



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 3, 2020
TO: Council
FROM: Dr. John Quinn, J.D., Ph.D.
SUBJECT: **Medium-Range Council Planning**

1. There is uncertainty over how long COVID-19 emergency measures will limit public meetings and gatherings. The Council may want to discuss how it plans to move forward should the restrictions continue over an extended period. This might help plan activities over the next few months.

2. For most Fishery Management Plans (FMPs), the cycle of activity is similar. Late summer and the fall are occupied with preparing framework and/or specifications actions for the following year. In the case of scallops and groundfish this happens every year, while for other FMPs this can be every two or three years. These actions must be completed for smooth anagement of the fisheries. After the Council makes decisions on these actions (usually at the September or December meetings), for several months the staff at the NEFMC and GARFO are busy completing the documents and implementing the actions. This cycle means that the mid-year period (roughly February/March – July/August) and non-specification years are when much of the progress is made on other management issues. This period is already being affected by emergency health measures.

3. In the fall of 2020, we expect to prepare specifications (which may be part of a framework that addresses other management issues) for the FMPs listed below. Completing these actions entails considerable preparatory work such as management track assessments, completion and analyses of scallop surveys, development of rebuilding plans, etc. This work is done on timelines that differ by FMP.

- Atlantic Sea Scallops
- Northeast Multispecies
- Atlantic Herring
- Small-Mesh Multispecies (whiting)
- Monkfish (this is an optional action)

4. This year the Council is working on a number of multi-year projects. Listed in order based on the stage of completion, they include:

- Northeast Multispecies Amendment 23
- Atlantic Sea Scallop Amendment 21
- Red Hake Rebuilding Plan
- EBFM/eFEP
- Skate Limited Entry

5. There are a number of discretionary projects that are underway as well: development of groundfish ABC control rules, herring spawning closures on GB, the Atlantic Cod Stock Structure Working Group, example party/charter limited entry example, and the fishery dependent data initiative are examples.

6. Because of the specification cycle, if work on Northeast Multispecies and Atlantic Sea Scallop multi-year projects are delayed into August, additional substantive work will be difficult to accomplish before spring 2021. This would delay implementation past the beginning of FY 2021.

7. Council staff are able to work remotely, as are most Plan Development Team (PDT) members. There is some loss in efficiency due to the inability to meet with other staff or PDT members and because of the current unusual circumstances. In addition, NMFS personnel have increased demands on their time as they respond to industry requests for advice, guidance, or regulatory changes due to the emergency. Council and agency staff are familiar with web-based conferencing, but the Council has rarely held Committee or Council meetings as webinars. Once we refine webinar meeting procedures, much of the Council's work could probably be done remotely. The rub could be public participation. While there are some Councils that routinely hold public hearings and meetings via webinar, the NEFMC has been reluctant to do so except in unusual circumstances.

8. The Council may want to first consider the following overarching question: what criteria and/or principles will the Council follow when determining which actions to pursue? Agreement on these principles might help triage medium-range activities. This may prove essential in order to adapt to the rapid changes in the health emergency guidance that occur between Council meetings. Agreed-upon principles would assist in answering the following questions:

- What planned activities must occur must be completed?
- Are there additional activities that should be considered to address the health emergency?
- Are there planned activities that should be deferred?

9. The Executive Committee discussed these issues at our April 1 meeting. The magnitude of the current COVID-19 health emergency cannot be under-estimated. As U.S. citizens (including fishermen and their families) struggle to cope with the threat to their health and livelihoods the Executive Committee believes the Council must be adaptive and responsive. There are mandatory Council actions that must be completed for orderly prosecution of fisheries

of the fishery, but there are discretionary actions that may not need immediate attention. The Executive Committee wishes to emphasize that this recommended delay is a response to a highly unusual situation and should not be considered a precedent.

10. The Executive Committee recommends the following guiding principles for the next 3- 4 months:

- a. Mandatory action will be completed as necessary, even if final decisions must be made via webinar.
- b. Final action on discretionary amendments or other actions should be postponed until the current situation improves.
- c. It is inappropriate to hold all public hearings for a discretionary amendment as webinars.
- d. The Council will not take final action on a discretionary amendment via a webinar.
- e. To the extent possible, work should continue on discretionary actions even if Advisory Panel, Committee and Council meetings are held as webinars. This includes such steps as developing alternatives, approving a draft document for public hearings, etc.

11. Based on these principles, the Executive Committee recommends that the Council postpone final action on Northeast Multispecies Amendment 23. While it is possible that restrictions on public gatherings may be lifted and in-person meetings may be allowed by late May, it is not reasonable to expect that interested parties can devote their attention to commenting on this amendment over the next 2-3 months.