

New England Fishery Management Council

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 Eric Reid, *Chair* | Thomas A. Nies, *Executive Director*

DATE: April 6, 2022
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of March 25, 2022, Executive Committee Meeting

Attendance: The Executive Committee met via webinar. The committee members attending were Mr. Reid, Mr. Bellavance, Ms. Griffin, Ms. Ware and Mr. Pappalardo. Also attending were Mr. Nies, Mr. Kellogg, Ms. Boelke, Ms. Plante, Mr. Peros and Ms. Bernier from the Council staff, Dr. Hare, and Dr. Simpkins from NMFS\NEFSC, and Mr. Pentony and Ms. Kelly from NMFS\GARFO and others.

Agenda items

1. Executive Director's Report

a. Budget Overview

Mr. Nies reported that Council spending would be higher than anticipated because of higher costs but so far, the Council has spent about the same percentage of its five-year grant as it had in the previous two years. In terms of the current year the Council is below the level it would be if it had spent resources at a constant rate. It is likely the Council will have to spend more for travel when in-person meetings resume but is expected to have adequate resources for the remainder of the year. In response to a question, Mr. Nies explained that the mileage reimbursement rate would increase only if the IRS increased its mileage allowance. In the Council's five-year budget state contract support was scheduled to increase by \$10K in 2022. Mr. Nies asked the Executive Committee to approve a \$5K increase due to uncertainty over future meeting costs.

b. Program Review Update

The committee reviewed the progress on the Council's Program Review recommendations and identified recommendations it thought were worth further consideration. These included the following comments on the items below as numbered in the spreadsheet provided by Mr. Nies.

#8 – that the Council should revive training on uncertainty – Mr. Nies explained that there was a presentation by Dr. Cadrin to Council on this subject in 2019 but more possibly could be done.

#16 – that the Council and Science Center explore specifying rebuilding targets where there are changes in species distributions, productivity, or other substantive causes. Mr. Nies noted that this work needed to be done by assessment scientists because it was beyond the capability of PDTs. However, reference points are often re-estimated in single species assessments that might include change in recruitment, productivity, or other factors. Ms. Ware commented that it would be important for considering rebuilding programs. Dr. Hare suggested that the NMFS National Standard 1 Working Group on dynamic reference points and the 2027 topic-based stock assessment on state space models might address this need. Mr. Nies commented that the completion date for the NS 1 working group report is very uncertain and that it would be difficult to wait until it could be addressed through the assessment process. The Executive Committee directed that the tracking spreadsheet be updated to reflect current efforts on this topic.

#24 – that the Council consider options for ensuring all interest groups are represented on the advisory panels. Mr. Nies noted that it has been more difficult to get participation on advisory panels, because of a long-term decrease in the number of boats fishing.

#32 – that clear goals, objectives, purpose, and rationale for management measures be agreed upon at the start of management actions and be periodically repeated. Mr. Pappalardo suggested that a form could be developed to be completed by committees at the beginning of each action. Mr. Nies stated that this would require using precise definitions of what these terms meant and for committee to use them consistently. Also, that some flexibility was needed if goals and objectives were changed during the development of management actions. Other committee members supported the general recommendation keeping in mind that flexibility to change objectives would be needed.

#33 – that there should be a process for identifying early warning signs for a troubled action and develop an intervention mechanism. Several committee members agreed with this recommendation as it might relate to inadequate rebuilding plans, but there was no clear decision on how to move this idea forward.

#35 – to expand the use of discussion papers before formal analyses for FMP or regulatory changes were undertaken. Mr. Nies explained that he thought the Council had made use of a number of working papers in the past several years before beginning FMP analyses, and the committee agreed that this recommendation could be considered completed.

2. Management Action Timelines

Mr. Kellogg reviewed the timelines and noted that implementation of Scallop FW 34 could be delayed beyond April 1 by an OIRA (OMB) review of the action but that the final rule for Amendment 21 would be effective on March 31. The committee was concerned that an action might be needed to implement default measures in the interim; however, before the end of the meeting Mr. Pentony reported that the OIRA review had been completed and the final rule would be published on March 28 and effective on April 1. Groundfish Amendment 23 was awaiting final approval in mid to late April and there would have to be a 30-day cooling off period before it could become effective. The final submission of FW 63 was expected to be completed by the staff in the next week with the publication of the final rule in mid-to-late May. There were no changes in the herring timelines and the proposed rule for Framework FW 9 to implement the rebuilding plan published on March 2. The staff submitted Skate Amendment 8 on March 3 and expects implementation in April. Council is scheduled to initiate Monkfish FW 13 for 2022-2023 specifications and consider final action on designating an HPAC in Southern New England in April. The next step in the EBFM timeline is for the Council to consider approving a prototype MSE, also at the April meeting.

3. Document Distribution Review

Mr. Kellogg reviewed a memo from the staff to the committee and explained that help improve the distribution of key documents before Council, committee and AP meetings, the staff started tracking when documents are distributed beginning in January 2022. Key documents are those that contain information relevant to the Council and committee decisions including but not limited to committee /AP motions, PDT memos, SSC reports, revisions to draft submission documents, decision documents, etc. They do not include final meeting summaries or correspondence received after the distribution target dates. For Council meetings the target distribution for key documents is 10 days before the meeting and for committee meetings it is seven calendar days. For presentations it is three days for all meetings.

Mr. Kellogg reported that since January, there were eight instances of late distributions of key document/presentations for committee meetings and one for the February Council meeting. Several committee members discussed the difficulty of scheduling so many meetings to coincide

when work could be completed, understanding there could be occasions when the PDTs could not get information in time to analyze before committee meetings. The committee talked about how to use or how frequently to summarize the document distribution information but decided to revisit this issue at its next meeting.

4. Council Meeting Binder Policy

Mr. Nies referred to a memo to the committee that explained that the size of the Council meeting binders has increased, and the large number of documents makes it difficult for Council members to review all of them. It includes most letters and emails received in the Council's "comments" mailbox and emails to the Executive Director or Chair addressing current issues. It does not include emails between Council members or staff. Also distributed are major regulatory actions and important NMFS announcements. Mr. Nies added that mail is sent out weekly, so there is little need to include all mail in the binder unless it addresses an agenda item. He suggested that binder documents only include those supporting Council discussion of agenda items, reports to be delivered at the meeting, or routine periodic reports. Also, Council staff would identify documents that address items planned for discussion.

The committee agreed with Mr. Nies's suggestion and added that when the binder is updated, a list of added or revised documents should be provided so that it would be easier to identify them

5. Future Meeting Policies

The committee discussed the current guidance for conducting Council meetings. It agreed that the next Council meeting should be a hybrid meeting – in-person and online. In terms of committee and AP meetings, Mr. Nies reported that it would be difficult for the staff to support remote access for committee meetings because not all committees have two staff members supporting them so extra staff would have to be assigned. He noted that online meetings have allowed more people to participate, and meeting attendance has increased in the past two years. After discussion, the committee agreed with not changing the policy for committee meetings but asked Mr. Nies to consider remote access for committee meetings to determine if it is possible to staff them.

The committee agreed that Mr. Nies should update the policy to include remote access for all Council meetings. The issue of remote access for in-person committee meetings will be explored.

6. Council Meeting Preparations

Mr. Reid suggested there should be some time at the beginning of the April meeting to allow Council members and staff to give short self-introductions because many have not met due to the COVID pandemic.

Mr. Nies commented that Council members often had difficulty understanding the GARFO Status of Actions Reports because they are given very quickly, and the written reports are very long making it hard for people to follow the verbal report. He suggested that a written summary for people to follow the verbal report would be helpful. He made a similar suggestion for the Science Center reports. Mr. Pentony commented that it would be hard to provide a summary in addition to the existing written report. Mr. Nies agreed to post the document on the web page and will coordinate with GARFO staff on when it can be provided. e. Mr. Simpkins explained that he would see what he could do in terms of making the Science Center reports more accessible.

7. Other business

- Ms. Griffin was concerned that the ALWTRT was recommending a 90% reduction in right whale takes by all types of fishing gear including gillnets in Council-managed fisheries. She requested that Council staff participate on the ALWTRT to help assess how this might be accomplished to minimize adverse impacts on fishing operations. Ms. Ware agreed that, if possible, that person should participate in the March 29 ALWTRT meeting

where the TRT's decision support tool would be discussed. Mr. Nies responded that although this activity was not anticipated when the Council set its 20022 priorities, he would assign staff to participate on the TRT and make appropriate adjustments to other work assignments.

8. Closed Session

- The committee discussed Council member assignments.
- Mr. Nies presented a plan that would formalize the staff pay and performance award system and provide staff a clearer understanding of the compensation system. The committee agreed with Mr. Nies' plan.
- Mr. Reid requested that the form for committee chairs to provide comments on staff performance be simplified. Mr. Nies responded that changes to the form could be made.

The meeting ended at about 3:00 p.m.