

November 4, 2015

Dr. Michelle Duval
Chair, South Atlantic Fishery Management Council
N.C. Division of Marine Fisheries
P.O. Box 769
Morehead City, NC
28557

Via email to: michelle.duval@ncdenr.gov

Re: Regional Fishery Management Council Participation with the Presidential Task
Force on Combating IUU Fishing and Seafood Fraud

Dr. Duval:

For decades honest fishermen have been at a disadvantage by having to compete in the marketplace against seafood that is caught by Illegal, Unreported and Unregulated (IUU) fishing and inferior seafood being sold fraudulently. Pirate fishing and seafood fraud not only hurt fishermen and seafood companies that play by the rules, but also undermines conservation and management efforts worldwide.

In 2014, the White House announced the formation of an inter-agency task force comprised of multiple federal agencies to bring the full expertise of the U.S. government together to explore IUU fishing and seafood fraud.

Fortunately these problems share common solutions: documentation, transparency, traceability that will ensure that all catch in the U.S. market is safe, legal and honestly labeled. On March 15, 2015, the Task Force released its final recommendations and action plan¹ which articulates the steps that a range of federal agencies will take both domestically and internationally to implement the recommendations.

Despite these significant efforts at the agency level, very little coordination and consultation has taken place with America's fisheries managers, the very people that the Magnuson-Stevens Act appoints to the Councils for their expertise in fisheries and fisheries management. The regional fishery management Councils play a vital role in the management of America's fisheries. Separate from their role in developing at-sea regulations, the Councils also serve an advisory role on non-fishing activities that affect the oceans as well as a forum for members of the seafood and fishing industries

¹ http://www.nmfs.noaa.gov/ia/iuu/noaa_taskforce_report_final.pdf

to voice concerns and opinions. The Councils reflect the expertise and interest of the several constituent States in the ocean area over which such Council is granted authority² and each Council member must be 'knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned.'³

The work of the task force is ongoing under auspices of the National Ocean Council. A series of rulemaking and comment periods to implement the Action Plan developed by the Task Force is underway. These processes have looked at the fundamental principles that will support seafood traceability in U.S. markets among other issues.

In the coming months the National Ocean Council expects to issue a proposed rule that should be particularly interesting to you and your Council. According to the action plan, this rulemaking will outline the first phase of a traceability program for U.S. seafood, starting first with a selection of species "at risk" of seafood fraud and illegal fishing.

Oceana encourages your Council to use the upcoming comment period to ensure that the expertise and views of your Council and your fisheries and industries are heard in this and other National Ocean Council processes.

Specifically, Oceana suggests that your Council:

- Request a full briefing on the past work of the Task Force.
- Request a briefing on the December, 2015 rulemaking and comment period at your upcoming meeting. The Office of International Affairs and Seafood Inspection Program at NOAA Fisheries is an integral part of the Task Force and should provide this briefing in a similar manner to other national issue briefings like National Standard Revisions. The Atlantic HMS Advisory Panel received this kind of briefing in 2015 and this should be part of your upcoming agenda.
- Develop comments to the National Ocean Council reflecting the concerns of the Council and the fisheries and related industries of your region.

Oceana understands that the timing of the comment period may be delayed or the Council schedule will not allow full engagement of your Council. Regardless we urge you to do all that you can as the Council chair to submit comments on the proposed rule on behalf of the Council.

This is an important action for U.S. fisheries and the seafood industry that provides U.S. seafood including dealers, processors, wholesalers and retailers. Many of the fundamentals to support documentation, transparency and traceability are already in

² MSA Section 302(a)

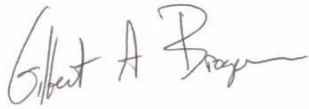
³ MSA Section 302(b)

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place through existing catch reporting programs throughout the country. Requiring all seafood in the U.S. market to be documented, traceable and labeled is an important step to improving our oceans and allowing U.S. fishermen to compete in the global market.

You should ensure that the expertise and viewpoint of your Council is part of this process.

Thank you for your interest.

A handwritten signature in cursive script that reads "Gib Brogan". The signature is written in dark ink and is positioned above the typed name and title.

Gib Brogan
Fisheries Campaign Manager
Oceana
Wayland, MA

Cc:

Regional Council Chairs
Dr. Roy Crabtree, National Marine Fisheries Service Regional Administrator
Robert Mahood, Executive Director, South Atlantic Fishery Management Council