial process.

MAFAC also encourages the following:

- NOAA should continue its organoleptic work to support the reopening efforts.
- NOAA needs to provide sampling information in an understandable (consumer level) format and on a regular (two times a month) basis.
- NOAA should do another round of its "Dockside Chats" with the Seafood Community Members along the Gulf Coast with its partners FDA, EPA, the Surgeon General's Office and the Coast Guard updating them on their current activities.

Ecosystem Subcommittee Recommendations

Transcript, Day 3, p. 256

Tom Raftican, Subcommittee Chair

1. Recommendation: Improve Essential Fish Habitat (EFH) information (preferring Level 3 and 4 information);
2. Set priorities to implement the Habitat Assessment Improvement Plan (HAIP 2010);

3. Seek funding for HAIP 2010 through the Oil Pollution Act and Natural Resource Damage Assessment process; and
4. Seek cooperative research opportunities, particularly in the Gulf of Mexico.

BACKGROUND: The Magnuson Stevens Fishery and Conservation Act includes requirements related to the designation and protection of Essential Fish Habitat (EFH). MAFAC observes that current EFH was designated with predominantly Level 1 and 2 information, and concludes that additional data would benefit NOAA's implementation of EFH and EFH consultations. MAFAC finds that implementation of the Habitat Assessment Improvement Plan (HAIP 2010) would provide additional information beneficial to EFH, and MAFAC encourages NOAA to set priorities for implementation of the HAIP 2010, and to obtain at least Level 2 EFH information and preferably Level 3 and 4 EFH information.

MAFAC notes that Mabus report on the Deepwater Horizon Oil Spill defines the strategy for Gulf of Mexico restoration to include ensuring healthy, diverse and sustainable fisheries (Principle 2), and to ensure that off-shore waters are healthy and well-managed (Principle 5). Accordingly, MAFAC recommends that some portion of the funding derived from the Oil Pollution Act and Natural Resource Damage Assessment Process, and other funding as available, be used to improve EFH information, and implement the HAIP 2010, as appropriate.

In addition, MAFAC encourages NOAA to seek cooperative research opportunities, with that funding, to work with other state and federal agencies, industry, and academic institutions, especially in the Gulf of Mexico.

Commerce Subcommittee Recommendations on Enforcement issues

Transcript, Day 3, p. 268

Steve Joner, Subcommittee Chair

1. MAFAC recommends that an enforcement advisory committee be established, and that MAFAC is a good vehicle for the role.
2. One of the initial tasks of the advisory committee should be to assist NMFS staff, as requested, with identifying the credentials, background, and experience of the type of person envisioned to fill the role of a compliance liaison staff.
3. A second task of the advisory committee should be assisting NMFS enforcement to identify the problems and solutions relative to distinguishing aquaculture and wild caught fish in commerce.
4. Additionally, MAFAC recommends that routine meetings be set up between the new enforcement compliance liaison, the aquaculture regional staff, and aquaculture industry.
5. MAFAC supports NMFS senior staff that the compliance liaison should also be a "collection point." This role of the compliance staff would be to collect information from the agents on

the ground, from the state enforcement officers, the Coast Guard, observer coordinators, observer companies, etc. when required.

6. MAFAC encourages the new compliance liaisons to also engage the Councils. It will be important to work with them early in their processes, when they are developing their amendments and management alternatives for FMPs. They need to help ensure the alternatives are practical, enforceable, and understandable by fishermen.

Nominations and Elections

Transcript, Day 3, p. xxx

Tom Billy, MAFAC Chair

1. MAFAC postponed the elections until charter is amended.
2. MAFAC recommended the following language to replace the current language in section 10C: The chair and vice chair will be elected annually by a majority of committee members.

General Discussion regarding NMFS Services (but not formally voted on)

Transcript, Day 3, p. xxx

Mark Holliday, Discussion Leader

- NOAA does well at the national level, but there is a disconnect at the local level.
- NMFS is more of a regulator today than anything else. They implement and enforce regulations essentially on US fishermen, but need support of agency to support U.S. fisheries more.

Additionally, NMFS Should:

- Work to advance the industry in the US for more consumption and for exports, help improve business and make money, and increase international market.
- Community and on the dock services are more and more needed.
- Utilize Sea Grant more for outreach and communication to the industry.
- Engage additional stakeholders: aquaculture; industry associated with marine mammals (ecotourism, whale watchers, kayakers, etc.).
- Bring back the Sustainable Fisheries Award.
- Help industry with adaptation and resilience to climate change.

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Appendix A



Historic Inns of Annapolis – Maryland House
 Corner of Church Circle and Main Street, Annapolis, MD
 Phone: 410-263-2641

Day 1 - Tuesday, October 19, 2010			
Time	Min.	Subject	Presenter
8:30-8:40	10	Introductions and opening remarks	Sam Rauch , Deputy Assistant Administrator for Regulatory Programs, NMFS
8:40-8:45	5	Agenda review	Tom Billy , Chair
8:45 – 9:45	60	Deepwater Horizon – status update (Informational) Science enterprise <ul style="list-style-type: none"> ▪ Ongoing monitoring and assessment, informing mitigation actions, seafood safety, ecological and community actions NRDA activities (by teleconference)	Stephen Brown , Chief, Assessment and Monitoring Division, Office of Science and Technology Tom Brosnan , Communications Team Lead, Assessment and Restoration Division, NOS Office of Response and Restoration
9:45 – 10:00	15	Break	
10:00 – 11:00	60	MAFAC Business: Review of Action Items, nominations, new business, next meeting	Mark Holliday , Director Office of Policy
11:00 – 12:00	60	Budget and Strategic Planning ((Informational)) <ul style="list-style-type: none"> ▪ Status of Final NOAA’s Next Generation Strategic Plan (NGSP) and how MAFAC comments were addressed ▪ Budget report, CR and FY2011; out year budgets 	Paul Doremus , Director of Strategic Planning, NOAA PPI Gary Reisner , CFO and Director, Office of Management & Budget, NMFS
12:00-1:15	90	Lunch	
1:15 – 2:15	60	National Ocean Policy and Coastal and Marine Spatial Planning (CMSP) (Informational)	Sam Rauch , Deputy Assistant Administrator for Regulatory Programs, NMFS
2:30- 4:30	120	Subcommittee Meetings Recreational Fisheries <ul style="list-style-type: none"> ▪ Updates on Recreational Fisheries Summit Follow-up and MRIP ▪ RFWG activities and renewal Strategic Planning, Budget, Program Management	Subcommittee Chairs Ken Franke Russ Dunn , National Policy Advisor for Recreational Fisheries Gordon Colvin , MRIP Program Manager Heather McCarty
4:30		Adjourn for the day	

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Appendix A

Day 2 - Wednesday, October 20, 2010			
Time	Min.	Subject	Presenter
8:30 – 9:30	60	Report from NOAA	Monica Medina , Principal Deputy Under Secretary, NOAA
9:30 – 11:00	90	NOAA's law enforcement update and compliance assistance program (Informational & Action)	Eric Schwaab Assistant Administrator, NMFS Alan Risenhoover Acting Director, Office of Law Enforcement, NMFS
11:00 – 11:15	15	Break	
11:15- 12:00	60	Remarks from the NMFS AA & Morning Wrap-up	Eric Schwaab Assistant Administrator, NMFS
12:00- 1:15	90	Lunch	
1:15– 2:15	60	<u>Marine Habitats Assessments</u> (Informational and Action) Habitat Assessment and Improvement Plan (HAIP) <ul style="list-style-type: none"> • Scope of new plan and how NMFS can use Habitat assessments • Essential fish habitat (EFH) conservation and assessments 	Stephen Brown , Chief, Assessment and Monitoring Division, Office of Science and Technology Karen Abrams , Office of Habitat Conservation, NMFS
2:15 – 2:45	30	Critical habitat designation process for endangered species (Informational)	Jim Lecky , Director Office of Protected Resources
2:45 – 3:00	15	Public Comment	
3:00- 5:00	120	<u>Subcommittee Meetings</u> Ecosystem Management Commerce (Discussion of OLE topics)	<u>Subcommittee Chairs</u> Tom Raftican Steve Joner
5:00 pm		Adjourn for the day	
6:00 pm		Group Dinner at the Rockfish Restaurant	

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Day 3 – Thursday, October 21, 2010			
Time	Min.	Subject	Presenter
8:30 –10:00	90	Current & Future NMFS Services to Stakeholders (Sectors, Communities, and Consumers) (Action)	Mark Holliday , Director Office of Policy
10:00-10:15	15	Break	
10:15 –12:00		Visit to College Creek Living Shoreline Restoration Site	Steven Giordano , Fishery Biologist and Manager, Field Operations, Chesapeake Bay Program Office
12:00–1:15	75	Lunch	
1:15 –2:00	45	Report Out: Recreational Fisheries Subcommittee	Pamela Dana
2:00 – 2:30	30	Report Out: Strategic Planning, Budget, Program Management Subcommittee	Heather McCarty
2:30 – 2:45	15	Break	
2:45 – 3:15	30	Report Out: Ecosystem Management Subcommittee	Tom Raftican
3:15 – 4:15	60	Report Out: Commerce Subcommittee	Steve Joner
4:15 – 4:30		Wrap up	
4:30		Adjourn	