



## New England Fishery Management Council

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

### MEMORANDUM

**DATE:** September 22, 2014  
**TO:** Council  
**FROM:** Thomas A. Nies, Executive Director  
**SUBJECT:** Summary of June 16, 2014 Executive Committee Meeting

The Executive Committee met on Monday, June 16, 2014 at the Holliday Inn by the Bay, Portland, ME. Executive Committee members attending were Mr. Stockwell, Mr. Quinn, Mr. Grout, Dr. Pierce, and Mr. Kendall. Also attending were Mr. Bullard, Mr. Nies, Mr. Pentony and Mr. Kellogg. The committee discussed the agenda items below; supporting documents can be found at: <http://www.nefmc.org/calendar/june-16-2014-executive-committee-meeting> .

#### 1. Executive Directors Report

**Budget Overview** - Mr. Nies reviewed the status of the Council's budget. He noted that the Council was on track to spend its 2014 funds for the year. He explained that without the carryover from preceding years, the Council would have a deficit for this year. Also it will request an extension to use the carryover for one more year. In the past, getting such an extension has not been a problem. Also, NOAA is now required to charge a 'management and administration' fee for all programs it administers including the fishery management councils as the result of an audit on NOAA's administration of the National Weather Service.

The Council spent about \$1.5 M so far this year and a large portion of this year's resources is going to be used for the collaborative groundfish research projects. There was a delay in obligating this money because several Council members suggested restructuring the project, if possible, so a number of researchers could collaborate on the research design and then the Council would contract for the work, instead of making awards through a competitive grants process. The Science Center committed to supporting the Council in taking this approach to one of the four research questions the Council identified.

**Staff Changes** - Mr. Nies reported that some staff responsibilities had been reassigned and that Dr. Hogan would be the staff coordinator for the Monkfish and Skate FMPs. Also, he reported that he was in the final stages of filling one of the staff vacancies and hoped to fill the other very soon.

#### 2. Management Action Timelines

Mr. Kellogg reviewed possible changes to the timelines for Council actions. He reported that Herring Framework 3 would be implemented in August and the staff also would submit Framework 4 in August as well. Monkfish Framework 8 would be implemented in July. The

public hearings for Habitat Omnibus Amendment 2 would be in September and October if the Council staff received and could respond in time to comments on the preliminary DEIS submitted to GARFO for review in early May. The Groundfish Amendment 18 timeline still depends on whether a DEIS is required and when the Council approves the range of alternatives. Several committee members were concerned that it could be delayed if there were a groundfish vessel buyout or buyback. Mr. Kellogg also noted that it would be difficult to meet the timeline for Scallop Framework 26 if all measures such as the DAS corridor were included.

### **3. Council Coordinating Committee (CCC) Report**

Mr. Stockwell and Mr. Nies reported on the April 12-15, 2014 CCC meeting. The CCC developed some consensus positions on MSA reauthorization issues that included: 1) the need to consider an alternative to “overfished” to describe depleted stock conditions not caused by overfishing; 2) the need for more flexibility to allow Councils to balance the important objective rebuilding overfished stocks while reducing negative social and economic impacts; 3) that exceptions to rebuilding requirement should be carefully defined and limited in scope; 4) changes to the criteria for using the mixed stock exception that could make ecosystems principles easier to adopt in fishery management; and 5) exemptions to ACLs should be considered for data poor species. The CCC did not reach consensus on delayed implementation of rebuilding programs and the role of SSCs in quota setting among other issues.

Other topics discussed by the CCC included electronic monitoring, data confidentiality, marine spatial planning, the Operational Guidelines for developing FMPs including transparency in the Council process, NEPA requirements, ecosystems based fishery management, forage fish management, sustainability certifications, transboundary management issues, State/Federal/Council coordination, and reviews of catch share allocations.

Mr. Nies also reported that he would provide a link to the CCC website ([http://www.nmfs.noaa.gov/sfa/management/councils/ccc/2014/2014\\_may\\_agenda.htm](http://www.nmfs.noaa.gov/sfa/management/councils/ccc/2014/2014_may_agenda.htm)).

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

Mr. Nies reviewed a memo to the committee on concerns with the Senate staff working draft bill that the Council has been asked to comment on, but he explained it was likely to be changed soon. The memo covered issues including rebuilding requirements, the definitions of bycatch and subsistence fishing, stock assessment frequency, ecosystems based management, findings about the need to manage forage fish, the role of SSCs, etc. He concluded that the bill currently doesn't address many issues the Council thought were important in earlier Council discussions such as fixed rebuilding times.

In addition to the issues identified in the memo, the committee thought the guidance for ecosystems based fisheries management was too prescriptive and therefore might discourage Councils from trying to develop ecosystems plans because of the difficulty in meeting the requirements. The committee also agreed that it would be important to comment on findings, purpose and policy because the language on forage species is overly broad and implies there are widespread problems and a lack of management for forage species. Dr. Pierce commented that the Senate draft should, but did not include any of the important recommendations from the recent National Research Council report on fish stock rebuilding. Finally, the committee agreed

that the memo would provide a good basis for Council discussion at the June Council meeting and that it should ask the Council to give the Executive Committee the authority to develop further comments if it needed to respond to changes in the draft bills between Council meetings.

#### **5. Transboundary Management Guidance Committee – Terry Stockwell**

Mr. Stockwell commented that it was important to get NMFS guidance on approvable ABCs before the TMCG meeting. He also explained that the U.S. delegation meetings and caucuses are going to be private, but there will be a pre-TMCG public meeting to talk about the TRAC results. Mr. Bullard commented that Canada had raised the issue of joint science for mackerel, possibly under the TRAC but maybe not joint management under the TMCG. He noted that without any formal US/Canada understanding the MAFMC has to deduct the estimated Canadian catch of mackerel from the ACL. He added that the MAFMC had requested coordinating mackerel management with Canada in 2010 and he would ask for MAFMC input on this issue. Mr. Nies stated that it would be difficult to know whether mackerel should be included in the understanding under the current TMCG structure because it was not clear whether the right people would be included in the fall TMCG meeting. Another problem is that Canada, unlike the U.S., currently assesses mackerel annually.

#### **6. GARFO/NEFMC/NEFSC Operating Agreement**

Mr. Nies reported that he had thought that the Council, GARFO and the NEFSC were close to signing the Operating Agreement, but that the Science Center had some concerns about committing to PDT work. Dr. Karp had communicated to Mr. Nies that the report from the Stock Assessment Model Review, conducted earlier this year, concluded that NEFSC scientists need more time to do research instead of just updating current assessment models and routine work or they are likely to lose credibility. This finding has caused the NEFSC to pull back from its past commitment to put one assessment and one social scientist on Council PDTs. One option might be for the Council, GARFO and the Center to sign the Operating Agreement and negotiate each action plan subject to organizational resource constraints. The Council is waiting for final resolution of those issues before signing the agreement and the committee took no action on this issue.

#### **7. Other business**

**a. Scallop RSA Description** – Mr. Nies explained that the concerns had been raised about the Scallop RSA proposal review process and the process should be clearly documented in the Council handbook so that it could be readily understood by the Council and the public. As a result, the staff prepared a draft policy for the Council to consider. After reviewing the policy the committee agreed that it should be forwarded to the Council for review and possible approval.

**b. Scheduling Worksheet for Stock Assessments** – The committee received a copy of the stock assessment schedule that was agreed to at the April 20-30 NRCC meeting. Mr. Nies explained that the timing of the operational assessment (updates) for 20 groundfish stocks in late September 2015 would make it very difficult for the Council and NMFS to develop, review and implement any changes in specifications by the start of 2016 fishing year on May 1, 2016.

The meeting adjourned after a closed session to discuss staff personnel issues.