

DRAFT Prospectus on an Independent Review of the NEFMC

#2b

4/13/2017

The New England Fishery management Council (NEFMC) is initiating an independent review to assess its past performance, but more importantly, to identify improvements to its processes in order to successfully address ongoing and future challenges.

Background

- Council's role in fishery management
- Description of the composition of the NEFMC, its FMPs, and its organization.
- Brief overview of how the Council works with external partners and is subject to various legal mandates and national guidelines.

Scope of the Review

The overall goal of this review is to seek external input on the strengths, weaknesses, and areas of improvement for NEFMC operations, in light of the constraints and limitations that exist in the overall system. The review will include an evaluation of:

- Foundations of NEFMC fishery management including scientific advice, policies, staff support and access to data.
- Council operating model for designing fisheries management in terms of specification of FMPs, the type and role of subsidiary bodies of the Council, and external coordination with other organizations and various stakeholders.
- Council Performance in terms of processes and outcomes.

The Terms of Reference (ToRs) for the review indicate in greater detail the scope of the review and the nature of the feedback the NEFMC seeks from the Review Panel.

Operating Environment

Council actions are designed to address the ten National Standards that guide fishery management. Within that framework, there are several broad challenges that receive much of the Council's attention, crossing over many of the Council's management plans. These include controlling fishing mortality in order to achieve desired biological results, user group interactions for various stocks, fishery dependent and independent data collection, changes in productivity and distribution resulting from climate change, and incorporation of ecosystem principles into management

{Need a short description of each of the challenges. What is the past experience? What's the nature of the problem? What is the Council doing now to address it? What are the ongoing concerns?}

Draft Terms of Reference

The Terms of Reference for the Review Panel are to answer the series of questions below. In doing so, it is important that the Panel respond in the context of the real world of resource limitations and imperfect processes and outcomes. Terms like “adequate” and “appropriate” should be addressed relative to norms and “best practices” for comparable situations nationally and worldwide. In this context, how well is the NEFMC doing, and more importantly, how can it do better.

1. Evaluate the strengths and weaknesses of the foundations of fishery management used by the NEFMC. Are they adequate in terms of:
 - a. The scope (i.e., stock assessments, economic and social impacts, ecosystem dynamics), amount, timeliness and quality of scientific information?
 - b. The clarity, logical consistency, and completeness of NEFMC policies (e.g., risk policy) and National guidance (e.g., National Standard Guidelines, Policy for Ecosystem Based Fishery Management)?
 - c. Professional support from Council staff, Agency staff, and participants in the process (e.g., academics, advisors from various f interest groups)?
 - d. Are the data collected that are necessary to inform timely management decisions? Do the Council and its supporting staff have ready access to the data? Are there limitations that inhibit timely use of data for management purposes?
2. Evaluate the strengths and weaknesses of the general process used by the Council to design and adjust fisheries management.
 - a. Is the overall model appropriate in terms of number and scope of FMPs?
 - b. Adjustments and changes to FMPs through amendments, frameworks, or other formal actions?
 - c. Does the preparation of management actions follow best practices or use lessons learned from other regions?
 - d. Roles of subsidiary bodies of the Council (Plan Development Teams, Committees, Advisory Panels, Scientific and Statistical Committee)?
 - e. Mechanisms for coordination between NEFMC, NMFS, and other fishery management authorities (e.g., ASMFC, MAFMC, Canadian DFO, NAFO)?
 - f. Annual priority setting process (i.e. horizon for priorities, ability to maintain the same priorities all year, balance between required and discretionary tasks, etc.)
3. Using a representative subset of recent management actions, evaluate how well the NEFMC has performed in terms of:
 - a. Timeliness of decisions and subsequent management implementation by the NMFS.
 - b. Responsiveness to scientific advice.
 - c. Transparency, public participation, and documentation.
 - d. Consideration of potential impacts when making decisions (i.e. habitat, economic and social impacts, cumulative effects, etc.).
 - e. Overall outcomes of actions taken on the environment (cumulative biological and social impacts).
4. If performance was deemed less than adequate for any of topics 3.a-e, comment on the factors that may have led to such an outcome, and how to, or if it is realistic to, improve performance in the future.

5. Specifically for the operating environment identified at the beginning of this prospectus, comment on (make recommendations where appropriate) opportunities to more successfully address the challenges in the future by improving or enhancing:
 - a. Foundations of fishery management,
 - b. Council operating model, and
 - c. Performance measures and standards.

Composition of the Review Panel

A review panel of about five or six reviewers should be adequate. The suggested composition was a manager from the east coast, west coast, and international arena, and a U.S. east coast scientist and a U.S. west coast scientist. One panel member will be appointed as chair. To the extent possible, the reviewers should have no recent (i.e., 10 years) affiliation with the NEFMC process; however, they need to have firsthand experience working in the U.S. fishery management arena (from science to the design of management to implementation). They should not be affiliated with industry or conservation advocacy groups.

The review panel should be supported by a staff person, presumably under contract to the Council, who would work with Council staff to assemble information for the review including the collection, preparation, and distribution of background documents, obtaining stakeholder input, working with Council staff on logistics of the meeting, and would draft the review report under the direction of the Review Panel for their adoption..

Design of the Review

- In-person public meeting of about 3 days followed by 1-2 days for the Panel work.
 - Presentation of background documents.
 - Opportunities for stakeholder comments.
- Background documents would be prepared before the meeting and available online.
- This review would provide opportunities for stakeholder comments. Some possible ideas are: written correspondence in advance of the review panel meeting, public hearings before the review panel meeting, targeted interviews of key stakeholders, or web-based surveys. During the meeting, additional opportunities would be provided for public comment on specific TORs (i.e. comment period or stakeholder panel session), but the majority of the meeting would be devoted to the panelists.
- Report preparation by correspondence
- Council response to the report including an action plan

General Time Table for the Review

- Council adoption of the Plan - April 2017 Council meeting
- Spring/Summer 2017 – Plan review, selection of reviewers, preparation/award of contract
- Timing of review depends on scope, availability of staff, and time needed to prepare background documents for the review – potentially late 2017/early 2018
- Presentation of final report to Council - TBD

