

New England Fishery Management Council

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

DATE: September 23, 2022
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of September 8, 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. Bernier, Ms. Plante and Dr. Courneau from the Council staff, Dr. Hare from NMFS\NEFSC, and Ms. Bland from NMFS\GARFO. The meeting was broadcast via webinar and open to the public.

Agenda items

1. Executive Director's Report

a. Budget Overview

Mr. Nies reported that 2022 spending is slightly lower than the projected flat rate corresponding to the Council's expected annual award, and anticipated expenses over the next few months will result in exceeding this year's award. He explained that this was not a problem and that it was intentional in order to spend the surplus accumulated over the past two years from not holding in-person meetings. The main increases in expenses since the previous year have been in meeting costs, travel, and Council compensation. With respect to travel costs, the prices for Council and committee meeting rooms meetings have increased substantially over the last two years. The amount of the surplus that might be used this year is estimated to be between \$100 and \$200k. However, with the available budget surpluses from the previous two years, the Council has sufficient resources to cover expected expenditure increases in the next two years. In answer to a question about CMOD expenses, which contract is overseen by the NEFMC, Mr. Nies explained that costs are shared by other Councils except that each Council pays for its own travel.

b. Program Review Update

Mr. Nies briefed the committee on progress on three activities related to the Council's Program Review Recommendations. 1) A presentation on how to improve the Council's understanding of and how to factor scientific uncertainty into management policies would be planned for the January 2023 meeting. Several committee members thought the Council should consider revisiting its risk policy and hope that the presentation would help the Council do that and not just be another general report on the topic. 2) The Council still is trying to improve outreach in terms of strengthening participation on its advisory panels but still is having trouble filling advisory slots, particularly with people from the industry. 3) In terms of getting better consistency in setting goals and objectives for Council actions, Mr. Nies commented that the staff has begun work on this issue, and it might be possible to make progress later this year or next. Ms. Griffin suggested modifying the report to show items that were being addressed.

c. Personnel Update

Mr. Nies explained that he was in the process of hiring a staff member to fill the vacancy due to the departure of Ms. Boelke. When asked about the number of applicants, he responded that it was greater than it had been in the last two times the Council had filled a staff vacancy and that he hoped to complete the process after the September Council meeting.

2. Management Action Timelines

Mr. Kellogg reviewed the timelines and noted that there were no major changes since the last Executive Committee and Council meetings. In response to a question about groundfish, Ms. Bland informed the committee that GARFO expected to send a letter clarifying the status determination of SNE\MA winter flounder very soon. The major uncertainty in the EBFM timeline was the schedule for the outreach meetings for the prototype MSE and staff was working to complete the contract with the facilitator. If possible, they would be scheduled later in the fall.

3. Initial 2023 Priorities Discussion

Mr. Nies provided the first draft of possible council priorities for 2023 and explained that it does not recommend any specific priority. He reminded the Committee that several Oversight Committees will meet in September before the Council meeting so there might be additions that surface at those meetings or suggested by the Executive Committee. The list also may be expanded at the September Council meeting. Staff estimates of the time requirements for the various tasks also will be provided before the Council decides on priorities. Mr. Reid commented that improving data needed to be addressed and referred to the difficulties the skate committee had in understanding skate permit and catch data. Another suggestion was to indicate the staff time needed for tasks that were legally required so that Council members would understand how much time is available for discretionary actions and activities. Several committee members suggested that a committee might be needed to address protected resources issues and actions. Mr. Nies commented that one option was for such a committee to have members from other committees with management plans that might be affected by actions for conserving protected species.

4. Hybrid Committee Meeting Update

Mr. Nies described the recent experience with three recent hybrid committee meetings. Two scheduled hybrid AP meetings were changed to virtual meetings after publication of the FR notice because of a lack of in-person attendees (some members changed their mind about attending in-person). For all three hybrid meetings that were held, slightly over one-half the Committee members attended in-person. For one meeting that was initially planned to be in-person, some members who indicated they would attend in person changed to remote participation when it was changed to a hybrid meeting.

While it did not occur in this instance, similar actions could lead to hotel charges for not meeting the terms of room contracts. The change also caused confusion for the public. Staff have reported that at least two staff and extra time was required to set up the additional audio/visual equipment required for hybrid meetings. Committee members commented that in-person meetings were valuable, but virtual meetings could be appropriate for short meetings and that were considerations that might warrant hybrid meetings. The Committee decided that until the Council has more experience with hybrid meetings, committee chairs in consultation with the staff, should continue to determine the format - virtual, hybrid or in-person – on an ad-hoc basis.

5. AP Chair Compensation for EBFM MSE Planning

Mr. Nies explained that the Executive Committee considered but did not decide at its last meeting whether it should pay a stipend to advisors participating on a future advisory panel for the development of a prototype EBFM. The AP would comprise chairs of the other advisory panels. The reason for compensation is that the prototype MSE effort is only tangentially related to their FMP interests. The Executive Committee agreed that for this task, that the AP chairs should receive the same compensation as SSC members.

6. Council meeting preparations

Mr. Nies explained that there would be two groups of visitors to the September council meeting:

participants in the Young Fishermen Program will make public comments on Thursday, and a delegation of about 10 people from England who are interested in learning about fishery management in the U.S. Other things he wanted the Committee to be aware of were, a) that the discussion about whether the Council should consider an amendment that would allow scallop leasing is expected to attract a lot of attendees, b) that there would be a closed session on Wed. Sept. 28 to discuss harassment policy guidelines for RFMCs c) the Deputy Assistant Administrator for Regulatory Affairs Mr. Rauch plans to would attend the Council meeting. Also mentioned, was that wind-energy plan to host a reception in the afternoon\evening on Tuesday Sept. 27.

7. Other business

Mr. Nies reported that will make an announcement soliciting nominations for the Janice Plante award for excellence and that he would like Council members to participate in the nominations.

The meeting ended at about 1:00 p.m.