



## New England Fishery Management Council

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

**DATE:** October 20, 2020  
**TO:** Council  
**FROM:** Thomas A. Nies, Executive Director  
**SUBJECT:** Summary of September 15, 2020 Executive Committee Meeting

**Attendance:** The Executive Committee met via webinar. Executive Committee members attending were Dr. Quinn, Mr. Reid, Ms. Etrie, Mr. McKenzie, and Mr. Alexander. Also attending were Mr. Nies and Mr. Kellogg from the Council staff, Dr. Hare from the NEFSC and Mr. Pentony and Ms. Heil from GARFO. Other Council members and others attended via the webinar.

The Executive Committee considered the following items in the order reported below due to adjustment in the planned agenda.

### 1. Executive Director's Report

#### *Budget Overview*

Mr. Nies reported that the Council's spending year-to-date has been substantially down compare to year-to date spending from previous years. The big differences from previous years were the reduction in travel and meeting costs for in-person meetings not held due to the COVID-19 virus and an increase in Council compensation because there have been more frequent and higher attendance at webinar meetings including SSC meetings. Spending on travel and in-person meetings has been about \$20-30,000 compared to about \$130,000 normally. Additionally, the Council has not yet spent all of the funds it received for the no-cost extension from the grant period ending in 2019, which also is true for about 5 or 6 of the other eight councils. Included in the no-cost extension was funding for some EBFM working groups, Scallop Amendment 21 and a few minor contracts.

#### *Program Review Update*

Mr. Nies reported that due to a variety of factors, little progress had been made on the recommendations resulting from the Council program review including the SSC review of social science analyses. But in response to one recommendation, the public comment policy is now highlighted on the top of Council meeting agendas. He recommended that forming a steering committee probably would ensure progress is made amid the many other Council priorities. Also, it might help decide which recommendations should be prioritized because the Council might not want to follow all of them.

### 2. Management Action Timelines

Mr. Kellogg reviewed the timelines for Council management actions. He noted that timelines for the Industry Funded Monitoring Amendment, Groundfish Framework 59, Scallop FW 32, the Clam Dredge Exemption Framework had been deleted because these actions have been

implemented. Other recent changes included information that Monkfish FW 12 implementation would be on October 19 and the final Council action for Scallop FW 33 would be in January 2021 instead of in December due to delays in scallop surveys. There were no changes to other timelines, but the timelines for EBFM and Skate FW 5, are undefined beyond the near future due to uncertainties about additional work needed.

### **3. Initial 2021 Priorities Discussion**

Mr. Nies explained that the NRCC partners decided to explore scenario analysis to proactively plan for jurisdictional fishery management issues caused by climate change. To give the Executive Committee a better idea of what scenario analysis involves, Mr. Boelke provided the committee a presentation on the subject. The committee agreed with Mr. Nies' recommendation that Council participation in this effort would require enough resources that it should be considered in the priority setting process.

In reviewing the priorities that he had provided to the committee so far Mr. Nies commented that the Council should be cautious about undertaking any more internal reviews until some of the ones still pending were complete and that these initiatives took a lot of staff time. He also reported that hat several committees and APs would discuss or further discuss priorities before the September Council meeting and also their recommendations for initiatives under Executive Order 13921 and those would be added to the list that he had prepared for this meeting.

In 2020 the Council ended up with more priorities than it could complete, but also was able to handle more work with some outside contractors. In response to a question about the value of providing an estimate of staff time expended on Council priorities, the committee agreed that they thought the estimates were very useful and would like to continue to receive that information in the future. Because of the need to identify Council initiatives that would be taken under Executive Order 13921 by early November, the committee agreed to hold a special Council meeting for the final discussion of priorities on October 27 so the Council could consider the initiatives together with the 2021 priorities.

### **4. COVID -19 Response Planning**

#### *GARFO/NEFSC Operations Update (Emergency Action Requests Update)*

Dr. Hare reported that since last spring the Science Center has been able to substantially increase its activities but that it could not resume many others. The facilities are not yet open to the public and any new activities must undergo an agency review. Activities include laboratory work, study fleet and dockside monitoring. The Atlantic scallop, surf clam and ocean quahog and the fall bottom trawl surveys have been canceled, but the longline survey will go forward will be restarted in mid-October and the aerial right whale surveys were conducted and will be restarted again in October. All October meetings will be virtual including the wind energy research workshop. Observer deployment and training was restarted on August 14 in three programs but are subject to the national-level waivers if observers are unavailable or there are medical concerns. He noted that NEFMC comments were considered in re-starting this plan. Monitoring in the electronic monitoring programs were able to continue and have informed the stock assessments.

Mr. Pentony reported GARFO operations still were in phase 1 with no more than 24% of staff working in GARFO facilities, which also was no more than under phase 0. In phase 2, he anticipated most staff would continue to work from home. In response to questions about the emergency action prompted by COVID-19, he explained that it is under review, but did not know how long it would take. Mr. Nies noted that it was 2-1/2 months since it was initiated and

that some fishermen are interested in getting better access to redfish as soon as possible. Mr. Pentony said he had no way of telling when the action might be implemented.

## **5. Impact of Data Shortfalls on the 2021 Specifications Process**

Mr. Nies expressed concern that he had heard that the NEFSC was considering not conducting management track assessments in 2021 if sufficient survey data was not available to support the assessments. Dr. Hare responded that the Science Center has put together a table of all the data and stock assessments used in the management track process and will have a pre-meeting conversation with the Councils for discussion at the November NRCC meeting. He explained that the Science Center was analyzing two options, completing all or some assessments, but not the option of cancelling all assessments, and it was evaluating the data that would be available to do different assessments. Mr. Nies commented that the SSC has concerns about extending ABCs beyond years that can be supported by projections that heavily rely on survey information. However, he noted that any communications with SSCs about these issues should be handled by the Councils. In response to a question from Mr. Nies, Dr. Hare said he would discuss the issue at the upcoming Council meeting.

## **6. RSA Program Review**

### **a. Scallop Survey Panel Update**

Dr. Hare reported that the NEFSC was still working with NOAA General Counsel about who might be able to participate on the panel in compliance with the requirements of the Federal Advisory Commission Act (FACA) and conflict-of-interest restrictions. Mr. Nies commented that he and Dr. Hare would work on appointing the panel members when they receive the guidance.

### **b. RSA Program Review Implementation Team**

Mr. Pentony reported that he had been working with NOAA General Counsel on setting up the implementation team in terms of meeting FACA and conflict of interest rules and would be working with Mr. Nies on getting the group going.

## **7. Fishery Data for Stock Assessment Working Group**

Dr. Hare briefly summarized the letter he sent on June 24, 2020 in response to Council's submission of the final Fishery Data for Stock Assessment Working Group's report, to the Northeast Fisheries Science Center for comment on the recommendations in the report and consideration of incorporating the recommendations into the assessment process.

## **8. Spiny Dogfish Management**

Mr. Nies explained that at their October meeting, the MAFMC would approve dogfish specifications for FY 2021 which would increase the commercial quota and extend the revised specifications through 2022. This action was not anticipated until recently and resulted from a change in the MAFMC risk policy for determining ABCs. Mr. Kellogg explained that the MAFMC SSC developed a revised ABC recommendation earlier in September and that the Dogfish Monitoring Committee met on September 14 and recommended the increase in commercial quota. Several Executive Committee members expressed an interest recommending an increase in the trip limit when possible. They also were concerned that the four NEFMC members of the Spiny Dogfish Committee did not have much impact on committee recommendations when it met as a committee-of-the-whole with the entire MAFMC. Mr. Reid

commented that he would bring the issue to the attention of the Spiny Dogfish Committee and the MAFMC at their next meeting.

## **9. Council Meeting Preparations**

The committee discussed concerns expressed by some Council members that Amendment 23 might not be ready for a final Council decision due to flaws or incomplete analyses in the draft document. More specifically, they thought the analyses in the DEIS did not adequately capture potential negative economic impacts on groundfish vessels and whether there was adequate consideration or review of the report Evaluating the Impact of Inaccurate and Catch Information on New England Groundfish Management to include it in the Amendment 23 document. Mr. Nies explained that comments on the DEIS would be formally included and responded to in the Final EIS and that the staff would try to answer all major questions about the analysis of impacts at the Council meeting. He also noted that the report on the effects if inaccurate catch information on stock assessments had been presented to the Groundfish Committee on Aug 19 and reviewed by an SSC subpanel on August 21.

The committee also discussed how the Chair should handle the Amendment 23 discussion at the Council meeting given that there was not a Groundfish Committee recommendation for a preliminary preferred alternative.

## **10. Closed Session**

The Committee discussed legal matters related to CLF v. Ross et al. and Advisory Panel nominations in the closed session.

The meeting adjourned at approximately 3:00 p.m.