



New England Fishery Management Council

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Daniel Salerno, *Acting Chair* | Cate O'Keefe, PhD, *Executive Director*

MEMORANDUM

DATE: September 16, 2025
TO: Council
FROM: Cate O'Keefe, Executive Director
SUBJECT: **Staff Recommendations - Omnibus Management Flexibility Amendment**

The purpose of the Omnibus Management Flexibility Amendment is to modify certain administrative measures across all the Council's Fishery Management Plans (FMPs) and the need is to increase management flexibility and consistency. The Council is scheduled to take final action on the amendment on September 23, 2025, and the Mid-Atlantic Fishery Management Council is scheduled to take final action on the monkfish aspects of the amendment on October 8, 2025.

On September 4, 2025, the Executive Committee reviewed the draft amendment document, provided feedback to clarify the draft alternatives and supported the staff recommendations on the draft. Council staff informed the Committee that it has been preliminarily determined that this action qualifies for a categorical exclusion from the need for further National Environmental Policy Act (NEPA) review, as it is primarily administrative in nature. This means that the Council and NMFS would not prepare an environmental assessment (EA) or environmental impact statement (EIS), which streamlines the process and saves time and resources.

Changes to the rollover or default provisions for the Northeast Multispecies and Atlantic Sea Scallop FMPs considered by the Council are less likely to qualify for a categorical exclusion from NEPA (i.e., would need some type of NEPA analysis). Therefore, Council staff recommended moving these alternatives to considered but rejected. The Council may want to adjust these measures in the next available Northeast Multispecies and Atlantic Sea Scallop actions in order to analyze any changes alongside new specifications. The draft amendment sent to the Council incorporates these updates.

In preparation for the Council meeting, Council staff developed recommendations to facilitate the discussion. This memo also includes draft motions for the Council to consider based on the staff recommendations.

Council Staff Recommendations:

In general, staff recommends Alternative 2 in Actions 1-4, which increases management flexibility and consistency across all the Councils FMPs aligning with the overall purpose and need of the action.

1. *Action 1– Specification Frequency*

Recommend Alternative 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.

Rationale: Council staff recommends Alternative 2, which increases management flexibility and consistency across FMPs. 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. It would allow 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.

2. *Action 2 – Specifications Setting Process*

Recommend Alternative 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.

Rationale: Council staff recommends Alternative 2, which increases management flexibility and consistency across FMPs. Framework Adjustments to FMPs generally involve minor plan modifications and require review by the Council at a minimum of two meetings (one of which 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. This approach represents a time and resource savings for the Council, and increases overall flexibility to respond quickly to management needs

3. *Action 3 – In-Season Adjustment Authority*

Recommend Alternative 2 – In-Season Adjustment Authority

Option B – Allowance for adjustments to specifications and measures identified under specifications actions by FMP

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.

Option B - Allowance for adjustments to specifications and measures identified under specifications actions by FMP.

Rationale: Staff recommends Alternative 2/Option B, which provides the most flexibility of the two options. 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. This approach still requires Council consultation with the Regional Administrator (i.e., the Council requests the in-season adjustment to be made and recommends what should be adjusted). Alternative 2 would allow managers the flexibility to respond in a timely manner to updated scientific and fishery information across all its FMPs.

4. Action 4 – Annual Review/Report

Recommend Alternative 2 – Remove the requirement to prepare an 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.

Rationale: Council staff recommends Alternative 2, which increases management flexibility and consistency across FMPs. Under 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.

5. Action 5- List of Framework Adjustment Items

Recommend adding all Actions 1-4.

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.

Rationale: Council staff recommends adding all Actions 1-4 to the list of framework adjustment items.

Draft Motions for the Council to Consider

1. Move to select as the preferred alternative for Action 1 – Specifications Frequency as Alternative 2 – Specification Frequency.
2. Move to select as the preferred alternative for Action 2 – Specifications Setting Process as Alternative 2 – Specification Setting Process.
3. Move to select as the preferred alternative for Action 3 – In-Season Adjustment Authority as Alternative 2 – In-Season Adjustment Authority, Option B – Allowance for adjustments to specifications and measures identified under specifications actions by FMP.
4. Move to select as the preferred alternative for Action 4 – Annual Review/Report as Alternative 2 – Remove the requirement to prepare an annual review/report.
5. Move to select as preferred: Action 5 – List of Framework Adjustment Items to add all Actions 1-4.
6. Move to submit the Omnibus Management Flexibility Amendment to NOAA Fisheries, as amended today.