



## New England Fishery Management Council

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 E. F. "Terry" Stockwell III, *Chairman* | Thomas A. Nies, *Executive Director*

### MEMORANDUM

**DATE:** November 14, 2014  
**TO:** Council  
**FROM:** Thomas A. Nies, Executive Director  
**SUBJECT:** Summary of September 25, 2014 Executive Committee Meeting

The Executive Committee met on September 25, 2014 at the Sheraton Colonial Hotel, Wakefield, MA. Executive Committee members attending were Mr. Stockwell, Mr. Grout, Dr. Pierce, and Mr. Kendall. Also attending were Mr. Nies, Mr. Pentony and Mr. Kellogg. The committee discussed the agenda items below; supporting documents can be found at: <http://www.nefmc.org/committees/executive-committee>.

#### 1. Executive Director's Report

**Budget Overview** - Mr. Nies reported that the Council funding for 2104 from its administrative award was \$3.9 M plus a carryover of \$1.5 M. The amount of carryover was reduced last year and most of this year's carryover has been used for the contract with the New England Consortium to develop collaborative research projects to improve groundfish management and explore ways to increase landings as a percentage of groundfish ACLs. It is now expected to be less than \$500,000 by the end of the year and could be further reduced by contract work to explore methods to provide more stable catch advice for groundfish. The Council with the help of the NEFSC recently issued an RFP for this project and which could help the Groundfish PDT as well as the Council. Mr. Nies also reported that he expected that Council's proposal for extension of some projects into 2015 (to spend the carryover) would be approved, but that the funds could not be used to cover routine operating expenses.

Mr. Nies also explained that the Council had issued an RFP for groundfish catch advice to address the Council priority to try to stabilize the ABCs/ACLs and that the project should save the Groundfish PDT time in addressing this issue. He noted that the Council staff worked with the Science Center and they fully support the project. Three or four groups have expressed interest although it is a very ambitious project given the short, end-of-2015 time-frame if only 2014 funds are used.

The 2015 NEFMC funding level still is not known but basically the Council has received the same level of funding in its administrative base since about 2012 but some of the add-ons are beginning to evaporate. The Council will have to be careful about controlling expenses at the start of the next year until it knows its funding level compared to the past year when it has been relatively liberal in funding Council activities. It's also possible that there will be no budget agreement and the Council funding would be more uncertain under a continuing resolution.

In response to questions, Mr. Nies explained there was no further information on how NOAA might assess the Councils a management and administration fee and that NOAA stopped holding back the disbursement of 2014 funds to the Councils in July.

**Staff changes** – Mr. Nies explained that two new staff members were hired since the beginning of August. Jonathon Peros, who recently worked for GMRI, began in early August and has been assigned to assist Dr. Cournane in developing groundfish management actions. Maria Jacob, who has recently worked as a contractor for GARFO on lobster management actions, began in early September and has been assigned to help Dr. Hogan on the Habitat public hearings and to support the Research Steering Committee.

## 2. Management Action Timelines

**Omnibus Habitat Amendment 2 update** – Staff reported that public hearings for Omnibus Habitat Amendment 2 would be delayed from September-October to November–December with final action possible in Jan 2015, depending on the length of the comment period and the number of hearings. Mr. Pentony stated that the notice of availability for the DEIS would be October 10. Several members commented that the Council and Habitat Committee probably would need more time between the hearings and a final Council decision and that although they did not make a final decision, the Council would be more likely to take final action at its April 2015 meeting.

**Framework 53 Action Plan** – Staff reported that final action on Groundfish FW 53 was still expected in November despite the revised status of GOM cod. An additional SSC meeting had been scheduled for October 20 so the SSC could complete its ABC recommendations for GOM cod as well as pollock, and GOM and GB winter flounder stock. Mr. Nies added that he was concerned that if measures specific to GOM cod were included in a separate action that it would be very difficult to have those measures implemented by the start of the fishing year and that it would create extra work for the Council staff as happened when the management measures for fishing year 2013-2014 were split into Frameworks 48 and 50. Mr. Pentony added that two submissions to include the measures instead of one would create extra work for the GARFO staff and there would be no guarantees that specifications would be completed in time for the start of the fishing year if any delays were encountered,

**Industry Funded Monitoring Amendment Action Plan** - Based on communications from GARFO, approval of the draft environmental assessment (EA) for the Industry Funded Monitoring Amendment by the Councils in November-December would not occur until January-February 2015. Council staff added, that based on progress made by the FMAT, this milestone would be difficult to meet. Mr. Pentony also reported that the FMAT chair, Ms. Hooper would be relocating to the West Coast Regional Office in Seattle.

**Scallop Framework 26 Action Plan** - Final Council action on Scallop FW 26 was still expected in November. Mr. Nies reported that contributions from the NEFSC to the SAFE report and biological analysis were critical to meeting the timetable and that there was a long-standing industry concern over the transparency and timeliness of the biological analysis the PDT uses to identify access areas and estimate DAS for the open areas. Part of the difficulty was due to the delay in completing the scallop survey due to a mechanical failure with the RV Sharp.

**Other timelines** - Mr. Kellogg reviewed the timelines for Council actions and provided the following comments with respect to changes from the timelines prepared in June or progress on ongoing actions: 1) Council approval of the DEIS for groundfish Amendment 18 would be delayed from November 2014 to January 2015 because of the additional alternatives added in June and that as a result an EIS would be required for the amendment. 2) A final rule was

expected soon for Herring FW 3, but GARFO had not provided more specific information. 3) The staff had submitted FW 4 for preliminary review in July, but had not received any comments or indication from GARFO about when comments might be available. 4) Final action on the whiting specifications was still expected for November. 5) A monkfish timeline was added that included possible action on a new framework to show how it might delay the development of Monkfish Amendment 6 but the Council still needed to add the framework to its priorities.

**Action Plans** - Mr. Nies noted that the staff would develop action plans for all new Council actions as part of the Operating Agreement expected to be signed by the Council, GARFO and the NEFSC and that draft action plans had been provided by the staff for some actions. He added that there were still some issues in the draft operating agreement that need to be resolved including how changes in the timelines would be approved and published. After some discussion, the committee directed Mr. Kellogg and Mr. Pentony to propose a solution.

### **3. ICAAT Report**

The committee discussed how to manage the ICAAT agenda topic within the September Council meeting timeframe and concluded that the discussion and possible motions could be accommodated within the time on the agenda.

### **4. Magnuson-Stevens Act Reauthorization**

Mr. Nies explained that he did not distribute paper copies of the revised senate bill because a third draft might be sent out in the near future and that the draft probably would be changed after the congressional elections. He added that revisions to the original draft addressed many of the Council's concerns with it such as definitions for forage fish and bycatch (although the definition of subsistence fishing has remained the same). Also the collection of fees from LAPPs, which includes groundfish sectors, has been modified to include only incremental costs by striking the phrase 'actual costs directly related' and adding 'net incremental costs attributable to those programs'. Mr. Pentony explained that was basically how the fees for the tilefish and GC scallop IFQ programs have been structured. NMFS evaluated the work it did before the programs and based fees only on the additional tasks needed for the IFQ program.

Mr. Grout commented that it would be important for the groundfish fishery to recover at-sea-monitoring costs if possible because of the economic hardship resulting from past and possible Gulf of Maine cod restrictions. Mr. Nies pointed out that on page 41, the draft bill says that the data collection program fees may vary by fishery for integrated data collection and this might provide a way to deal with industry funded monitoring. Mr. Grout added that the only reason for submitting comments is that if the MSA were somehow reauthorized during a lame duck session of Congress and Mr. Nies said he would work on a letter for Council consideration to solve that problem.

### **5. 2015 Council Priorities**

Mr. Nies stated that the priorities discussion would be at the end of the November Council meeting. He explained that priorities items that might change as the result of Council decisions at the same meeting such as groundfish spawning closures made it difficult to address priorities earlier in the meeting. Relative to the groundfish priorities, he reported that for the biannual groundfish framework adjustment for FY 2016 and FY 2017, the Council would get the assessment updates in late September 2015. As a result, to get the framework implemented on time in May 2016, the Council would have to limit other measures the Groundfish PDT would work on in 2015. He added that it will be difficult if the Council addresses too many groundfish

priorities at the end of 2015 including Amendment 18. The Council also might have to deal with possibly low abundances of GB cod. Finally, the Groundfish PDT probably will have to work on issues concerning the catch of groundfish species in the scallop fishery and that it already has more work than it probably can get done. Mr. Nies added that there still is interest in reviewing cod stock structure and that the budget proposal includes a request for funding to complete that work. If this issue is to move forward, the Council staff will need to take a more active role in its pursuit and some funds have been budgeted to support such an effort. This will need to be closely coordinated with the NEFSC.

Other possible priorities included on the list identified by committees and mentioned by Mr. Nies were:

- 1) Monkfish - The monkfish priorities include both a framework and Amendment 6.
- 2) Scallops - Priorities included a separate action to deal with the habitat changes but it would be a better use of Council and staff resources to do only one action and the NEFSC might be able to support only one action. The Council has been completing annual specifications for a while, but the original approach was to set specifications every two years. Mr. Pentony commented that moving to a two-year specification cycle might allow the Council to analyze a range of alternatives the second year two and to include supplemental information report (instead of an environmental assessment) get the revision in by the beginning of the fishing year March 1 and to reduce the workload.
- 3) Herring - The Herring Committee will consider priorities and make recommendations to the Council.
- 4) Habitat - When the habitat amendment is submitted, the Committee will be able to move forward on the deep-sea coral amendment, but data on coral distribution has changed since the committee put it aside to work on Omnibus Habitat Amendment 2. Two committees including the Habitat committee have been approached to deal with wind-power issues.
- 5) Ocean planning – The committee talked about whether the Council should be more involved in this issue. Mr. Grout commented that the next Northeast Regional Planning Body meeting will be held Thursday, November 13-14 in New Castle, NH to look at ecologically important areas. He expressed concerns about the Regional Planning Body's capacity to provide scientific and technical advice because of lack of resources.
- 6) EBFM - at some point the Council will have to give the committee guidance on what type of approach the Council should take - incremental or revolutionary.
- 7) Risk Policy - The Risk Policy Working Group will recommend continuing to work to work on apply a risk policy to the development of ABC control rules.
- 8) Fishery Dependent Data - Mr. Pentony stated that GARFO intended to continue to develop a plan to improve the system for collecting fishery dependent data and that parts of the plan might require changes to the Council FMPs, assuming the Councils agree to them. As a result the Councils might want to be more involved in the development of changes to the data collection process. Mr. Nies commented that so far there has been limited staff involvement and the Council needs need to know the timeframe so it can make sure the right staff is available.
- 9) Oceana wrote suggesting that the Council should consider an omnibus gillnet amendment. Mr. Stockwell commented that as an omnibus amendment between the two

Councils would not work. The Executive Committee recommended that this action not be added to the list of possible Council priorities.

At the November 2013 Council meeting Dr. Sissenwine had raised the issue that each priority should be considered within the context of all other priorities and not just within the context of other priorities for a particular FMP. Although it is difficult to change staff assignments because of ongoing non-discretionary actions and because staff expertise among FMPs is not easily interchangeable, Mr. Nies explained that one option is for the Council to rank all discretionary priorities combined instead of by species. This might make it a little easier to determine which ones at the bottom of the list the Council wants to drop. Mr. Stockwell commented that he would be worried about doing this after priorities are selected for the year. The Committee agreed after some discussion, for Mr. Nies to ask Council members individually to rank priorities from a comprehensive list.

## **6. September Council Meeting Preparations**

Mr. Nies explained that:

- 1) The Council would take up the emergency action for Gulf of Maine cod before FW 53 because there are some elements of the emergency action request that could impact FW 53.
- 2) The assessment process issue was put on Thursday so that the Council can focus solely on GOM cod response on Wednesday.
- 3) All the SSC reports had to be on the first day to enable the SSC chair to present them.

Dr. Pierce commented that under the scallop discussions, many Chatham general category permit holders probably would express their concerns about local depletion inshore and their desire for action to prevent this. They are concerned about the effort of large limited access vessels and are leasing away a lot of their scallops.

## **7. Council Award Discussion**

Mr. Stockwell described the suggestion he received from GARFO that the Council give an annual award to recognize contributions to the Council process similar to what the MAFMC does. As an example, Mr. Stockwell reported that the Maine DMR staff makes an enormous contribution to the Council process and a little recognition would go a long way in rewarding the contributors. In response to concerns about who would be eligible to receive the awards, Mr. Pentony commented that the Council could establish criteria in any manner. Mr. Nies suggested that it might be appropriate to recognize for people whose main job is not participation in the Council process such as advisory panel leaders, researchers and others. He suggested that there could be more than one award but also expressed some concern about how much effort it might be to solicit nominations. The Committee agreed that the staff should develop recommendations for further consideration by the Committee at a future meeting.

## **Other Business**

The Committee discussed comments the Executive Director received about whether to identify individual names of speakers in meeting summaries. It directed the Council staff to resolve the issue.

The committee also discussed Dr. Sissenwine's suggestion that the Council develop a consistent approach to accountability measures (AMs). The committee did not develop a recommendation on the suggestion at this time.