

Omnibus Management Flexibility Amendment

New England Fishery Management Council
Gloucester, MA & Webinar
September 23, 2025

Goal for Today

Take final action on the omnibus amendment to increase management flexibility and consistency.

Background

Recent events, including Executive Orders, changes to federal agency structure and staffing, and pauses in the regulatory advancement of management actions, have highlighted the need for the Council to consider increased flexibility in management and regulatory processes.

Specific Examples

- **Default Measures** – default measures in place for part of fishing year 2025 for Atlantic Sea Scallops
- **Specifications** – delays for Northeast Multispecies (Groundfish) and Atlantic Herring actions
- **Capacity** – reductions in federal staff that support data collection and processing, stock assessments, ecosystems, policy, and the Councils' Plan Development Teams
- **Stock Assessments** – reductions to the number of management track stock assessments for 2025 and planned for 2026, including a pause in research track stock assessments

Purpose and Need

- Ensure requirements of the Magnuson-Stevens Fishery Conservation and Management Act and Council objectives can be met.
- Evaluation of current practices and consideration of adaptive approaches.
- Increase management flexibility considering changing regional resources and capacity to support scientific updates and regulatory processes.

Need	Purpose
To increase management flexibility and consistency.	To modify certain administrative measures across all the Council's fishery management plans.

Timeline

2025

<i>April 17</i>	Council added omnibus action to 2025 priorities
<i>June 24</i>	Council initiated omnibus action, received an update on alternatives to include, and reviewed the action timeline
<i>September 4</i>	Executive Committee reviewed draft and provided feedback
<i>September 23</i>	Council takes final action
<i>October 8</i>	MAFMC takes final action on monkfish aspects of the amendment
<i>November</i>	Preliminary submission
<i>December</i>	Final submission

2026

<i>TBD</i>	Implementation
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Draft Alternatives

4.1 Action 1 – Specification Frequency

4.2 Action 2 – Specification Setting Process

4.3 Action 3 – In-Season Adjustment Authority

4.4 Action 4 – Annual Review/Report

4.5 Action 5 – List of Framework Adjustment Items

Executive Committee – September 4, 2025

- Reviewed the draft amendment, provided feedback to clarify the draft alternatives
- Committee support for staff recommendations
- Preliminary determination: action qualifies for a categorical exclusion from further National Environmental Policy Act (NEPA) review, primarily administrative in nature.
- Council and NMFS would not prepare an environmental assessment (EA) or environmental impact statement (EIS), saving time and resources

Executive Committee – cont.

- Northeast Multispecies and Atlantic Sea Scallop FMPs are less likely to qualify for a categorical NEPA exclusion and would need NEPA analysis for changes to rollover or default provisions
- Recommendations to Council (as incorporated in draft amendment)
 - Move these alternatives to "considered but rejected"
 - Consider adjusting these measures in the next available Northeast Multispecies and Atlantic Sea Scallop actions in order to analyze any changes alongside new specifications.

Action 1- Specification Frequency

Section 4.1 – Action 1 – Specification Frequency <i>Choose one alternative.</i>		Council Staff Recommendation
Alternative 1 (Sec. 4.1.1)	No Action Continue the FMP-by-FMP approach to determining specifications frequency.	
Alternative 2 (Sec. 4.1.2)	Specification Frequency Allows the Council to recommend specifications for one to up to five years across all its FMPs, consistent with the best available science.	X

Action 1 - Specification Frequency

Alternative 2

- Allows for greater flexibility in planning stock assessments / data updates and subsequent management actions and a more consistent approach across the Council's FMPs.
- Allows the Council to spread its specifications-related actions throughout the year, rather than making final recommendations on most specifications-related actions between September and December.
- Regulation changes would be made to the Northeast Multispecies, Atlantic Sea Scallop, Monkfish, Atlantic Herring, Northeast Skate Complex, Small-Mesh Multispecies, and Red Crab FMPs. No changes would be made to the regulations in the Spiny Dogfish FMP.
- Council staff recommends Alternative 2, which increases management flexibility and consistency across FMPs.

Action 2 - Specification Setting Process

Section 4.2 – Action 2 – Specification Setting Process <i>Choose one alternative.</i>		Council Staff Recommendation
Alternative 1 (Sec. 4.2.1)	No Action Continue to not have a specific specification setting process defined for the Northeast Multispecies and Monkfish FMPs. Specifications actions would continue to be developed by framework adjustment or amendment for these FMPs.	
Alternative 2 (Sec. 4.2.2)	Specification Setting Process Adds a specification setting process for the Council's two remaining FMPs without one in place: Northeast Multispecies and Monkfish FMPs. Enables the Council to set fishery specifications under a specification process and not require development of a framework adjustment action. Adds status determination criteria to the list of measures for the Northeast Skate Complex FMP that could be adjusted through the specifications setting process or by framework adjustment.	X

Action 2- Specification Setting Process

Alternative 2

- Framework Adjustments involve minor plan modifications and require review by the Council at a minimum of two meetings (of which one may be a committee meeting).
- Specifications actions are used to set harvest or catch limits for a specific period of time and are reviewed by the Council at a minimum of one Council meeting.
- Alternative 2 allows the Council to set fishery specifications under a specification process for Multispecies and Monkfish FMPs and expands the list of items for the Northeast Skate Complex FMP, consistent with the Council's other FMPs.
- Regulation changes would be made to the Northeast Multispecies, Monkfish, and Northeast Skate Complex FMPs.
- Council staff recommends Alternative 2, which increases management flexibility and consistency across FMPs.

Action 3 – In-Season Adjustment Authority

Section 4.3 – Action 3 – In-Season Adjustment Authority <i>Choose one alternative. Under Alternative 2, choose one option.</i>		Council Staff Recommendation
Alternative 1 (Sec. 4.3.1)	No Action Continue to allow in-season adjustment authority only for the Atlantic Herring FMP.	
Alternative 2 (Sec. 4.3.2)	In-Season Adjustment Authority Add the provision for in-season adjustment authority, consistent with the process in the Atlantic Herring FMP, across all the Council's FMPs. This process would require the NOAA Fisheries Regional Administrator (RA) to consult with the Council to allow changes during the fishing year. These would be adjusted by NMFS to achieve conservation and management objectives, after consulting with the Council, during the fishing year in accordance with the Administrative Procedure Act (APA). Any adjustments must be consistent with the respective FMPs objectives and other FMP provisions. The Council may select Option A or Option B: Option A - Allowance for adjustments to ACLs/sub-ACLs and other specifications. Option B - Allowance for adjustments to specifications and measures identified under specifications actions by FMP.	X Option B

Action 3 – In-Season Adjustment Authority

Example - Atlantic Herring

July 2024 to December 2024 (~6 months)

- July: New information – 2024 Management Track Stock Assessment
- July-September: Analysis – Plan Development Team and ASMFC's Technical Committee
- July: Recommendations – Scientific and Statistical Committee
- September: Consultation – NMFS with Council, Council sent letter to adjust specifications and nullify carryover in time for January 1, 2025
- December: Implementation – NMFS publishes in *Federal Register*

Action 3 – In-Season Adjustment Authority

Example - Mackerel, Squid and Butterfish Regulations

50 CFR 648.22(e)

“Inseason adjustments. The specifications established pursuant to this section may be adjusted by the Regional Administrator, in consultation with the MAFMC, during the fishing year by publishing notification in the *Federal Register*.”

The section includes specifications and measures to ensure specifications are not exceeded.

<https://www.ecfr.gov/current/title-50/section-648.22>

Action 3 - In-Season Adjustment Authority

Alternative 2

- Any in-season action taken by the RA under this authority will require analysis as appropriate under the MSA and NEPA, and in accordance with the APA.
- Would allow managers the flexibility to respond in a timely manner to updated scientific and fishery information across all its FMPs.
- Option A would only allow for adjustments to specifications while Option B would allow for adjustments to specifications and management measures as identified in each FMP's specification setting process.
- Regulation changes would be made to the Northeast Multispecies, Atlantic Sea Scallop, Monkfish, Atlantic Herring (if Option B is selected), Northeast Skate Complex, Small-Mesh Multispecies, and Red Crab FMPs. No changes would be made to the regulations in the Spiny Dogfish FMP.
- Council staff recommends Alternative 2, which increases management flexibility and consistency across FMP and Option B, which provides the most flexibility of the two options.

Action 4 – Annual Report/Review

Section 4.4 – Action 4 – Annual Review/Report <i>Choose one alternative.</i>		Council Staff Recommendation
Alternative 1 (Sec. 4.4.1)	No Action Monkfish, Northeast Skate Complex, and Small-Mesh Multispecies FMPs require preparation of an annual PDT review and in the case of Small-Mesh Multispecies also a report.	
Alternative 2 (Sec. 4.4.2)	Annual Review/Report The requirement would be removed to prepare an annual review in the Monkfish, Northeast Skate Complex, and Small-Mesh Multispecies FMPs and in the case of Small-Mesh Multispecies a report.	X

Action 4 – Annual Report/Review

Alternative 2

- The Council would have the flexibility to choose the timing and content of annual reviews/reports for all of the Council's FMPs.
- Would not prevent the Council from prioritizing the preparation of an annual review or monitoring or performance report for any of the Council's FMPs through its priority setting process.
- The Council would continue to prepare appropriate analyses to comply with federal statutes (e.g. MSA and NEPA) during the development of actions for these FMPs.
- Regulation changes would be made to the Monkfish, Northeast Skate Complex, and Small-Mesh Multispecies FMPs.
- Council staff recommends Alternative 2, which increases management flexibility and consistency across FMPs.

Action 5 – List of Framework Adjustment Items

Section 4.5 – Action 5 – List of Framework Adjustment Items

Any Council preferred actions will be added to the list of framework adjustment items for the Northeast Multispecies, Atlantic Sea Scallop, Monkfish, Atlantic Herring, Northeast Skate Complex, Small-Mesh Multispecies, and Red Crab FMPs.

Action 5 – List of Framework Adjustment Items

- Regulation changes would be made to the Northeast Multispecies, Atlantic Sea Scallop, Monkfish, Atlantic Herring, Northeast Skate Complex, Small-Mesh Multispecies, and Red Crab FMPs.
- No changes would be made to the regulations in the Spiny Dogfish FMP.
- Council staff recommends adding all Actions 1-4 to the list of framework adjustment items.

Synergistic Effects

- Expanded tools to prevent fishery delays
- Improved planning of Council final actions throughout the year
- Ability to respond to new information in a timelier way
- Improved allocation of staff resources

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Take final action on the omnibus amendment to increase management flexibility and consistency.

Thank you.

Questions?