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New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

MEMORANDUM

DATE: April 4, 2017
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of March 29, 2017 Executive Committee Meeting

Attendance: The Executive Committee met in Wakefield, MA. Executive Committee members attending were Mr. Stockwell, Mr. Quinn, Mr. Grout, Mr. Alexander and Mr. Kendall. Also attending were Mr. Bullard, Mr. Nies, Mr. Pentony, and Mr. Kellogg. The committee discussed the agenda items below.

1. Executive Director's Report:

Budget Overview – Mr. Nies reported that although the 2017 funding awards were unknown, there should be enough funds available, including past surpluses for the Council to meet its need in 2017 unless there were substantial cuts in its 2017 award. He noted that NMFS is only providing the Council about 85 percent of FY 2016 funds because of uncertainty about the continuing resolution that will be renewed at the end of April. In response to a question, Mr. Nies explained he issued one for Atlantic halibut catch advice and anticipated a contract to support the Council's program review. Other expenditures may be related to support for the RSA review and replacement of the Council sound system expenditures. In response to continued interest in Council financial assistance to the states for engaging in Council activities voiced by Mr. Grout and Mr. Stockwell, Mr. Nies replied that he has been waiting until he had more definitive information about the Council's overall funding before asking the Executive Committee to consider it.

Collaborative research - Mr. Kellogg reported the Council has received final reports and at least one technical review for all seven projects it funded. The Research Steering Committee reviewed the final reports and technical reviews, except for the haddock tagging project for estimating discard mortality due to time constraints, and determined that all projects had results or information that could be useful for management.

2. Management action timelines / priorities

Mr. Kellogg reviewed the timelines that had been developed for current Council actions. For scallop actions he noted that the staff expected to complete the five-year review of the limited access general category scallop IFQ program for the June Council meeting and that the Council would take final action on 2018 and 2019 default fishing year specifications in December. In terms of groundfish, the scoping comment period for Amendment 23, which addresses groundfish monitoring needs, would be over in one week, but that further development of the amendment would depend on the alternatives the Council decided to consider for analysis. For

herring, the peer review of the MSE for Amendment 8 was completed in March; however, the Council still must make difficult decisions about on the ABC control rule and localized depletion alternatives. Mr. Nies reported that it has been difficult for Herring PDT to analyze alternatives intended to address local depletion and the analysis was complicated by rules governing confidential data. Anticipated progress was made on the whiting limited access amendment but beginning in July, the Whiting PDT will have to begin work on the specifications for the 2018-2020 fishing years. As a result, the Council might not be able to take final action on the limited access amendment until January 2018. The Council recently “deemed” the regulations for Omnibus Habitat Amendment 2 (OHA2); however, in response to a question Mr. Pentony explained that NOAA would not be able to move forward with publishing the proposed rule until all the issues had been fully communicated through the Secretary Ross’ staff. The range of alternatives for the clam exemption framework would depend on the final choice of OHA2 alternatives and the Habitat PDT will have to focus on the Deep Sea Coral Amendment for the Council to take final action in June. Two Skate FMP actions are scheduled for 2017, limited access and specifications for 2018-2019 fishing years. The Council so far has made timely progress on the limited access amendment, but might have to delay it to complete specifications in the fall.

3. Council Coordinating Committee Report

Mr. Quinn reported that the CCC approved three letters. One was based on previously developed CCC comments on MSA Reauthorization issues and will be available to respond to questions the Councils might be asked during the anticipated reauthorization of the Act. The second was a letter to the new Secretary of Commerce, Wilbur Ross, explaining the role and value of the Councils in managing U.S. fisheries and included some broad recommendations about priorities, maintaining funding for stock assessment, and finding efficiencies in the management and regulatory processes. The third was a letter to President Trump in which the CCC reaffirmed the positions it developed on national monuments that were communicated to President Obama last fall. Mr. Nies also noted that other Councils had received guidance that it was permissible for them to provide their opinions to members of the Executive Branch on any issues pertaining to Council responsibilities. (Councils are prohibited from lobbying Congress about Council funding). Mr. Nies added that he was waiting to hear directly from NOAA General Counsel whether they agreed with this guidance. Mr. Stockwell reported that there was also a presentation on National Standard 1 Guidelines, but it did not answer the questions Council has asked in the past and also a presentation on the MRIP review.

4. PDT Appointments

At the request of Mr. Alexander, Mr. Nies reviewed the process for PDT appointments and noted that among other requirements, PDT members should not present their own opinions to the Council that were in conflict with PDT and Council/committee decisions.

5. RSA Program Review

Mr. Nies reported that Dr. Hare, who could not attend this meeting, suggested waiting on beginning a review of the RSA program until the review of the NEFSC Cooperative research program had been completed. The delay would allow the findings to be considered in developing a review of the RSA program. He added that Dr. Hare had requested and received comments on sections of the report from the Council staff as well as GARFO.

6. Skate Trip Limits

The Committee also discussed the process for changing how the trip limit for the skate bait fishery could be adjusted independently of the trip limit for the wing fishery in response to problems identified by the industry. Mr. Pentony explained that giving the Regional Administrator the authority to adjust the trip limit to avoid exceeding the bait fishery ACL was not preferred because GARFO does not have a process for considering public comments if it were to make the adjustment. Mr. Nies explained that including the action in the skate specifications to be approved in the fall would not allow it to be implemented in time to avoid the problem in the spring of 2018. The committee concluded that the simplest way to deal with the issue would be for the Council to consider a “bare bones” framework with final action in June so that it could be implemented in early 2018.

7. Council Program Review Update

Mr. Nies briefly summarized the recommendations of the steering committees for the programmatic review and timetable scheduled for Council consideration in April. He also explained that the Council would have to think carefully about the process for selecting the members of the review panel.

8. April Council Meeting Preparations

a. NGOM Scallops – The Committee discussed the procedural implications of potential management options that might be raised at Council, committee and AP meetings in response to heavy fishing on the Northern Gulf of Maine (NGOM) scallop resource. By way of introduction, Mr. Nies explained that the current NGOM scallop management measures were developed in 2006 before the implementation ACLs for the Scallop FMP and that along with the lack of survey and assessment for this area, this has caused some challenges for management of the resource today. Mr. Stockwell stated that he intended to raise the issue of how to conserve the GOM scallop resource given a lack of a control on the overall amount of scallops taken from the area. The committee then discussed which measures would require an FMP amendment or which measures could be adopted through a framework adjustment. Generally, the committee thought that management measures that would primarily reallocate the catch of NGOM scallops would require an amendment, but that relatively simple changes could be made through a framework adjustment.

b. IFM Amendment – Mr. Nies stated that the Council was scheduled to approve a final write-up of the preferred alternatives it had identified in January for the IFM amendment. However, in clarifying some of the alternatives, the FMAT substantially changed some of the options by adding constraints. For example, Mr. Nies explained, NMFS believes slippage consequence measures for 100% EM trips compared to 50% for ASM trips would reduce the incentive to use EM. The clarifications may lead to an extended Council discussion.

5. Other Business

Mr. Alexander stated that he had read the “No-objection” letter that the Council staff sent to GARFO for an EFP to study the performance of an electric jig system for catching pollock in the Western Gulf of Maine closure area. He asked whether the Council staff had received any similar EFP requests because he had heard of two other parties interested in similar projects. Mr. Kellogg replied that this was the only notice the Council office had received so far in 2017. He added that the Council had no objections to a 2016 EFP request for the same project.

Closed Session:

Whiting AP Chair – The committee appointed Dan Farnham as the chair of the Whiting Advisory Panel.

Janice Plante award - The Committee chose a recipient for the Council’s Janice Plante award to be announced at the April Council meeting.