



New England Fishery Management Council

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MEETING SUMMARY

Ecosystem Based Fishery Management (EBFM) Committee

DoubleTree by Hilton Portland, 363 Maine Mall Road, South Portland, ME 04106

June 10, 2019

The EBFM Committee met on June 10, 2019 to receive and discuss a draft discussion document on catch monitoring, ecosystem data collection, and research to support EBFM. The Plan Development Team (PDT) also gave a progress report on its work to develop a draft discussion document on incentive-based measures to support EBFM. Finally, the committee was presented with a PDT proposal for ecosystem co-management on Georges Bank addressing jurisdiction issues. The Council intends to complete a draft of an example Fishery Ecosystem Plan (eFEP) document by the September Council meeting.

MEETING ATTENDANCE: John Pappalardo (Chairman), Dr. Matthew McKenzie (Vice-chair), Mr. Richard Bellavance, Mr. Eric Reid, Mr. Michael Ruccio (GARFO), Dr. Michael Armstrong, Mr. Peter Aarrestad, Dr. Michael Sissenwine, Mr. Warren Elliott (MAFMC); and Andrew Applegate (NEFMC staff, PDT chair) In addition, four members of the public attended, including George LaPointe (Fishery Survival Fund), Ron Smolowitz (Coonamessett Farm), Melanie Griffith (MA Division of Marine Fisheries), and Jocelyn Runnebaum (The Nature Conservancy).

Presentations and background documents are available on the Council's EBFM web page (<https://www.nefmc.org/calendar/jun-10-2019-ebfm-committee-meeting>).

KEY OUTCOMES:

- The committee had points of view about the adequacy of data and analysis that differed from the PDT discussion document on catch monitoring, ecosystem data, and research. The committee agreed to a consensus statement and directed the staff to combine the committee discussion and the PDT discussion document into the draft example Fishery Ecosystem Plan for Georges Bank (eFEP).
- The committee recommended some additional options for incentive-based management and asked the PDT to include discussion of them in a document to be presented to the committee at its next meeting. Mr. Applegate said that he would pass this guidance to the PDT and the lead author for the document.

- The committee accepted the PDT draft discussion document on jurisdiction, cooperation, and coordination, but expressed skepticism that such a co-management system could work, one involving 3-4 management bodies and up to 8 states for species that have significant amount of catch in the Georges Bank EPU and elsewhere. Other options were discussed, including managing only species that are currently managed by the NEFMC or managing all of the Georges Bank EPU catches regardless of species, but they had recognized problems. The committee recognized that this issue would be discussed by the Council and that further work on the approach would need to be worked out.
- The committee was polled for viable dates for meetings, the first to take up incentive-based measures and the second to receive the initial eFEP draft. July 24 and August 21-22 appeared to be the best dates for committee participation. Mr. Applegate would coordinate these dates with staff to resolve overlaps with other committee meetings.

Motions: The Committee made no motions during the meeting.

Introduction

Dr. McKenzie chaired the meeting because Mr. Pappalardo arrived late. Dr. McKenzie asked Mr. Applegate to report on recent developments toward completing the eFEP and beginning the next management strategy evaluation (MSE) phase. For this meeting, the committee received two plan development team (PDT) documents. The first document on catch monitoring, ecosystem data collection, and research was prepared recently. The committee would evaluate the PDT's recommended approach and determine how to integrate this with the committee discussion of the topic on May 28. The second document on jurisdiction, cooperation, and coordination among management authorities had been prepared by the PDT in 2016 but had not been recently reviewed by the PDT. The draft document was presented to generate committee discussion.

Mr. Applegate reported that the PDT was also developing a discussion document on incentive-based measures (IBM) and would have a conference call to review the initial draft on July 12. Dr. DePiper was leading that effort. The Council also had begun formulating an MSE Steering Committee. The composition of the committee had been approved by the Council's Executive Committee and the membership would be approved by the Council chair, Dr. Quinn.

Mr. Applegate also reported that committee meetings were being scheduled on July 24th and in late August to receive the IBM document and to receive the initial eFEP draft. Planning for the latter meeting included a joint meeting with the PDT to present the eFEP document and foster dialogue with the PDT about it. The intent is to present a draft eFEP document and MSE Steering Committee recommendations to the September Council meeting.

Mr. Ruccio recognized that for a fishery ecosystem plan, the Council is not following a routine process and when the committee sees the full report, it will be important for the committee to discuss how the document will be presented and used. There are a lot of complex, weighty decisions and it is important that the issues and potential solutions are clearly identified.

Mr. Reid recognized that a lot of progress on eFEP issues has been made in a very short period. He said that people don't yet understand the issues and question what EBFM is doing. He agreed that it will be important to provide clarity to Council members that have not been engaged in the process.

Dr. Sissenwine questioned why the Executive Committee was approving the composition and membership of the MSE Steering Committee rather than the EBFM committee doing this. He asked if the Steering Committee would report to the EBFM Committee or directly to the Council. He felt that the EBFM Committee should have a say in the composition of the group, the individuals appointed to the committee, and decide where the report goes (preferring that the Steering Committee report to the EBFM committee). Mr. Applegate replied that the Steering Committee was being formed and treated much like other special committees of the Council, providing procedural advice to the Council. It was not being formulated as a sub-committee of the EBFM Committee, although the committee could weigh in on the Steering Committee report.

Mr. Reid appreciated the Executive Committee endorsement of the Steering Committee membership, agreeing that others should evaluate and approve the membership. An important issue that Mr. Bellavance thought should be considered by the Steering Committee is stakeholder engagement. It is important that we find ways to keep stakeholders engaged in what is likely to be a lengthy process.

AGENDA ITEM 1– CATCH MONITORING, ECOSYSTEM DATA COLLECTION, AND RESEARCH

Presentation

Mr. Applegate gave a summary of the discussion document and the committee consensus from the May 28 meeting. The PDT emphasized that current data and analysis are sufficient to support EBFM modelling, assessment and management, but that verifiable, accurate data collected by a modernized system with increased participation by fishermen were important improvements to allow for more transparent, reliable, and responsive actions. The presentation included a more detailed discussion of ecosystem research focused on primary productivity and energy transfer to fishery production, which Mr. Applegate said would be folded into this section of the eFEP.

Discussion

Recognizing that more progress toward accurate catch monitoring was being driven by other committees, the EBFM committee members were not as certain that all the pieces needed for EBFM were in place. Accurate estimates of bycatch and total catch are needed, something that many committee members felt is not being achieved. Mr. Bellavance added that more accurate recreational catch monitoring is needed. Mr. Reid recommended softening section 2B in the discussion document. Many also felt that better information and analysis about how primary production translates into fishery productivity is needed. The committee felt that more timely data and transparent analysis would be needed to promote an adaptive and responsive ecosystem management.

The committee agreed to the following consensus statement, directing staff to incorporate this view into the eFEP document:

“The EBFM Committee agrees with the PDT view that “While all monitoring and research programs have room for improvement, the Fishery Ecosystem Plan (FEP) can be implemented with the current data collection and analysis systems in place today on the US NE Shelf.” It supports this view in the sense that shortcomings and limitation of current monitoring programs are risk factors that degrade the quality of stock assessments and monitoring under the current management regime, and these risks are not necessarily exacerbated by EBFM. However, in the process of formulating EBFM and evaluating it using MSE, the Committee expects specific data problems that are worsened by applying EBFM to be identified along with proposals for mitigating the problems. MSE is also a tool that might identify management approaches that are more robust to uncertainties in monitoring data than current management approaches.”

AGENDA ITEM 2 – INCENTIVE-BASED MEASURES

Presentation

Mr. Applegate briefed the committee on the discussion document being developed by the PDT on incentive based measures, or IBMs. He said that Dr. DePiper was taking the lead in drafting the document and that the PDT will hold a conference call on July 12 to review the initial draft, for presentation at the July 24th EBFM Committee meeting. Mr. Applegate stated that he had not yet seen a draft, but the PDT had discussed the concept of the discussion document at its meeting on May 8. The PDT agreed to focus on four options and discuss how they would work with and support the catch advice framework proposed by the PDT, using case studies from elsewhere to give examples of how they could be applied. Since he had not seen any draft material yet, Mr. Applegate said that he was not prepared to discuss any details of the approaches at this time. The four approaches are:

- Sector type approach
- Point system approach
- Tariff based approach
- Quantity based approach – market and size category structure

Discussion

Mr. Ruccio said that he is looking forward to receiving and reviewing the IBM document as having some type of system that both disincentivizes targeting certain species or functions when species or complexes are below a floor, which might be a critical management component of any eventual ecosystem approach. Dr. Sissenwine saw the value of these type of approaches to address stocks that fell below a floor (i.e. minimum biomass) and to keep people from exclusively targeting the most valuable or vulnerable stocks. He recommended looking at a paper on these kind of approaches written by Sissenwine and Kirkley, published in the Marine Policy Journal in 1984.

Mr. Pappalardo suggested that the PDT should also include other types of IBM systems, such as an auction type approach, individual transferable fishery quotas, and a blend of an allocation based on historic performance and an auction type system. He saw a value in these systems to allow for and promote new entrants into the fishery in ways that other allocation systems inhibit new fishermen from entering the fishery. Mr. Reid added that some type of gear incentive system promoting the use of less impactful gears (i.e. bycatch and habitat effects) should also be discussed.

Mr. Applegate said that he would summarize this discussion for the PDT.

AGENDA ITEM 3 – JURISDICTION, COOPERATION AND COORDINATION AMONG MANAGEMENT AUTHORITIES

Presentation

Mr. Applegate reported that the discussion draft was completed in 2016 and did not reflect any recent management changes. The document pointed out that the majority of commercial species catch in the Georges Bank ecosystem production unit (EPU) are managed by the NEFMC, but nonetheless separate and uncoordinated management of related species is a core EBFM issue. At a minimum, the management authorities would need to agree on common ecosystem constraints and major FEP goals.

The document included a preferred approach loosely modeled after the US-Canada sharing agreement, which has a similar framework, i.e. an agreement on core goals and objectives, as well as a non-binding agreement on shared harvest levels for three transboundary groundfish stocks.

Mr. Applegate suggested that using the preferred approach, the catches from a Georges Bank EPU would count against the catch limit for a stock that is managed by other authorities (e.g. ASMFC, MAFMC, HMS, Canada), but would be part of the applicable stock complex catch limit. Catches of a stock outside of the Georges Bank EPU would not be controlled by EPU limits. Also rebuilding plans and targets for these stocks would be determined as they are now. However, management of catches of Georges Bank EPU species that are managed by others would require review and approval of those other groups.

Discussion

Some committee members expressed skepticism about applying a US-Canada sharing agreement (Transboundary Management Guidance Committee, or TMGC) framework for a Fishery Ecosystem Plan for Georges Bank. An EBFM agreement would be a much more complex problem involving more groups than the example framework provided by the sharing agreement, although there are several similarities in allocating catch of stocks among management areas. Mr. Ruccio thought that the proposed approach had merit as a conceptual framework, but it would require good faith negotiation and actions under the same set of rules. He asked what would happen if there is not a shared vision for all the involved management authorities. Mr.

Ruccio also pointed out that these jurisdictional issues intersect with how fishing activity in a Georges Bank EPU would be permitted, so considering the two issues together is important.

Dr. Sissenwine thought it would be helpful to develop a matrix of energy flow and catch of species within the Georges Bank EPU. How many species are primarily resident vs. migratory, for example? He pointed out that so far the worked example only includes a model of 10 species, primarily those managed by the NEFMC, but they still have to account for energy input/export to neighboring regions and related species. He asked, what would be the currency used to negotiate a sharing agreement?

The currency that the ASMFC uses for its plans is fishing mortality equivalency, something that has had some success in negotiating how the catch should be shared among coastal states. Dr. Sissenwine suggested other types of sharing agreements such as ones used with some success in the European Union could be examined.

Mr. Reid focused on unmanaged species and fisheries that are not closely linked, such as sandlance, scallops, and lobster. He recognized that these other fisheries derived energy from the system or had interactions as bycatch or as a consumer of bait.

Mr. Pappalardo felt that we know what we can control, i.e. NEFMC managed stocks, so difficulty negotiating a sharing agreement for Georges Bank should not hold us back. Most of the commercial catch from Georges Bank is of NEFMC managed species, including scallops.

Mr. Applegate pointed out that the other two obvious choices to a preferred sharing agreement approach would have some problems and conflicts under the Magnuson Act. Managing the harvest rates of only NEFMC species on Georges Bank has the same fundamental problem as single-species management. That is, it would only manage some species, not necessarily taking into account the catch and relationships with species managed by others. The other catches and biomass could be factored in, but there would be no related harvest control rule that would apply to them in an EPU stock complex. The technical interactions that concern us would be very similar to the status quo. On the other hand, the NEFMC could petition to manage all Georges Bank fisheries, but this approach could run into trouble with not managing stocks throughout their range.

After reviewing the report and discussing the issues, the committee agreed by consensus to the following:

- The TMGC process had a narrower focus –including only two ‘players’, three stocks being managed. Differences between the two parties arose from having different legislation regarding an overfished stock and rebuilding.
- As a preferred approach, a cooperative agreement for Georges Bank stocks would include multiple ‘players’, possibly including several states (i.e. state landings quotas through the ASMFC) □
- The preferred approach has merit as a high-level conceptual proposal for further evaluation and potential development. It would be helpful and interesting to identify the sources of energy flow (immigration/emigration) □

- Other choices not chosen for eFEP: Include only NEFMC managed stocks, and Single management authority for Georges Bank fisheries

AGENDA ITEM 4 – OTHER BUSINESS

The committee briefly discussed the agenda for the summer, leading to the September Council meeting where an eFEP draft document is to be presented to the Council. Dr. Sissenwine asked how much of the timing is critical and questioned whether we would be ready in time, whether there is an alternative fallback schedule. Mr. Ruccio was also concerned about the outlook. Recognizing that the document will be meant to engage people at a high concept level, rolling it out too early before it is ready might not be productive. Mr. LaPointe thought that it will be difficult to people to assimilate the concepts in only a few weeks, suggesting that it may require a few iterations to be acceptable.

Mr. Applegate agreed that it will take some time to understand the proposed concept, but that some discussion at the late August committee meeting on how to present and use the document will be important. The Council could decide at the September meeting that some additional work and clarification will be needed before engaging stakeholders in the next phase, or it could decided to continue working with the draft document during the MSE process, as more of an evolutionary document.