



## New England Fishery Management Council

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### MEETING SUMMARY

#### **Ecosystem Based Fishery Management (EBFM) Committee and EBFM Plan Development Team**

Boston Marriott Quincy, 1000 Marriott Drive, Quincy MA 02169

August 21-22, 2019

The EBFM Committee met on August 21-22, 2019 with the Plan Development Team to receive and discuss a draft discussion document on catch monitoring, ecosystem data collection, and research to support EBFM. 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), Mr. Peter Aarrestad, Dr. Michael Sissenwine, Mr. Warren Elliott (MAFMC), Kate Wilke (MAFMC); and Andrew Applegate (NEFMC staff, PDT chair). PDT members at the meeting included Mr. Tim Cardiasmenos, Dr. Geret DePiper, Dr. Gavin Fay, Dr. Michael Fogarty, Dr. Rich Bell, Dr. Wendy Morrison, and Ms. Emily Keiley. In addition, four members of the public attended, including George LaPointe (Fishery Survival Fund), Jocelyn Runnebaum and Chris McGuire (The Nature Conservancy), and Mary Beth Tooley (O'Hara).

Presentations and background documents are available on the Council's EBFM web page (<https://www.nefmc.org/calendar/aug-21-22-joint-ebfm-committee-and-pdt-meeting>)

#### **KEY OUTCOMES:**

- The committee consensus was that the document was sufficiently complete and understandable, however it was a bit lengthy. The committee felt that the Executive Summary fit its purpose, but the eFEP would need a shorter "message piece". Rather than lengthen the document by adding a shorter summary, the committee agreed that a separate pamphlet-like document would be preferable and thought that having a communication specialist work with staff would be a good approach.
- PDT members gave presentations on various parts of the eFEP and answered questions about them. The Committee and PDT had a good dialogue about the framework and various components, understanding how the pieces fit together and supported each other.

- The committee recommended removing the discussion of Option 6 in the permitting section, which described a potential system to issue some permits via auction. The committee felt that this approach was difficult to pursue under current law.
- The committee recommended removing the discussion of the NPFMC comments on the Forage Fish Act, because the latter was still in House Committee and the Councils would be submitting advice about how the Act could affect management.
- The committee had some discussion about the MSE process which will be taken up by the MSE Steering Committee at its September 4 meeting. One of the issues on which there was a consensus was that Committee and Council members should not be in the room acting as stakeholders, because it can become intimidating to people and inhibit free dialogue. The committee also felt that having informational workshops before beginning the formal MSE would be essential.

**Motions:** The Committee made no motions during the meeting.

### Introduction

Mr. Pappalardo began the meeting by discussing the purpose and agenda. It was the first time that the committee had seen the draft eFEP documents and committee members were urged to ask questions during the presentations by PDT members. Ultimately the goal was to decide whether the document was in sufficient condition to be used in the next phase of fishery ecosystem planning.

### ***AGENDA ITEM 1– EXAMPLE FISHERY ECOSYSTEM PLAN (EFEP) AND FRAMEWORK***

#### Presentation

Mr. Applegate gave an overview of the document, pointing out that the committee had been presented with various parts of the eFEP during the past several months. He reviewed the progress that had been made and guidance from the Committee and Council. This was an opportunity to ask questions and see how the various parts could work together. He said that although some would like it to be more specific with worked examples, some of that would have been premature, but the document has enough specificity with potential options to be understood. Others were concerned that the document could be too proscriptive, being more like a public hearing document with alternatives. Mr. Applegate thought that the current draft struck the right balance between these two viewpoints.

The goal was to revise the document as necessary for the September Council meeting and seek blessing from the Council to use the eFEP draft document for the next phase of development, a Management Strategy Evaluation (MSE).

The following presentations were made by PDT members about various sections of the document:

- eFEP purpose and overview, strawman goals and objectives ..... (Applegate)
- Ecosystem reference points and principles of EBFM, Georges Bank EPU management unit, and operating models (worked examples) ..... (Fogarty)
- Catch management framework, limits for stock complexes ..... (Bell)
- Potential strategies for overfished stock status determination and rebuilding ..... (Fogarty)
- Forage fish policies ..... (Applegate)
- Spatial management measures for habitat, spawning, and species of concern protection ..... (Auster)
- Incentive-based management options ..... (DePiper)
- Data collection and monitoring ..... (Bell)
- Permit (fishing access) and allocation approaches ..... (Applegate)
- Jurisdictional approaches ..... (Applegate)

Discussion

The committee discussed the ultimate outcome of using the eFEP to support MSE, the Council intention being that the MSE results could be used as viable strategies or alternatives that could be part of a Fishery Ecosystem Plan to implement as regulations. Alternatively, what would be learned during the process might also be applied to existing FMPs in other ways, depending on the outcome.

Some committee members thought that the document and executive summary was too lengthy. While it is important to have all the details in one place, many thought that a shorter part was needed, a “message piece”, in a plain language, digestible version. The committee recommended that rather than adding a short section to the existing document, this “message piece” would be more effective as a separate pamphlet or pamphlet-length document. They recommended that staff utilize a communication specialist to develop this “message piece”. Some suggested looking into “story mapping” as a way to convey concepts.

The committee discussed how status determination could be made for individual stocks, from survey and other data sources. It is not at first apparent that an unfished biomass ( $B_0$ ) calculated for an individual stock would be the same as an unfished biomass for a stock when consumption and predation are taken into account. [ed: depending on assumptions or estimates of natural mortality] Thus, a biological reference point threshold for a stock considered via single-species management could be a higher value than it would be if the species interactions are taken into account.

While the PDT stated that existing data were sufficient to evaluate strategies and implement EBFM, many committee members felt that mandatory reporting will be crucial to avoid managing with a false sense of precision. They felt that mis-reporting and imprecise data have led to specification and rebuilding failures. Electronic monitoring or other automated systems could replace more costly monitoring programs, reducing cost and improving efficiency.

The eFEP document was meant to be a starting point for dialogue and further evaluation, as a broad conceptual framework. Thus, some might see this as being incomplete, but the eFEP was

not meant to be proscriptive. It describes a potential framework for exploring and evaluating potential management options. It describes some of those potential options with their strengths and weaknesses in the context of an ecosystem plan.

While many committee members felt that the permitting and jurisdictional sections could raise red flags and be distracting, they also felt that it was carefully developed and saw how the options could support the spatial management framework that the eFEP proposes. The committee questioned whether permitting option 6 that proposes auctioning access to the fishery was viable at all. Because it was so different and might not be legal or viable, the committee recommended removing the discussion of this option.

Three approaches were included in the draft document to address jurisdictional issues. Some committee members thought that the options could form a transitional strategy, starting with an FEP that focuses only on NEFMC-managed species, phasing in cooperative management of other managed species, then moving to a spatial management system, where all Georges Bank fisheries are managed by the NEFMC. Some committee members foresaw an approach where there would be a revamping of committees and advisory panels on spatial lines, rather than by species or fishery.

## ***AGENDA ITEM 2 – EFEP PRESENTATION AND MANAGEMENT STRATEGY EVALUATION***

### Presentation

Mr. Applegate reported that the Council had formed a Steering Committee (MSE SC), which will meet on September 4 in Braintree. The purpose of the MSE SC was to advise the Council on how to structure the MSE process, a process encouraging participation and engaging stakeholders. The MSE SC was not meant to develop management goals and objectives or change the eFEP. Mr. Applegate announced that a meeting memo, agenda, draft terms of reference, and a list of relevant questions has been posted on the meeting page. Asked about the timeline, Mr. Applegate thought that the MSE SC would give a progress report to the Council in September, seeking feedback on the terms of reference and the type of advice that the Council wanted. It is intended that the MSE SC present its recommendations to the Council in December.

### Discussion

The committee discussed how the eFEP would be presented to the Council, recommending that shortened presentations should be made by various PDT members. The committee recognized that the document presents a framework that is a lot to take in and digest. The committee thought that the focus should be on what is different about an ecosystem plan vs. single species/fishery management. The core issues that were identified included accounting for the biological interactions among stocks to determine appropriate catch levels for stock complexes, the potential for flexible and adaptive management, and potential improvements in efficiency that is otherwise lost through uncoordinated management of individual management plans.

One major issue that Mr. Applegate thought would arise during the Council meeting was how the eFEP's framework would meet requirements under National Standard 1. He felt that the recommended limits on stock complex catch and the floors for stocks with measures that could be used to prevent a stock from being overfished would meet the intent of the guidelines. The strategies evaluated in the MSE would show which ones worked best and protected stocks so that they had a low probability of becoming overfished, even when catch is managed as part of a stock complex. Mr. Ruccio said that he had had concerns about this issue, but felt that they might have been addressed by the eFEP when you understand how the parts fit together. He said that before the September Council meeting, he would discuss this with General Counsel (who advises the Council on legal issues).

The committee also discussed some issues that are likely to be taken up by the MSE SC, which would be conveyed by the three MSE SC members (McKenzie, Pappalardo, and Applegate) who were at the EBFM Committee meeting. The committee recognized a distinct role for the MSE SC to focus on the procedure to be used, rather than on technical management issues described in the eFEP and the focus of the EBFM Committee and PDT. Dr. Fogarty recommended that the Council should allow sufficient time in its timeline and priorities to do the job right. Dr. Sissenwine emphasized that the process should incorporate the role of science having key input in evaluating and estimating uncertainty in order to identify the most viable and robust management procedures. In general, the committee thought it would be valuable to take the eFEP out to meetings and discussion with stakeholders, sort of a roadshow with small(ish) workshops to build understanding. They thought that workshops would have value in setting realistic expectations about what operating models could do and consider, instead of focusing on less useful information. The workshops could focus on what models can do and what scientific evaluations could be developed. Some triage may be needed.

The committee discussed how it should be involved in the MSE process and most felt that Committee and Council members should not participate in the process, as managers or stakeholders, because people could feel intimidated and not participate fully. Many committee members saw the MSE process as an opportunity to collect information about potential fishing behavior under a different set of conditions, expected behavior that could be incorporated into operating models to evaluate management procedures.