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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*

DATE: **Draft**
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of November 8, 2017 Executive Committee Meeting

Attendance: The Executive Committee met in Dedham, MA. Executive Committee members attending were Mr. Stockwell, Mr. Grout, Mr. Alexander and Mr. Kendall. Also attending were Mr. Nies, Mr. Bullard, Mr. Pentony, Dr. Hare, Macdonald, Ms. Bernier, Mr. Giacalone and Mr. Kellogg. The committee discussed the agenda items below.

1. Executive Director's Report

a. Budget overview

Mr. Nies reported that the Council had adequate funds to cover its 2017 budget but was told to expect level funding for next year. Currently planned spending includes two contracts for the Council's program review, funding for the Fisheries Forum for Leadership and Sustainability (a pass through from NMFS), documenting and improving the SASI model, and providing catch advice for Atlantic halibut. Mr. Nies added that he was expecting a carryover of about \$300,000 this year, however the Council program review would carry into next year and he expected it to cost \$150,000- \$200,000. The Executive Committee agreed to discuss possible Council funding to the states at its next meeting.

b. Audit report

Ms. Bernier reported that the Council has employed a new firm to provide accounting services. The firm of Fritz DeGuglielmo, LLC of Newburyport completed the most recent audit with no adverse findings about the adequacy of internal controls. Additionally, the firm found that the Council had more than adequately funded its liability for accrued sick leave on retirement. Another finding was that the Council needs to revise its SOPPs to cover the change in its policy for paying sick leave to terminally ill employees. Finally, it recommended that the Council switch from a modified accrual to a cash based accounting system to simplify the system and save on reconciling cash and accrual accounts at the end of the year. The Executive Director accepted these recommendations for the Council.

c. Council Program Review update

Mr. Nies explained that Sustainable Fisheries Leadership Forum was contracted to facilitate outreach to gather broad input in for the program review. With staff support, it is organizing a series of 12 public meetings plus a webinar that are scheduled to take place in December and January. Additionally it will conduct phone interviews with managers and scientists including state and NMFS personnel. Tidal Bay Consulting was hired to put together a list of documents that provide the Council guidance as a reference for the program review panel. Mr. Nies reported that he still trying to identify managers and scientists to serve on the

review panel and that it is more difficult to find managers because of their fixed time commitments. He expected that the review panel meeting would be in late March or April. He also anticipated that the panel would provide a report to the Council in time for its June meeting.

d. Intergovernmental Renewable Energy Task Force

Mr. Nies reported that he was contacted about whether the Council would send representatives to participate in the Intergovernmental Renewable Energy Task Force meetings. He explained that the states already were sending representatives so he would contact the relevant states to see if they were interested in having a Council representative attend. The committee agreed to this approach and Mr. Grout also stated that if identifying someone else was impractical and if the Council thought it still was important to have someone at these meetings, he would try to attend them, but not for more than one year.

2. Council Coordinating Committee conference call report

Mr. Stockwell reported that: 1) the House and Senate mark-ups [if passed] would result in a slight increase in funding for the Council/Commission line in 2018. Mr. Nies added one of the mark-ups stipulated that any increase in funding for the Council and Commission line item would go the commissions. 2) NOAA would not try to make the Councils take a consistent approach in adopting EBFM, but would leave it to each Council to develop the approach it thought appropriate. 3) The Councils are expected to report to NOAA in June how they will meet the regulatory streamlining requirements of the recent Executive Order on regulatory reform.. With respect to meeting the regulatory reform requirements, Mr. Nies explained that Council and APs have been asked for their suggestions and with staff input he planned to bring recommendations to the Council in April. Mr. Pentony explained that rules with a positive economic impact would go in to a “piggy bank” and offset rules with negative economic impacts; however this accounting would be done by the Department of Commerce and a Council regulation that had a positive impact could be used to offset a regulation that came from a different DOC agency than NMFS or NOAA. The committee agreed to review the list before it is presented to the Council.

3. ASMFC/Atlantic Herring Section request

Mr. Stockwell reported that at the ASMFC Atlantic Herring Section meeting on October 16, he tried unsuccessfully to persuade the section add a voting member from the New England Council. The section agreed to add a non-voting seat to the Atlantic Herring Section for a Council representative, and suggested forming a working group with the goal of improving communications between the Council and ASMFC., and. After a discussion of the shortcomings of non-voting participation in the section and the working group, the committee decided that the Chair and vice-Chair should communicate its concerns to the Commission’s Executive Director at the upcoming NRCC meeting.

4. Management timelines

Mr. Kellogg highlighted possible issues with and changes to the Council action timelines. The committee discussed the options for dealing with possible partial approval of Omnibus Habitat Amendment. A decision on OHA2 is expected in early January 2018. The committee also discussed how the Council might make a final decision on the specifications for halibut because it was not possible for the SSC to make a final ABC recommendation before the December 5-7 Council meeting. Mr. Pentony suggested that the Council could make a final decision if it

approved a range that included the SSC recommendation (to be made later) agreed to forward the SSC recommendation as the preferred alternative. The committee agreed with Mr. Pentony's recommendation on how to expedite setting the specifications for halibut. The committee also discussed the difficulty of completing the Groundfish framework in time for implementation on May 1, the Georges Bank cod ACL overage as a result of an unanticipated high recreational catch, and ACL overages for witch flounder and Gulf of Maine cod.

5. Council priorities

Mr. Nies reviewed the list of possible Council priorities for 2018 that included ongoing actions, previously identified possible priorities, and committee recommendations for new priorities. The committee developed recommendations to be communicated by Mr. Nies in preparation for the Council discussion and approval of priorities at its December 5-7 meeting.

6. NEFSC Update

Dr. Hare reported that the R/V Pisces was conducting the fall bottom trawl survey in place of the Bigelow. Although it also was not possible to conduct a vessel calibration between the Pisces and the Bigelow, the vessels are very similar and the Pisces is towing the survey gear that has been used by the Bigelow. The Bigelow should be repaired in time for the spring survey. Dr. Hare also reported that Rich McBride from the NEFSC and Kent Smedbol from DFO Canada are the co-chairs of the Cod Stock Structure Workgroup. They will soon form a group of US and Canadian members.

7. Sea Scallop benchmark assessment terms of reference (TORs)

Mr. Kellogg reported that the Council provided comments on the TORs for the upcoming benchmark assessments for scallops and herring. Although, the NEFSC had addressed most of the Council's concerns for both sets of TORs, there was a one concern that was not addressed because of possible resource constraints. The Council had added the following TOR: *"For the area in the Gulf of Maine EEZ that is not included in models developed for the scallop resource as a whole, based on available survey information, characterize trends in scallop abundance; ii) if possible, provide a basis for developing catch advice for this segment of the scallop resource; iii) Identify work/data streams needed to enable the development of reference points and models for the Gulf of Maine, similar to those used for GB and MA."* The NEFSC responded to this suggestion by adding instead, *"Define what data should be collected from the Gulf of Maine area to describe the condition and status of that resource."*

Mr. Kellogg explained that if the benchmark assessment did not address the Council request, the Scallop PDT would have to. However, the PDT is not structured to provide stock status and catch advice and there is no peer-reviewed method for providing this information for Northern Gulf of Maine (NGOM) scallops. He explained that although NGOM scallops are a very small part of the overall scallop resource and their abundance currently is declining, they are a major concern because their high value compared to most other fisheries in the Gulf of Maine. Finally, Mr. Nies commented that the assessment process is supposed to serve the needs of the NRCC partners and in this case a major need is not being addressed. Dr. Hare responded that he was concerned and would review the decision about the TORs.

8. RSA Program Review

Mr. Nies reported that the RSA Program review was not started yet. It is expected that it will begin in early 2018, after the Scallop RSA reviews for 2018 are completed.

9. Data Workshop

Mr. Kellogg reviewed the motion considered and passed by the Council and the Groundfish Committee about the different objectives for the data workshop. In response to a question, Mr. Nies said that the workshop needed be considered along with the other priorities because of the amount of resources it would require. He also pointed out that the Council motion called for a workgroup to address very broad issues and did not provide a clear idea of what was needed and it was not focused on the purpose of Amendment 23. During the discussion, the Comkmittee identified several possible objectives:

- a. A workshop on monitoring: what data would be most valuable for improving the assessments?
- b. What are the reasons for the disconnect between the assessments and fishermen's perceptions of stock status?
- c. What data could be used to form an index of abundance that can be used in the assessments? How can CPUE be designed so it can be used in an assessment?

The committee did not develop a specific recommendation in response to the motion at this time.

10. Other business

The committee did not discuss any other business. The Executive Director's performance review was postponed to a future meeting.