



New England Fishery Management Council

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

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Ms. Heather Sagar
Senior Policy Advisor
NMFS Office of Assistant Administrator
1315 East West Highway
Silver Spring, MD 20910

Dear Heather:

Please consider the following comments on the draft Ecosystem Based Fishery Management (EBFM) Road Map. Because the full Council did not have time to discuss this document, Council staff prepared the following comments. We plan to provide formal comments this fall. Please extend the comment period until at least October 1, 2016 to allow for a discussion at our September Council meeting.

While progress on EBFM is being made throughout the country, the draft road map could be an important tool in advancing EBFM in the fisheries management system. We think there is merit to developing a national implementation plan. The document's clear linkage to the six guiding principles in the EBFM policy gives it an effective and efficient structure. This draft is an excellent start, and incorporating public comment will no doubt improve it. To that end, I would like to raise several overarching issues that could use more attention.

Our Council's comments on the National Standard One Guidelines (NSG1) (under revision) and on the draft EBFM policy highlighted our concerns that considerable work remains to be done in order to reconcile current statutory language (or its interpretation) with the concepts of EBFM. For example, our NSG1 comments highlighted that it was unclear what an aggregate MSY meant for a fishery: does it replace stock specific status determination criteria, for example. While the road map does note the need to clarify ecosystem-level reference points, the implication is that these will be in addition to, rather than in place of, single-species reference points. Our comments on the EBFM policy pointed out that EBFM requires tradeoffs across multiple objectives and it is not clear how those tradeoffs can be made under current statutes. Neither the final EBFM policy nor the draft road map provide any insight into these, and similar, questions. More importantly, the draft road map does not focus enough attention on the fact that further work needs to be done on these issues. The plan to address these legal and policy questions should be part of the road map.

Another shortcoming is that the road map does not recognize to any significant degree that there are jurisdictional issues that will complicate EBFM. Using New England as an example, a Fishery Ecosystem Plan (FEP) for Georges Bank will, at a minimum, affect fishery resources managed by the NEFMC, the Mid-Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, NOAA's Office of Highly Migratory Species, Canada, and several states. The best practices for coordinating the development of objectives across these different management bodies

need to be developed. There is a need for policy guidance on how to reconcile the management of overlapping species under different approaches to EBFM that may be pursued by various management organizations.

The document does not clearly discuss EBFM engagement efforts, particularly where it concerns the regional fishery management councils (RMFCs). For example, at present the Councils are not consulted on agency budget programs. Will the RMFCs be asked to provide input on the funding tradeoffs between existing programs and new efforts to support EBFM? Those decisions could have substantial impacts on Council activities. Why aren't the RMFCs included in the biennial meetings that will review EBFM progress? How will the engagement plan incorporate the other jurisdictions and stakeholders into the setting of goals and objectives by the RMFCs? These are just some of the questions that are not addressed.

The road map defines an FEP as an umbrella strategic planning document. This seems unnecessarily restrictive. The Council is developing an example FEP that, conceptually, could replace existing FMPs. Our FEP is not solely a strategic planning document. If adopted it will define management measures to actually manage fisheries, such as ABC control rules. We recommend the road map acknowledge that an FEP could take a wide variety of forms, including that of a fishery management plan.

I would also echo a comment made by several other Councils: it is not clear how increased attention can be devoted to EBFM without taking resources from our current, ongoing management and science activities? The road map proposes several additional positions to manage EBFM that will need funding. As I highlighted at the recent Northeast Fisheries Science Center Ecosystem and Climate Science program review, it will be difficult to meet current needs while transitioning to EBFM. In the Council's opinion, we are not receiving the amount of assessment support that we need to effectively manage our stocks; diverting additional resources to EBFM could make that shortfall worse. The conundrum is that at the same time we are not receiving the support needed to develop a Fishery Ecosystem Plan as quickly as the Council would prefer. How both needs can be met without additional resources is unclear.

While to this point I suggested improvements, I would like to briefly mention several sections of the road map that should be retained. The development of risk assessments and improved capabilities for Management Strategy Evaluation will be key to progress on EBFM; we are pleased to see both emphasized in the road map. The Council has long recommended the incorporation of ecosystem factors into stock assessments; the emphasis on this is welcome. We welcome Ecosystem Status Reports, and hope that these will be improved so that they can inform decisions rather than solely summarize data.

Thank-you for the opportunity to comment on this preliminary draft. The Council will provide more detailed comments during the formal comment period later this year. Please let me know if you have questions.

Sincerely,



Thomas A. Nies
Executive Director

cc: Dr. Jason Link