



New England Fishery Management Council

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E. F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: June 15, 2015
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of June 11, 2015 Executive Committee Meeting

The Executive Committee met on June 11, at the Sheraton Harborside, Portsmouth, NH. Executive Committee members attending were Mr. Stockwell, Mr. Quinn, Mr. Grout, Mr. Kendall and Mr. Pierce. Also attending were Mr. Nies, Dr. Sissenwine and Mr. Kellogg. The committee discussed the agenda items below.

- 1. Development of comments on the proposed changes to the MSA National Standard Guidelines** - Mr. Nies reported that based on input he received from Council members, staff, the SSC and his own review of the proposed revisions, he drafted comments for the committee to consider and forward as the basis for Council discussion. The result was a set of relatively long and detailed comments and the committee thought the draft captured most all of their concerns. Dr. Sissenwine agreed and pointed out that the Council should consider its goals in providing comments. He suggested that the letter explain that the process for engaging the Councils in the development of revised guidelines has so far been very limited and that it needed to be broadened to allow for a full discussion of many issues that have not yet received adequate attention. Dr. Pierce also thought that the draft comments captured many of the issues in sufficient detail but suggested the Council might want to highlight three main issues to ensure they received adequate attention given the many comments that NOAA would receive and to put more emphasis on ecosystems management issues. The Committee struggled to group issues into three main topics because many of the issues were so related. The main issues discussed by the committee were those grouped under the subtitles Overarching Principles, Rebuilding Flexibility, and Catch Limit Stability. Mr. Nies agreed to redraft the letter to take into account the comments from the committee and to recirculate it before distribution to the Council.
- 2. Review of CCC NEPA White Paper** - Mr. Nies explained that Don McIsaac the Executive Director of the PFMC was the lead organizer for this report and that Mr. Nies had contributed a section but he had not seen the other contributions leading up the current draft. The whitepaper outlines a streamlined process for developing Council actions so they meet both MSA and NEPA requirements more efficiently. The process would not eliminate any analytical requirements under NEPA, would include all the NEPA analysis in the Fishery Impact Statements that would be made publicly available 14 days before Council final decisions and would be transmitted with FMP amendments and available for public comment along with the proposed regulations. It also would eliminate the NEPA scoping process. Mr.

Nies added that it could reduce some of the burden for NMFS staff reviewing Council documents and possibly simplify the structure of Council documents. The committee thought the Council should recommend supporting the streamlined process at the June 22-25 Council Coordinating Committee meeting.

3. **Review of draft CCC Allocation Paper** - The Committee also reviewed the CCC paper that reviewed criteria for initiating reviews of FMP catch share allocations. The paper discussed periodic time-based reviews, reviews that would be triggered by public interest in reallocation and the use of referendums to identify the need for review. The committee did not agree to specific comments except that it thought using referendums to determine the need for reviewing catch share allocations would be very problematic in terms of conducting referenda and determining eligibility for participation in the referendums. Some of the concerns expressed by committee members were whether there was a role for ASMFC in the review of jointly managed FMPs, while there might be general agreement that reallocations should be considered, they rarely if ever happen because they are so difficult and the best time to agreement on a process for considering reallocation is during the development of the initial allocation.
4. **Review of Cooperative Research/Co-Management White Paper** – The committee agreed with the following comments made by Mike Sissenwine: 1) It is a mistake for the Agency to refer to its fishery management relationship with the RFMCs as anything less than co-management between equal partners. 2) There is virtually no analysis of information from decades of experience with cooperative management (including Co-management with RFMCs) and cooperative research. 3) If NOAA Fisheries wants to maximize the benefits from cooperative research, it needs to find ways to not only seek more funding (one of the implicit recommendations of the draft White Paper), but to also broaden cooperation to include, in particular, NMFS scientists that prepare fishery management advice.
5. **Executive Director’s Report**

Budget Overview – Mr. Nies reported that the Council had obligated 27% percent of its resources over 30% of the budget allocation period so that funding has adequately covered Council activities so far in 2015. He added that it was good to have a slight margin for error because the Council does not know how much it might receive for 2016 or whether there might be any delays in receiving its 2016 award.

Collaborative Research and Catch Advice RFP Updates - Mr. Kellogg reported that the collaborative research project’s contractor project was completing the subcontracts for the three projects for funding following the second RFP, which sought proposals to increase the understanding of groundfish spawning. The contractor was expected to be able to announce the awards by the June Council meeting.

Mr. Nies reported that the contractor was still working on the first two phases of the contract, the evaluation of the past performance of catch advice and the identification of alternative approaches for setting catch advice. He added that he expected that the project probably would not be completed before the end-of-year contract period.
6. **Management action timelines** – Mr. Kellogg briefly reviewed the timelines for ongoing actions. He reported that due to the delay in taking final action on Omnibus Habitat Amendment 2 until June and that the level of controversy probably would extend the

document submission and review process with the result that implementation of the amendment was not expected until the end of May 2016. The delay would make it impossible to implement scallop access areas early in the scallop fishing year based on the habitat amendment alternatives. As a result, an action in addition to Scallop Framework 27, which will implement scallop specifications for fishing year 2016, would be needed to implement any changes to access areas on Georges Bank resulting from the habitat amendment. In terms of other timelines, there no changes; however, timelines or revised timelines had not been developed for several actions including an action to deal with Groundfish at-sea monitoring (ASM) costs after NOAA funding for ASM ended, whiting limited access, and Monkfish Amendment 6. The staff and PDTs expected to develop timelines for these actions in the next few months.

7. Council meeting planning

Public comment policy – Mr. Nies reported that he had reviewed the Council’s public comment policy which allows the chair to control the amount of comment at meetings when necessary, and to establish time limits for individual speakers, as well as to encourage speakers to avoid duplication. He explained that he also that the Council handled public comments at its April meeting in accordance to the policy. Committee members agreed with this conclusion and one committee member noted that under the policy, the chair has the authority to limit the duration and number of comments in a manner that allows the Council to complete its business as described in its meeting agenda. The committee did not think the policy needed to be revised; however, it agreed with the suggestion that the staff explore ways of reducing the chair’s burden of timing and limiting of individual comments at Council meetings.

OHA2 - Mr. Nies pointed out the Council was scheduled to take final action on the Omnibus Habitat Amendment 2 and because the Habitat Committee had developed an additional alternative for the Georges Bank habit protection, the PDT and staff was still working on the analysis of the new alternative as well the analysis of Alternative 9, which was added at the last Council meeting. Mr. Nies explained that he hoped that he would be able to distribute the analysis early in the next week and by Wednesday June 10 at the latest. He noted that the Habitat PDT and staff had analyzed four new alternatives since the public hearings and to consider the new alternative the Council would have to vote by a two-thirds majority to rescind Alternative 9 as its preferred alternative.

- 8. Groundfish priorities** – Mr. Nies explained that the Council added an action to deal with Groundfish at-sea monitoring (ASM) costs after NOAA funding for ASM ended as a priority and that the Groundfish Committee recommended that this action should become the Council ‘s top groundfish priority for 2015. As a result and also because of the difficulty in reassigning non-groundfish staff to groundfish priorities in the short-term, the other groundfish priorities needed to be reconsidered. In response, the Committee recommended that the white paper on windowpane flounder, work on determining the catch of cod in lobster pots and improving the timing of the development of recreational groundfish measures be indefinitely postponed. Completion of the groundfish specifications for the 2016-2018 fishing years would remain as a priority for 2015.

9. Council communications strategy

Ms. Fiorelli reported on the revisions to the draft communications strategy that had been distributed to the committee and their previous meeting. The committee commented that the draft provided a good outline of communications goals and strategies for the next year.

10. Closed session for Advisory Panel appointments

The Committee approved the following applicants for Council advisory panels: Recreational Advisory Panel: Mark Gofory. Herring Advisory Panel: 1) Zach Klyver; 2) John-Paul Bilodeau; 3) Meghan Lapp; 4) Daniel Ryan; and 5) Raymond Kane.