

2019 SPRING NRCC MEETING SUMMARY

Francis Marion Hotel – 387 King St, Charleston, SC

May 16-17, 2019

Attendees

Atlantic States Marine Fisheries Commission (ASMFC)

Jim Gilmore, Chair

Patrick Keliher, Vice-Chair

Bob Beal, Executive Director

Toni Kerns, Interstate Fishery Management Program Director

Mid-Atlantic Fishery Management Council (MAFMC)

Mike Luisi, Chair

G. Warren Elliott, Vice-Chair

Dr. Chris Moore, Executive Director

Brandon Muffley, Staff

New England Fishery Management Council (NEFMC)

Dr. John Quinn, Chair

Terry Stockwell, Vice-Chair

Tom Nies, Executive Director

Chris Kellogg, Deputy Director

Dr. Jason McNamee, Chair, SSC

NOAA Fisheries Northeast Fisheries Science Center (NEFSC)

Dr. Jon Hare, Science and Research Director

Dr. Michael Simpkins, Chief, Resource Evaluation and Assessment Division

NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO)

Mike Pentony, Regional Administrator

Sarah Heil, Assistant Regional Administrator for Sustainable Fisheries

Emily Gilbert, Sustainable Fisheries Division (NRCC staff support)

Kyle Molton, Sustainable Fisheries Division (NRCC staff support)

South Atlantic Fisheries Management Council (SAFMC)

Gregg Waugh, Executive Director

Mel Bell, Vice-Chair

Guest Presenters

Dr. Wendy Gabriel, NEFSC (Day 1)

Andy Lipsky, NEFSC (Day 1)

Sue Tuxbury, GARFO (Day 1)

Public Attendees

Megan Ware, ME DMR

Note: NRCC decisions and action items that resulted from this meeting are in bold for ease of reference.

– Day 1 –

1. Offshore Wind Energy

Ms. Sue Tuxbury (GARFO), Mr. Andy Lipsky, and Dr. Wendy Gabriel (NEFSC) provided an overview of renewable offshore wind energy developments in the Northeast. Offshore wind energy development will soon enter the construction phase for multiple projects along the east coast. The Bureau of Ocean Energy Management (BOEM) is the lead Federal agency and primary decision maker in offshore wind energy leasing, with NMFS providing advice limited to its statutory mandates under the National Environmental Policy Act (NEPA), Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act (MMPA), and the Endangered Species Act (ESA). Ms. Tuxbury reviewed the current administration's Executive Order that established a "One Federal Decision" process and discussed additional directives for wind energy projects. Mr. Lipsky provided the NRCC an overview of the potential interactions between operational wind energy efforts and fisheries, with particular emphasis on the displacement of both fishing effort and of NMFS survey efforts. Nearly all long-term fishery independent surveys will be impacted and the actual effects on each survey and associated potential mitigation have yet to be characterized. Mr. Lipsky and Dr. Gabriel focused their presentation on the bottom trawl survey examples, noting that the major challenges from areas occupied by turbines (or entire wind energy areas) will be with survey vessel access and statistical survey design and estimation. The NEFSC has been considering potential impacts that may arise and adjustments that would be needed to maintain historical time series and quality of information flow for stock and ecosystem assessments. In addition to the survey and assessment challenges, the presenters noted other key challenges for GARFO and NEFSC, including staffing and resource limitations, the rapid pace and scale of pending wind development projects, effectively engaging fishing industry stakeholders in the process, and the need for research and monitoring to address cumulative impacts on marine resources.

The presenters also noted recent areas of collaboration in wind energy efforts. In March 2019, NMFS announced a Memorandum of Understanding with BOEM and the Responsible Offshore Development Alliance (RODA), in which the three parties agreed to explore potential collaboration on issues of mutual interest that include: Effectively engaging local and regional fishing interests in offshore wind development processes; identifying the most effective ways to bring fishing industry expertise and information into planning and development processes; and developing a collaborative regional research and monitoring program to ensure decisions can be based on the best available science. Additionally, the Responsible Offshore Science Alliance (ROSA) was recently launched by RODA. The mission of ROSA is to provide for and advance regional research and monitoring of fisheries and offshore wind interactions in Federal waters through collaboration and cooperation in order to increase availability and quality of data on fisheries and wind development, as well as improve our understanding of the effects of wind energy development on fisheries and ecosystems. The creation of ROSA is early in its

development, but will hopefully provide information to assist in understanding the cumulative impacts of wind development on fisheries and other marine resources.

Following the presentation, the NRCC discussed how BOEM's cumulative impact analyses are relatively narrow, which makes it difficult to understand the cumulative impacts of combined projects, particularly as they relate to surveys. Discussion continued about the speed of review/approval of these projects and the difficulty for GARFO and NEFSC staff to dedicate more time to wind energy given their other responsibilities and budgetary limitations with hiring staff specifically for wind energy. The NEFSC and GARFO employees currently working on reviews of these projects are working extremely hard to keep up with the demands of these BOEM reviews and their regular jobs. Mr. Mike Luisi noted that changes would likely be needed at the Councils in terms of fishery management plan (FMP) development priorities to realistically account for those NMFS employees also involved with wind energy. Mr. Jim Gilmore and Dr. Jason McNamee noted that there are similar issues at the state level in terms of resources and staffing. Mr. Bob Beal emphasized that it is difficult to determine the states' role in wind energy development because the leasing is occurring in Federal waters. Dr. McNamee mentioned one of the lessons learned for Rhode Island has been to develop an offshore energy development plan to allow for increased mitigation with a developer to decrease impacts to the fishing industry.

The NRCC is interested in finding ways to have a more unified regional approach in dealing with offshore wind energy. Although staff from Federal and state agencies are working as hard as they can to coordinate, it would be useful to have a more formalized approach, if possible. As a first step, Mr. Pentony agreed to investigate the potential for intergovernmental symposium or workshop to discuss coordinated efforts and open up communications (**Action Item #2**). The NRCC also intends to continue wind energy discussions at future NRCC meetings (**Action Item #1**), and will consider including ROSA at the next meeting to see where there may be areas for collaboration and potential funding.

2. Stock Assessment Schedule and Related Topics

Dr. Mike Simpkins reviewed the proposed changes to the management track schedule for 2019-2020, based on previous input from the NRCC. **By consensus, NRCC approved the proposed changes to the 2019 and 2020 management tracks.** Dr. Simpkins also reviewed the research track schedule for 2020-2024. Mr. Tom Nies noted that with regard to the fall 2020 "Evaluating Index Based Methods and Control Rules" research topic, there is a national NMFS working group on status determination criteria and control rules for empirical stock assessments. It would be helpful for the NEFSC to discuss progress and products developed by that working group that is working on control rule evaluations. Dr. Russ Brown intends to follow up on this through appropriate channels. **The NRCC briefly considered proposals for change to the 2023-2024 research tracks and agreed that the current schedule seems appropriate for now. The NRCC will consider the 2025 schedule at the next meeting this fall.**

Dr. Simpkins also reviewed the status of requested 2019 stock products, as well as progress updates on the Marine Recreational Information Program and monkfish operational assessments, the groundfish operational assessments, and the 2020 research tracks. Dr. Simpkins noted that

there are 52 assessment products that will be produced by the NEFSC in 2019, 48 of which will be delivered in a 9-month period.

The NRCC then reviewed the initial draft Assessment Communications Framework, developed by a working group consisting of GARFO and NEFSC staff. The goals of this initial draft were as follows:

- Provide a joint communications effort with consistent NRCC-wide messaging;
- Enhanced outreach on assessment results and upcoming assessments;
- Education of staff involved in communication regarding stock assessments and the assessment process to foster effective communication to stakeholders;
- Efficient process for engaging with, and gathering information from stakeholders/partners on questions, concerns, and research ideas; and
- Develop a process and pathway for information from stakeholders to reach relevant NRCC partners for action, be that through inspiring research, informing assessments, or providing context for management decisions.

Following Dr. Simpkins's overview of the drafted framework document, the NRCC discussed that the scope of the document should be narrowed. The NRCC agreed to focus this strawman to cover the new assessment process, how to communicate assessment results, and how to promote stakeholder engagement. Mr. Beal suggested forwarding the draft framework to the ASMFC Director of Communications, Ms. Tina Berger, to review and edit (**Action Item # 3**). The ASMFC will forward the revised communications strategy to the NRCC for comments.

The NEFSC will roll out the new assessment schedule as soon as possible (**Action Item #4**). The NRCC agreed to post the new assessment schedule on both the NEFSC website and the NEFMC's NRCC webpage.

3. Herring Georges Bank Spawning Closures

Mr. Nies discussed the status of the NEFMC's solicitation for independent contractor to prepare a discussion document that summarizes all scientific research and other relevant information about offshore spawning of Atlantic herring. The purpose of this work is to support future deliberations about potential management measures that may be considered to minimize impacts on spawning of Atlantic herring on Georges Bank and Nantucket Shoals, a topic of interest for both the NEFMC and ASMFC. The request for proposals was announced in late March and Mr. Nies announced that the contract was awarded to Dr. Graham Sherwood of the Gulf of Maine Research Institute (GMRI). In addition to a literature search, GMRI will interview seine and mid-water trawl captains about what they may know in terms of spawning activity on Georges Bank. GMRI is scheduled to deliver the report to the NEFMC in September or October 2019, potentially prior to the NEFMC's September meeting. Mr. Nies asked Mr. Beal about what funding the ASMFC had to spend on herring spawning activity in Georges Bank. Mr. Beal stated that there is some funding available through 2022 and the ASMFC is waiting for its Atlantic Herring Technical Committee to summarize data availability and needs before determining the best use of that money. Both Mr. Nies and Mr. Beal agreed that the NEFMC and ASMFC could collectively decide next steps, including the ASMFC's decision on how best

to use that funding, once the GMRI work is completed and the ASMFC's Technical Committee has finished their initial analysis.

– Day 2 –

4. Jurisdictional Issues and Shifting Stocks

The NRCC, along with Mr. Gregg Waugh and Mr. Mel Bell from the SAFMC, continued discussions on management and science challenges resulting from shifting stocks of managed species. This topic was a follow-up from a discussion at the March 2019 SAFMC meeting, where the ASMFC, MAFMC, and NEFMC also participated. The NRCC agreed that more must be done than just adding seats to various Council Committees to address the issue of shifting and expanding stocks. Highlights of the discussion are as follows:

- The NRCC agreed that shifting stocks has different impacts on each group (e.g., while the MAFMC and ASMFC are dealing with state-by-state reallocation issues due to stock redistribution, the NEFMC does not have FMPs with state-by-state allocations).
- Dr. McNamee noted that there are new techniques to distinguish between shifting and expanding stocks – vector autoregressive spatio-temporal (VAST) models. Dr. Simpkins stated that staff at the NEFSC will be trained in VAST in the future.
- Some members of the NRCC mentioned interest in a more formulaic approach to reallocating quotas due to distributional shifts, noting the Transboundary Management Guidance Committee (TMGC) approach. Mr. Nies cautioned that the TMGC approach may result in other issues, particularly when survey data is unreliable. NRCC members noted that this issue may be confounded when considering the cumulative impacts on surveys due to wind energy leasing and accessibility issues.
- The Atlantic Coast Science Coordination Workshop, a joint effort between the NEFSC and the Southeast Fisheries Science Center, will likely occur by the end of 2019. Although the focus of this workshop will be on scientific challenges due to distributional changes, the NRCC has previously expressed interest in having staff attend and observe this workshop.
- Mr. Pentony reminded the NRCC that GARFO's VTRs were recently updated to include more species that are now being caught in the region. The MAFMC will receive an annual report noting landings from species not usually caught in Mid-Atlantic waters to assist in identifying when management may be needed. A similar report could be provided to the NEFMC. Mr. Brandon Muffley referenced the State of the Ecosystem reports that the NEFSC produces for the MAFMC as a source of information that may help with these governance issues. Ms. Toni Kerns requested that hypotheses as to why certain things may be happening would be helpful to more directly connect what is in the report to emerging management needs.
- Mr. Nies discussed the work of the Pacific Fishery Management Council (PFMC), which has investigated how climate change may impact individual communities. The PFMC reviewed selected FMPs to determine what in those plans could help facilitate responses to climate change and are now going through a scenario planning exercise. The MAFMC, ASMFC, and NEFMC each agreed to review one FMP where climate is most notably an issue to see what in these plans facilitates and/or hinders reactions to climate change (**Action Item # 6**). Additionally, the NRCC intends to investigate scenario

planning to explore whether that will be something worth pursuing. After briefly mentioning the recent scenario planning efforts with in GARFO's Protected Resources Division (PRD), Mr. Pentony suggested that GARFO could brief the NRCC on PRD's scenario planning experience at the next NRCC meeting (**Action Item # 5**).

5. Commercial eVTRs in the Greater Atlantic Region

Dr. Chris Moore briefly reviewed the timeline for the MAFMC's Commercial Electronic Vessel Trip Report (eVTR) Framework. As the title suggests, the framework is considering requiring commercial fishing vessels with Federal permits for species managed by the MAFMC to submit their currently required VTRs electronically. The MAFMC is not considering any other changes to VTRs aside from electronic submission. As for the timeline, the MAFMC will potentially take final action at its August or October 2019 meeting and submit to NMFS later that fall. The MAFMC intends to hold workshops and conduct outreach to inform the fishing industry before GARFO begins rulemaking. Based on the current timeline, GARFO would likely publish a final rule by the spring of 2020.

Because spiny dogfish and monkfish are jointly managed with the NEFMC, the Councils will have to take joint action to move forward with eVTRs for these species. Mr. Nies mentioned that at the NEFMC's April 2019 meeting, the NEFMC voted to table a motion to initiate the eVTR framework for those species. Dr. Moore stated that if the NEFMC ultimately does not have interest in moving forward, the MAFMC will pull spiny dogfish and monkfish out of the framework and continue development for all other MAFMC managed species.

Mr. Pentony explained to the NRCC that the current requirement for paper VTRs is unsustainable in our region, so considering these adjustments to electronic submission is important. Paper VTRs are expensive and there are a number of approved and free eVTR applications available for use.

Some NRCC members were concerned about the timing of when eVTRs, if recommended and approved through this framework, would be effective. Members wanted to ensure that industry has plenty of time to prepare for this change. In addition to MAFMC and GARFO outreach efforts, Mr. Pentony noted that the effective date of eVTRs could be six to nine months following the publication of a final rule to allow for sufficient time for outreach and industry preparation.

6. Update on Endangered Species Act Section 7 Consultation on the Continued Implementation of Management Measures for the Northeast Multispecies, Monkfish, Spiny Dogfish, Atlantic Bluefish, Northeast Skate Complex, Mackerel/Squid/Butterfish, Summer Flounder/Scup/Black Sea Bass, Atlantic Deep Sea Red Crab, American Lobster, and Jonah Crab Fisheries

In February 2019, the NEFMC and MAFMC sent a letter to GARFO requesting involvement in the drafting and review of the Section 7 consultation (i.e., Biological Opinion) on the continued operation of numerous fisheries managed by the MAFMC and NEFMC. In response, GARFO agreed to discuss the timeline at this NRCC meeting.

Mr. Pentony discussed a general timeline and proposal for involving the NEFMC, MAFMC, and ASMFC in the review of the Biological Opinion. GARFO will provide updates to both Councils on the Take Reduction Team (TRT) outcomes and next steps at their June meetings. Mr. Pentony reviewed the two parallel tracks in play: There is rulemaking under the MMPA to implement a Take Reduction Plan, as modified by the TRT's continued work, and there is the consultation for the Biological Opinion happening under the ESA. For the MMPA rulemaking, Agency Secretarial action will occur working in consultation with the states to implement new regulations. The target to date for issuing a proposed rule under the MMPA is the end of 2019. Once the states have determined appropriate regulations, which is expected this summer, the draft Biological Opinion can be analyzed within the context of those regulations. The Biological Opinion is considering the impact of fishing activities on right whales. GARFO anticipates having a draft Biological Opinion available for review prior to the scheduled ASMFC, NEFMC, and MAFMC meetings in the early winter. Mr. Pentony suggested that GARFO representatives can attend each meeting to review the draft Biological Opinion, as well as the drafted regulations for the proposed MMPA rule. If the Councils and ASMFC would prefer a two-meeting span to review the draft Biological Opinion, it may prove more challenging, particularly due to ongoing litigation that may result in a more stringent timeline. Discussion on the review process will continue as the process moves forward and when the NRCC knows the results of the draft Biological Opinion.

Mr. Nies noted that the two Councils also requested to participate in the development of Reasonable and Prudent Measures or Reasonable and Prudent Alternatives, as needed. He asked when that would take place. Mr. Pentony explained that consultation, if necessary, would likely occur after the draft Biological Opinion was presented to the Councils.

Following Mr. Pentony's update, the NRCC discussed various initiatives currently underway to improve the availability of lobster fishery data. GARFO continues to work on an action that considers requiring VTRs in the lobster fishery. Additionally, Ms. Sarah Heil mentioned that GARFO is working on more specific VTR instructions for the lobster fishery so that the effectiveness of vertical line reductions and other measures will be quantifiable. To that end, Ms. Kerns noted that it would be beneficial for GARFO staff to reach out to state partners to understand the work that has already been done towards improving monitoring in the lobster fishery.

7. Other Business

Regional Framework for Best Scientific Information Available (BSIA)

Mr. Pentony briefly discussed the recent NMFS "Framework for Determining that Stock Status Determination and Catch Specifications are Based on BSIA" (Policy Directive 01-101-10). This framework, which had been introduced to the Council Coordination Committee (CCC) earlier in the week, aims to provide clarity and increase transparency in how BSIA determinations are made and documented in the context of stock status determinations and catch specifications. The framework requires that within three years, the regions should develop their own regional BSIA framework to outline how this directive will apply to each region.

Thought should be given to whether this region would benefit most by one single regional BSIA framework, or have one framework for each Council to account for differences in how each SSC operates. A working group will likely need to be formed and lead by either the Councils or NMFS. All this will be discussed at the next NRCC meeting.

Greater Atlantic Region Geographic Strategic Plan 2020-2023

Mr. Pentony provided the NRCC with an initial discussion draft of the Greater Atlantic Region Geographic Strategic Plan for 2020 through 2023, a joint effort between the NEFSC and GARFO. He discussed with the ASMFC, MAFMC, and NEFMC the process they would prefer to review the draft and provide feedback, particularly to the “Local Landscape” section of the document, noting that NMFS leadership has requested the final draft be submitted by early October 2019. The NRCC agreed that this initially drafted strategic plan would be reviewed by both Councils at their June meetings. Once input from both bodies is received, the draft will be further modified and the final version will be shared with both Councils and the ASMFC in August and September prior to submission to NMFS Headquarters.

Next Meeting

The Fall 2019 NRCC meeting is scheduled for November 20-21, 2019. Location TBD. ASMFC is chairing and hosting.