

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

CHARTER

- 1. Committee's Official Designation.** Marine Fisheries Advisory Committee.
- 2. Authority.** The Secretary of Commerce approved the establishment of the Marine Fisheries Advisory Committee (MAFAC or Committee) on December 28, 1970, under agency authority pursuant to 15 U.S.C. § 1512. The Committee was initially chartered on February 17, 1971, and has been renewed periodically, in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C § 1001 *et seq.* 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.
- 3. Objectives and Scope of Activities.** The Committee will advise the Secretary of Commerce (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, its task forces, 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, aquaculture activities, and 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 (Under Secretary). 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.
- 6. Support.** NMFS will provide support for the Committee.
- 7. Estimated Annual Operating Costs and Staff Years.** The estimated annual cost of operating the Committee is \$502,400. This includes 1.3 person-years for staff support plus estimated travel and contract costs to support approximately two Committee meetings and task force and subcommittee 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. The DFO will approve or call all of the Committee and subcommittee meetings, prepare

and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Committee reports.

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 committee will terminate two years from the date of its charter's filing with the standing committees of the Senate and House of Representatives committees having legislative jurisdiction of the agency, unless terminated earlier 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 among commercial and recreational fishermen, aquaculture, environmental, consumer, academic, tribal, governmental, and other national interest areas, as well as geographic diversity. The diverse membership of the Committee assures expertise reflecting the breadth of the Committee's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity and various abilities of the United States population. Criteria for membership is expertise or experience in one or more of the following:
 1. Harvesting, processing, production, or marketing fish or fish products.
 2. Promoting fishing for pleasure, relaxation, or consumption. This may include operating a recreational fishing business. Recreational fishing experience by itself is not sufficient experience.
 3. Having a leadership role in a national, state, or regional organization representing marine fisheries interests.
 4. 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.
 5. 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.
 6. Teaching, writing, researching, consulting, or adjudicating matters related to the human uses/values or social sciences associated with living marine resources.
- b. The members generally are appointed for three-year terms and serve at the discretion of the Secretary. Members are designated as "Special Government Employees," as that term is defined in 18 U.S.C. § 202, who 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. Special Government Employees are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential Financial Disclosure

Report (OGE Form 450) and complete ethics training before participating in any deliberative process with the committee. Members will be individually advised of the capacity in which they will serve through their appointment letters. 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 Chair or the Vice Chair. Members serve until reappointed or replaced; however, no member may serve more than two consecutive three-year terms. No member may serve on the Committee and a regional fishery management council at the same time. 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. Vacancy appointments may be made by the Secretary or their designee for the remainder of the unexpired term of the vacancy. No more than approximately one-third of the Committee's voting membership terms shall expire annually. The Secretary or their designee may extend the term of a voting member for short periods of time, not to exceed one year.

- c. The Chair and Vice Chair will be chosen from among the MAFAC members by the Under Secretary or their designee and shall serve at their discretion.
- d. The Under Secretary and the 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. Non-federal 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. § 5703.
- g. Members shall not reference or otherwise utilize their membership on the Committee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the MAFAC, NMFS, NOAA, the Department of Commerce, or the U.S. government.

13. Subcommittees.

- a. The Committee may create, with the approval of NMFS, subcommittees or working groups of its members, as necessary, pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance.
- b. The Committee may create, with the approval of NMFS, task forces consisting of MAFAC members and outside experts as may be necessary, pursuant to the provisions of the FACA, the FACA implementing regulations, and applicable Department of Commerce guidance.
- c. All subcommittees, working groups, and task forces will report back to the Committee and will not provide advice or work products directly to NMFS, NOAA, or the Department of Commerce.

14. Recordkeeping. The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, are handled in accordance with General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection.

15. Filing Date. The charter is filed on the date indicated below.

JEREMY PELTER Digitally signed by JEREMY PELTER
Date: 2024.04.08 17:01:59 -04'00'

04.08.2024

Deputy Assistant Secretary for Administration
Performing the non-exclusive functions and duties of the
Chief Financial Officer and Assistant Secretary
for Administration

Date

04.09.2024

Filing Date