



New England Fishery Management Council

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C.M. "Rip" Cunningham, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

**DATE:** February 29, 2012  
**TO:** Council  
**FROM:** Paul J. Howard, Executive Director  
**SUBJECT:** Summary of February 28, 2012

The Executive Committee met on February 28, 2012 at the Sheraton Colonial Hotel in Wakefield, MA. Messrs. Cunningham, Odlin, Stockwell, and Darcy and Ms. McGee participated in the meeting. Messrs. Howard, Kellogg and Nies and Ms. Roy and Fiorelli attended from the Council staff. Dr.'s Karp and Legault attended from the NEFSC and SSC. Audience members included David Goethel. The committee discussed the following agenda items:

1. *Discuss timelines and management actions:* Mr. Kellogg reviewed the draft NEFMC timelines and made several minor adjustments to dates based on several factors. ***See Encl (1).***
2. *Revisit priorities and consider work plan and resources to address Sturgeon listing:* Mr. Howard reviewed the current priorities and suggested several minor adjustments and delays. In addition, the committee agreed to incorporate language into the current management priorities under groundfish, monkfish, scallops and skates that reads "address ESA listing for Sturgeon." ***See Encl (2).***
3. *Discuss extending March 1<sup>st</sup> deadline for Amendment 18 public comments:* The committee discussed the request for an extension to the comment period for Amendment 18 from the Northeast Seafood Coalition and MA DMF. Given the potential new impacts associated with the groundfish assessments, additional time was requested to comment on Amendment 18. The committee agreed to extend the comment period an additional 60 days.
4. *Discuss draft policy concerning AP chairs attending O/S Committee meetings:* Mr. Howard reviewed the current Advisory Panel policy and the committee agreed to add new language to the policy encouraging AP Chairs to attend meetings of their respective committees and be seated at the table along with committee members. However, the AP Chairs would not be allowed to make motions or vote. ***See Encl (3).***
5. *Discuss outstanding outreach items in response to Touchstone and approve changes to PDT policy:* Mr. Howard reviewed the current PDT policy and the committee agreed on adding new language to the policy stating that the Executive Director will appoint PDT members. The change would allow the Executive Committee to approve industry-funded and non-governmental organization scientists on a case-by-case basis.

Ms. Fiorelli reviewed the 'Approval Process and Guidelines for Communications with the Media' policy but it was agreed that no changes be made to the current policy.

The committee reviewed the Touchstone report memo and the actions taken to date. Additionally, Mr. Kellogg stated that Fisheries Forum was interested in co-sponsoring an ABC risk policy workshop working directly with our SSC which will be held outside of a Council meeting. Mr. Cunningham agreed to work with staff to put together a Steering Committee for this workshop. *See Encls (4 & 5).*

6. *Discuss and prepare comments on Draft MOU FWS and NMFS about sea birds:* Mr. Kellogg stated that staff reviewed the MOU and felt that the Council staff didn't have the expertise to address sea birds in our FMPs. The Committee agreed that the Council should comment that NMFS should work directly with the Fish and Wildlife Service and provide recommendations.

7. *Discuss Council membership on NROC:* Mr. Howard stated that when the Council is asked to select a member for the Regional Planning Board, he/she will have to be a federal, state or local government official serving as a voting member of the Council. *See Encl (6).*

8. *Discuss SSC GOM Cod work plans on stock structure / stock assessment:* The Committee reviewed the SSC work plans for GOM cod. The two work plans address stock structure and stock assessment questions. For the stock assessment issue, Dr. Karp explained NEFSC plans and limitations, noting that either an updated GOM cod assessment could be provided in September (MRIP data will not be available until August) or a new benchmark could be completed in December.

The SSC work plans call for addressing the stock structure issue by August but concerns were expressed that this may not be achieved. It is unlikely the GOM cod benchmark in December will incorporate new stock structure information. The Committee also discussed the review of the Dr. Butterworth paper planned for the March 28 SSC meeting and directed staff to prepare terms of reference. The Committee members agreed that a GOM cod benchmark assessment in December would be preferable to an earlier update; this recommendation will be presented to the Council in April but presumably will also need NRCC approval. Long term, it is not clear how the results of the stock structure investigations will be incorporated into assessments and management. Several possible timelines are attached. *See Encl (7).* – (Exec Cte: we are waiting for the NEFSC to give us a better idea of how long the stock structure review will take).

The Committee also discussed implementing the results of December GOM and GB cod benchmarks. A process similar to that originally planned for GOM cod in 2012 will be followed: the ABC framework will analyze a range of possible ABCs, the SSC will develop a recommendation after the assessment results are final, the Council will set ABCs in January and NMFS will implement the proposed ABCs for May 1, 2013. It may be necessary for this action to be supported by an EIS and not an EA.

9. *Discuss rockhopper and roller gear letter from NMFS:* The committee agreed that the Groundfish Committee should discuss this issue at an upcoming Groundfish Committee meeting.

10. *Approve 2013 Council meeting schedule:* Ms. Roy reviewed the proposed Council meeting schedule dates for 2013 which were approved by the committee.

**DRAFT New England Fishery Management Council Timelines  
February 29, 2012**

SCALLOPS.....	2
1.    SCALLOP FRAMEWORK 24 - 2013-2014 SCALLOP SPECIFICATIONS .....	2
2.    PERFORMANCE REVIEW OF LAGC IFQ PROGRAM .....	2
3.    SCALLOP FRAMEWORK 23 .....	3
GROUNDFISH.....	4
1.    GROUNDFISH FRAMEWORK 47 - 2012-2014 SPECIFICATIONS .....	4
2.    FRAMEWORK TO ADJUST SECTOR RULES BASED ON OCT 2011 SECTOR WORKSHOP.....	4
3.    SPECIFICATIONS TO SET ABCs/ACLs FOR GROUNDFISH STOCKS FOR 2013-2014.....	5
4.    FRAMEWORK TO MOVE UNUSED ACE BETWEEN SCALLOP/GROUNDFISH & RECREATIONAL FLEETS .....	5
5.    GROUNDFISH AMENDMENT 18 .....	6
HERRING.....	7
1.    HERRING AMENDMENT 5.....	7
2.    HERRING SPECIFICATIONS FOR 2013-2015 .....	8
WHITING (SMALL MESH MULTISPECIES).....	9
1.    WHITING AMENDMENT 19 – ACLs, AMS, SPECIFICATIONS FOR 2012– 2014 .....	9
2.    WHITING AMENDMENT 20 – LIMITED ACCESS PROGRAM FOR WHITING.....	9
HABITAT.....	10
1.    OMNIBUS HABITAT AMENDMENT 2, PHASES I & II.....	10
MONKFISH.....	12
6.    MONKFISH AMENDMENT 6 .....	12
A.    AMENDMENT 6 WITHOUT IFQ OPTION & REFERENDUM .....	12
B.    AMENDMENT 6 WITH IFQ OPTION & REFERENDUM.....	13
ECOSYSTEMS .....	14
1.    ECOSYSTEM BASED FISHERIES MANAGEMENT PLAN - PHASE I.....	14
SKATES .....	15
1.    SKATE SPECIFICATIONS FOR 2012 – 2013 .....	15
2.    SKATE ANNUAL MONITORING 2012 .....	15
STANDARDIZED BYCATCH REPORTING METHODOLOGY (SBRM).....	16
1.    STANDARDIZED BYCATCH REPORTING METHODOLOGY (SBRM) AMENDMENT .....	16



## SCALLOPS

### 1. Scallop Framework 24 - 2013-2014 scallop specifications

OBJECTIVE: Automatic Measures: ABC/ACLs, DAS, access area allocations for LA and LAGC, NGOM TAC based on new survey results, research priorities for RSA program, RPMs for turtles

Other measures that have been added: modification of GB access area opening dates, currently June 15 (may require joint action with GF); consider separate YT flounder sub-ACL and AMs for the LAGC trawl fishery; address timing of AMs for YT flounder sub-ACL; leasing LAGC IFQ mid-year; and expanding observer set-aside program to include LAGC IFQ open area trips

STAFF PROJECT MANAGER: Deirdre Boelke

TARGET COMPLETION DATE: NOV 2012

TARGET IMPLEMENTATION DATE: MAY 2013

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on framework	JAN 2012	✓
2. Council initiates framework	JAN 2012	✓
3. SSC develops ABC recommendations	SEP 2012	
<b>4. Council approves framework</b>	<b>SEP 2012</b>	<b>NOV 2012<sup>1</sup></b>
5. Staff submits framework to NMFS	OCT 2012	<b>DEC 2012</b>
6. Implementation	MARCH 2013	<b>MAY 2013</b>

1. Changed from SEP after PDT and Committee developed action plan for first Council meeting in Jan 2012

### 2. Performance review of LAGC IFQ program

OBJECTIVE: Performance review and potential workshop (similar to lessons learned sector workshop) for LAGC IFQ program - after FW 24 submitted

STAFF PROJECT MANAGER: Deirdre Boelke

TARGET COMPLETION DATE: APR 2013

TARGET IMPLEMENTATION DATE: N/A

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on performance review	JAN 2012	✓
<b>2. Present results and recommendations for Council consideration</b>	<b>JAN 2013</b>	<b>APR 2013<sup>1</sup></b>
3. Council will decide whether to conduct a workshop	TBD	

1. Changed from JAN 2013 after Council expanded the scope of this project at the Jan 2012 Council meeting. Scope will still include a review of economic and social trends as well as other relevant indicators about the effectiveness of the program.



### 3. Scallop Framework 23

OBJECTIVE: Minimize impacts on sea turtles by requiring the use of turtle excluder dredge, review/revise YT AM and possible adjustments to the LAGC NGOM program

STAFF PROJECT MANAGER: Deirdre Boelke

TARGET COMPLETION DATE: OCT 2011

TARGET IMPLEMENTATION DATE: MAR 2012

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on framework	JAN 2011	✓
2. Council initiates framework	JAN 2011	✓
3. Council approves framework	SEP 2011	✓
4. Staff submits framework to NMFS	OCT 2011	✓ DEC 2011 <sup>1</sup>
5. Implementation	MAR 2012	MAR/APR 2012

1. FW23 was submitted to NMFS three times (once in October and twice in November) after consultation with NERO.

#### Other actions the Scallop PDT and Committee will be working on in 2012 that could impact the timelines above

<b>Scallop</b>	Council requested Emergency Action to close Delmarva in 2012 and shift trips to Closed Area 1
<b>GF</b>	Council to address SNE/MAB windowpane flounder and SNE/MAB winter flounder sub ACLs for scallop fishery
	Council to consider the mixed stock exception for SNE/MAB windowpane flounder
<b>EFH</b>	Development of EFH measures and analysis of potential impacts on scallop fishery
<b>Sturgeon</b>	Possible need to develop measures to reduce impacts on endangered sturgeon - process still uncertain

## GROUND FISH

### 1. Groundfish Framework 47 - 2012-2014 specifications

OBJECTIVE: Specifications (OFLs/ABCs/ACLs) for 20 stocks 2012-2014, address outstanding AMs for ocean pout, windowpane flounder, and halibut, consider eliminating GB access areas YT flounder 10% cap, consider allocating 100% of scallop fishery estimated YT flounder catch to scallop fishery

STAFF PROJECT MANAGER: Tom Nies  
 TARGET COMPLETION DATE: OCT/NOV 2011  
 TARGET IMPLEMENTATION DATE: MAY/JUN 2012

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on specifications/framework	DEC 2010	✓
2. Council initiates framework adjustment	JUN 2011	✓
3. Council approves specifications/ framework	NOV 2011	✓
4. Staff submits specifications package to NMFS	DEC 2011	✓ FEB 2012 <sup>1</sup>
5. Implementation	MAY/JUN 2012	

1. Delayed by work on request for Interim Action for GOM cod.

### 2. Framework to adjust sector rules based on Oct 2011 Sector workshop

Sector monitoring adjustments, determination of why OY is not being caught and the development of measures to attempt to achieve OY, and review 10 percent quota rollover provision

STAFF PROJECT MANAGER: Tom Nies / Anne Hawkins  
 TARGET COMPLETION DATE: TBD  
 TARGET IMPLEMENTATION DATE: MAY/JUN 2013

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Conduct workshop	OCT 25-26, 2011	✓
2. Committee / PDT develop options for Council consideration	JAN – JUN 2011	JAN 2011 - SEP 2012 <sup>1</sup>
3. Council initiates framework adjustment	JUN 2012	
4. Council approves framework adjustment	SEP 2012 <sup>2</sup>	
5. Staff submits specifications package to NMFS	DEC 2012	
6. Implementation	MAY/JUN 2013	

1. Delayed by work on request for Interim Action for GOM cod

2. Final action will depends on the number of measures the Council decides to include in the framework and progress on some difficult problems. It is possible that final action could be delayed if monitoring issues, for example, take longer to resolve.



### 3. Specifications to set ABCs/ACLs for Groundfish Stocks for 2013-2014

OBJECTIVE: Set specifications (ABCs, ACLs, AMs) for groundfish stocks including Gulf of Maine cod for 2013-2014

STAFF PROJECT MANAGER: Tom Nies  
 TARGET COMPLETION DATE: DEC 2012  
 TARGET IMPLEMENTATION DATE: MAY/JUN 2013

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Council receives SAW 53 assessment results	JAN 2012	✓
2. Groundfish Assessment Update Peer Review Meeting	FEB 2012	✓
3. SSC develops work plan to address issues that might influence interpretation of GOM cod assessment results (MRIP & CPUE data, discard mortality, stock structure)	FEB 2012	✓
4. SSC reviews Butterworth/Rademayer paper and begins work on developing ABC recommendations for other groundfish with assessment updates	MAR/APR 2012	
5. NEFSC includes appropriate information from work plans in assessment update work	MAY-AUG 2012	
6. NEFSC includes MRIP data in GOM cod assessment update data	AUG 2012	
7. NEFSC completes GOM cod assessment update	AUG-SEP 2012	
8. SSC develops cod ABC recommendation based on assessment update	SEP/OCT 2012	
9. PDT completes specifications documents	OCT/NOV 2012	
<b>10. Council approves specifications</b>	<b>NOV 2012</b>	
11. Staff submits specifications package to NMFS	DEC 2012	
12. Implementation	MAY/JUN 2013	

### 4. Framework to move unused ACE between scallop/groundfish & recreational fleets

OBJECTIVE: Prepare framework to move unused annual catch entitlement (ACE) between scallop/groundfish fleets and between groundfish commercial and recreational fleets

PROJECT MANAGER: Tom Nies  
 TARGET COMPLETION DATE: TBD  
 TARGET IMPLEMENTATION DATE: TBD



**5. Groundfish Amendment 18**

OBJECTIVE: Amendment to consider fleet diversity and accumulation caps

PROJECT MANAGER: Anne Hawkins

TARGET COMPLETION DATE: JUN 2013

TARGET IMPLEMENTATION DATE: MAY 2014

MILESTONES	PLANNED	COMPLETED ✓ / PROJECTED
1. Staff completes draft Fleet Diversity, Allocation, and Excessive Shares whitepaper	SEP 2010	✓
2. Accumulation Limits Workshop	JUN 2011	✓
3. Committee approves scoping document	AUG 2011	✓
4. Council approves scoping document	SEP 2011	✓
5. Scoping hearings	NOV-DEC 2011	✓ JAN 2012
6. Council reviews scoping comments	JAN 2012	JUN 2012 <sup>2</sup>
7. Development of measures, analysis; expansion of white paper	FEB-SEP 2012	TBD
8. Council selects preferred alternatives	NOV 2012	TBD
9. Preparation of public hearing document	DEC 2012	TBD
10. Public hearings	JAN- FEB 2013	TBD
11. Council selects final alternatives	APR 2013	TBD
12. Submit final document to NMFS	JUN 2013	TBD
13. Implementation	MAY 2014	TBD

1. The Council revised Groundfish priorities for 2012 and put several actions ahead of the completion of Amendment 18.
2. Delayed from APR by Executive Committee decision on Feb 28 to extend the comment period by an additional 60 days

## HERRING

### 1. Herring Amendment 5

**OBJECTIVE:** Implement catch monitoring program, measures to address river herring bycatch, measures to establish criteria for access to groundfish closed areas by mid-water trawl vessels, measures to address interactions with the Atlantic mackerel fishery and bycatch concerns with inclusion of MAFMC recommendation for river herring catch cap

STAFF PROJECT MANAGER: Lori Steele

TARGET COMPLETION DATE (*REVISED*): MAY 2012

TARGET IMPLEMENTATION DATE (*REVISED*): JAN 2013

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Herring Committee, PDT, and Advisory Panel continue development of alternatives for Amendment 5	JAN – MAY 2010	✓
2. Council approves Amendment 5 alternatives for analysis in DSEIS	JUN 2010	✓ JAN 2011 <sup>1</sup> .
3. Council approves Draft Amendment 5/DSEIS and public hearing document and selects preferred alternatives	SEP 2010	✓ SEP 2011
4. Council approves MAFMC option for river herring catch cap		✓ NOV 2011
5. Staff submits DEIS for review	OCT 2010	✓ JAN 2012
6. Staff resubmits DEIS for review in response to NMFS comments		FEB-MAR 2012
7. Public Hearings	OCT/NOV 2010	MAR 2012
8. NMFS approves DEIS for publication	OCT 2010	MAR 2012 <sup>2</sup> .
9. Council reviews public and advisor comments and O/S recommendations; approves final Amendment 5 measures	JAN 2011	JUN 2012 <sup>3</sup> .
10. Staff submits Amendment 5	FEB 2011	JUL 2012
11. Amendment 5 Implementation	JUL/AUG 2011	FEB 2013

1. Delayed due to delays in decision making and the addition of alternatives such as those to address river herring bycatch

2. Approval of DEIS delayed from February until March. This step was added for clarification.

3. Delayed until June – due to the time to address NMFS comments and publish the Notice of Availability (NOA), the 45-day comment period on DEIS will not end before the April Council meeting.

## 2. Herring Specifications for 2013-2015

OBJECTIVE: Prepare specs package for 2013-2015 based on new research assessment to be completed in July 2012

STAFF PROJECT MANAGER: Lori Steele

TARGET COMPLETION DATE: DEC 2012

TARGET IMPLEMENTATION DATE: TBD (2013)

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on specifications	MAY-JUNE 2012	
2. PDT receives assessment results from SAW/SARC	JUL- AUG 2012	
3. SSC develops ABC recommendation(s)	AUG 2012	
4. Council reviews SSC advice and selects options for specifications	SEP 2012	
5. Herring PDT develops specifications package/analyses options	OCT 2012	
6. Council selects final 2013-2015 specifications	NOV 2012	
7. Staff submits specifications package	DEC 2012	
8. Implementation	ASAP 2013	



## WHITING (Small Mesh Multispecies)

### 1. Whiting Amendment 19 – ACLs, AMs, Specifications for 2012– 2014

OBJECTIVE: Bring the Whiting FMP into compliance with MSRA requirements for setting ABC, ACLs and AMs. ACLs, AMs, specifications for 2012-2014, consider output controls.

STAFF PROJECT MANAGER: Andrew Applegate

TARGET COMPLETION DATE (*REVISED*): MAY 2012

TARGET IMPLEMENTATION DATE (*REVISED*): DEC 2012

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Council receives results of whiting assessment	JAN 2011	✓
2. PDT develops ABC/ACL methods	<b>FEB/MAR 2011</b>	✓
3. SSC recommends ABC method	<b>APR 2011</b>	✓
4. SSC approves ABC	AUG 2011	✓
5. AP and Oversight Committee develop AM options and ACL allocations	<b>JAN/MAY 2011</b>	✓
6. Council approves management alternatives for analysis	<b>JUN 2011</b>	✓ SEP 2011
7. PDT prepares Draft Amendment	MAY/AUG 2011	✓ OCT 2011-JAN 2012
8. Council approves draft amendment and selects preferred alternatives	<b>SEP 2011</b>	✓ JAN/FEB 2012
9. Public hearings	NOV 2011	MAR/APR 2012 <sup>1.</sup>
10. Council approves final amendment measures	<b>NOV 2011</b>	<b>APR 2012</b>
11. Staff submits final amendment to NMFS	DEC 2011	MAY 2012
12. Implementation	JULY 2012	DEC 2012

1. Delayed from February to March/April because additional time needed to receive economic analysis from PDT; The delay should not have an impact on final action by Council in April.

### 2. Whiting Amendment 20 – Limited Access Program for Whiting

OBJECTIVE: Develop Limited access program for Small Mesh Multispecies FMP which includes whiting.

STAFF PROJECT MANAGER: TBD

TARGET COMPLETION DATE (*REVISED*): TBD

TARGET IMPLEMENTATION DATE (*REVISED*): TBD

## HABITAT

### 1. Omnibus Habitat Amendment 2, Phases I & II

OBJECTIVE: Designate EFH for all managed species, HAPCs as necessary, and minimize the adverse effects of fishing on EFH to the extent practicable in a consistent manner across all FMPs, including consideration of groundfish closures.

PROJECT MANAGER: Michelle Bachman

TARGET COMPLETION DATE: JUN 2013

TARGET IMPLEMENTATION DATE: FEB 2014

MILESTONES	PLANNED/ REVISED	COMPLETED (✓) / PROJECTED
1. Phase I scoping hearings	MAR 2004	✓
2. Council approves EFH designations (Phase I)	JUN 2007	✓
3. Peer Review of Habitat Models	FEB 2011	✓
4. Committee develops alternatives to minimize, to the extent practicable, adverse effects of fishing on EFH (including coral alts)	MAY-JUN 2011	Through AUG 2011
5. PDT analyzes adverse effects minimization alternatives (including coral alts)	MAY-JUN 2011	MAY-SEP 2011
6. Advisory Panel reviews adverse effects minimization alternatives and deep-sea coral alternatives	MAY-JUN 2011	JUL 2011
7. Habitat Committee finalizes deep-sea coral alternatives for Council consideration	Winter 2012	MAR/APR 2012
8. Habitat Committee finalizes fishing impacts minimization options (=habitat options), forwards to joint process with groundfish	<b>Winter 2012</b>	
9. Habitat Committee develops Designated Habitat Research Area (DHRA) options	Winter/Spring 2012 <sup>1</sup>	
10. Groundfish Committee /PDT develops options for groundfish areas, including AP review	Winter/Spring 2012 <sup>2</sup>	
<b>11. Council approves deep-sea coral alternatives for analysis</b>	<b>APR 2012<sup>3</sup></b>	
12. Habitat and Groundfish committees package habitat and groundfish options into alternatives	MAY 2012	
<b>13. Council approves packaged habitat /groundfish alternatives for analysis, including DHRAs</b>	<b>JUN 2012</b>	
<b>14. Council approves Omnibus 2 DEIS<sup>4</sup> and public hearing document; selects preferred alternatives</b>	<b>SEP 2012</b>	
15. Staff submits Omnibus 2 DEIS (combining EFH and HAPC designations, habitat/groundfish alternatives, DHRAs, and deep-sea coral alternatives)	NOV 2012	
16. NMFS publishes NOA, starts 45-day DSEIS comment period	JAN 2013	

<sup>1</sup> This step was added for clarification.

<sup>2</sup> Timing of this step (development of groundfish options) is less certain than timing on habitat and coral options, which are already substantially developed. Delays in this step may push back step 13 past June.

<sup>3</sup> Contingency date June 2012

<sup>4</sup> This document will include EFH designations, HAPC designations, and other EFH-related FMP requirements. These have previously been reviewed by the Council.

MILESTONES	PLANNED/ REVISED	COMPLETED (✓) / PROJECTED
17. Public hearings	FEB 2013	
<b>18. Council approves Omnibus Amendment 2 &amp; Draft FEIS</b>	<b>APR 2013</b>	
19. Staff submits Omnibus Amendment 2 & Draft FEIS	JUN 2013	
20. Implementation	FEB 2014	



## MONKFISH

### 6. Monkfish Amendment 6

#### a. Amendment 6 WITHOUT IFQ option & referendum

OBJECTIVE: Consider catch shares (sectors and IFQs) for inclusion in the Monkfish FMP

STAFF PROJECT MANAGER: Phil Haring

TARGET COMPLETION DATE: FEB 2014 without referendum; AUG 2015 with referendum

TARGET IMPLEMENTATION DATE: AUG 2014 without referendum; MAR 2016 with referendum

#### WITHOUT REFERENDUM

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on framework	SEP 2010	✓
2. Scoping	NOV 2010 – FEB 2011	✓
3. Council considers scoping comments	APR 2011	✓
4. Council approves goals & objectives	SEP 2011	✓ NOV 2011
5. Committee develops management alternatives	FEB - OCT 2012	To be determined (TBD) – will be delayed to address sturgeon takes in monkfish fishery
6. Council approves Amendment 6 alternatives for analysis in DSEIS*	NOV 2012	TBD
7. Council approves Draft Amendment 6/DSEIS and public hearing document and selects preferred alternatives	MAY 2013	TBD
7. Public Hearings	AUG 2013	TBD
8. Council reviews public and advisor comments and O/S recommendations; approves final Amendment 6 measures	NOV 2013	TBD
9. Staff submits FEIS for final review	FEB 2014	TBD
10. NMFS review/approval/publish proposed rule	MAY 2014	TBD
11. NMFS comment review/publish final rule	JULY 2014	TBD
12. Implementation	AUG 2014	TBD

**b. Amendment 6 WITH IFQ option & referendum**

OBJECTIVE: Consider catch shares (sectors and IFQs) for inclusion in the Monkfish FMP

STAFF PROJECT MANAGER: Phil Haring

TARGET COMPLETION DATE: FEB 2014 without referendum; AUG 2015 with referendum

TARGET IMPLEMENTATION DATE: AUG 2014 without referendum; MAR 2016 with referendum

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff begins work on framework	SEP 2010	✓
2. Scoping	NOV 2010 – FEB 2011	✓
3. Council considers scoping comments	APR 2011	✓
4. Council approves goals & objectives	SEP 2011	✓ NOV 2011
5. Committee develops management alternatives	FEB - OCT 2012	To be determined (TBD) – will be delayed to address sturgeon takes in monkfish fishery
6. Council approves Amendment 6 alternatives for analysis in DSEIS (including voter eligibility)*	MAR. 2013	TBD
7. Council approves Draft Amendment 6/DSEIS and public hearing document and selects preferred alternatives	NOV 2013	TBD
8. Public Hearings	FEB 2014	TBD
9. Council reviews public and advisor comments and O/S recommendations; approves final Amendment 6 measures	MAY 2014	TBD
10. NMFS prepare and conduct referendum (including proposed and final rule), tally results; concurrent with FEIS preparation	MAY 2015	TBD
11. Staff submits FEIS for final review	AUG 2015	TBD
12. NMFS review/approval/publish proposed rule	NOV 2015	TBD
13. NMFS comment review/publish final rule	FEB 2016	TBD
14. Implementation	MAR 2016	TBD

## ECOSYSTEMS

### 1. Ecosystem Based Fisheries Management Plan - Phase I

**OBJECTIVE:** Establish goals and objectives and ecosystem production units throughout Gulf of Maine, Georges Bank and Southern New England. This action will be the first phase of a future amendment to Council FMPs and the Council's final decision on goals and objectives and ecosystem production units will be published in the Federal Register, but at this time the action is expected to have a categorical exclusion (CE) from NEPA.

**PROJECT MANAGER:** Andrew Applegate

**TARGET COMPLETION DATE:** JAN 2013

**TARGET IMPLEMENTATION DATE:** NA

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Staff develops visioning documents including discussion of ecosystem production units	JAN-FEB 2012	MAR-APR 2012 <sup>1</sup>
2. Council conducts visioning meetings to solicit input on ecosystem production units (EPUs)	MAR-APR 2012	MAY 2012
3. Ecosystems Committee develops goals and objectives and ecosystem production units	MAR-OCT 2012	APR-OCT 2012
<b>4. Council approves goals and objectives and ecosystem production units for Phase I</b>	<b>NOV 2012</b>	
5. Submit to NMFS for approval /publication in the Federal Register	DEC 2012	
6. Publication in Federal Register	JAN 2013	

1. Delayed due to additional staff work on whiting amendment



## SKATES

### 1. Skate Specifications for 2012 – 2013

OBJECTIVE: Set specifications including any changes to possession limits for 2012-2013

PROJECT MANAGER: Andrew Applegate

TARGET COMPLETION DATE: OCT 2011

TARGET IMPLEMENTATION DATE: MAY 2012

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. PDT analyzes and develops skate survey index calibration methods and options	FEB/MAR 2011	✓
2. SSC approves calibration method to apply to ABC	APR 2011	✓
3. PDT updates survey and fishery data, including 2010 calibrated survey, discard mortality, and 2010 discards to estimate 2012-2013 ACL specifications	APR/MAY 2011	✓
4. SSC approves ABC and ACL specifications	JUN 2011	✓
5. Council approves range of specifications (TALs, possession limits, etc.) for specifications package or initiates framework adjustment	JUN 2011	✓
6. PDT prepares specifications package	JUL/AUG 2011	✓
7. Council approves ACL specifications package or framework adjustment	SEP 2011	✓
8. Staff submits final specifications or framework adjustment to NMFS	OCT 2011	✓ JAN 2012
9. Implementation	MAY 2012	

### 2. Skate annual monitoring 2012

OBJECTIVE: PDT to develop an annual monitoring report to determine whether post-season accountability measures will be triggered or other action is needed.

PROJECT MANAGER:

TARGET COMPLETION DATE: SEP 2012

TARGET IMPLEMENTATION DATE: NA

MILESTONES	PLANNED	COMPLETED (✓) / PROJECTED
1. Area allocation tables for CY 2011 become available for analysis to estimate CY 2011 discards	APR/MAY 2012	
2. Fishing year 2011 ends; landings data become available for analysis to estimate total FY 2011 catch	MAY 2012	
3. PDT analyzes data and develops report (2 meetings)	APR-JUN 2012	
4. Annual Monitoring report presented to Council	SEP 2012	

## Standardized Bycatch Reporting Methodology (SBRM)

### 1. Standardized Bycatch Reporting Methodology (SBRM) Amendment

OBJECTIVE: Remedy deficiencies in current SBRM amendment in cooperation with NMFS  
and the Mid-Atlantic Fishery Management Council

NEFMC Staff Lead: Talia Bigelow

TARGET COMPLETION DATE: TBD

TARGET IMPLEMENTATION DATE: TBD

NMFS will develop plan for completing this amendment.

**DRAFT Management Priorities for 2012**  
**(Rev. 1, Feb 2012)**

Groundfish (Tom, Anne)

1. Coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
2. Prepare framework action to adjust sector rules based on lessons learned from Oct 2011 Sector Workshop, including determination of why OY is not being caught and the development of measures to attempt to achieve OY, and review 10 percent quota rollover provision in response to RA letter of June 20, 2011.
3. Prepare framework to respond to new assessment information for 9 stocks
4. Develop options to move unused ACE between scallop/groundfish fleets and between groundfish commercial and recreational fleets.
5. Continue Amendment 18 to consider fleet diversity and accumulation caps
6. **(New) Address ESA listing for Sturgeon**

Monkfish (Phil)

1. Continue Monkfish Amendment 6 for catch shares (sectors and IFQs).
2. **(New) Address ESA listing for Sturgeon**

Sea Scallops (Deirdre)

1. Prepare FW 24 – to set specs for 2013 and 2014 and default measures for 2015. *(Oct 2012 completion)*
  - Automatic Measures: ABC/ACLs, DAS, access area allocations for LA and LAGC, NGOM TAC based on new survey results, research priorities for RSA program, RPMs for turtles
  - Other measures that could potentially be added:
    - 1) consider modification of GB access area opening dates, currently June 15 (would require joint action with GF);
    - 2) address sub-ACL of YT flounder (potentially divide sub-ACL between LA and LAGC and develop AMs for LAGC trawl fishery);
    - 3) leasing LAGC IFQ mid-year;
    - 4) performance review workshop (similar to lessons learned sector workshop) of LAGC IFQ program to date (not in FW 24 – after FW 24 submitted);
2. **(New) Address ESA listing for Sturgeon**

Herring (Lori)

1. Continue Amendment 5 to include monitoring, mackerel, river herring bycatch, criteria for access to closed areas and protection of spawning aggregations. *(Mar 2012 completion)*
2. Prepare specs package for 2013-2015 based on new assessment.

Ecosystem Based Management (Andy)

1. Prepare Ecosystem Based Fisheries Management Plan. Phase I to establish Goals and Objectives and establish ecosystem production units throughout GOM, GB and SNE. This action will hopefully have a Categorical Exclusion (CE) from NEPA. *(1 year)*

SBRM Amendment (Talia)

1. Prepare new SBRM Amendment w/NMFS lead (response to lawsuit).

Whiting (Delay)

1. Continue Whiting Amendment to set ACLs, AMs and Specs (2012-2014). *(Mar 2012 completion)*
2. Upon completion of item 1, prepare an amendment for limited entry to the whiting fishery.

ENCLOSURE ( 2 )



Skates (Andy)

1. (New) Address ESA listing for Sturgeon

Vision (Delay)

1. Hold public hearings to include stakeholders in the development of the Council's Vision.

**Continue from 2011 and ongoing actions:**

Habitat (Michelle)

1. Continue Omnibus Habitat Amendment

RSC (Phil)

1. Continue to steer research to support NEFMC plans.

SSC (Chris)

1. Support SSC activities such as recommending ABC and making recommendations in the FMP development process.

Enforcement, Safety and VMS (Lou)

1. Continue to support enforcement, safety and VMS issues.
- 

**Strawman below the line for future consideration:**

Groundfish

1. Potential action to address Groundfish sector monitoring requirements resulting from Oceana lawsuit.
2. Prepare framework to establish LAGC ACLs and AMs for YT under the Groundfish FMP. Coordinate with Scallop Cte and PDT.
3. Recreational issues: Expecting new recreational catch data based on MRIP. Council may want to react to new recreational catch estimates.

Sea Scallops

1. Amendment 16 – Consideration of IFQs for the limited access scallop fishery
2. Amendment 17 - Added at September 2011 Council meeting by motion: *Coordinate action with Groundfish Cte to develop strategies to manage YT flounder bycatch under the Scallop FMP including those strategies listed in Motion 13 from Sep 13, 2011 Scallop Cte meeting* (For example, sub-dividing the YT sub-ACL, participation in GF sectors for LAGC fishery, changing the sub-ACL to a baseline allocation rather than based on projected catch, re-designing the access area program etc. This action would focus on YT initially, but could be expanded to other bycatch species if needed.)
3. Measure to address 5% allocation versus % of actual catch for LAGC fishery (expand current disclaimer to include LAGC fishery as well that allows catch above ACL if updated projection of F lower);
4. Develop AMs for windowpane flounder, if GF FW 47 implements sub-ACL

Hagfish

1. Prepare new Hagfish FMP

#### Other: (Interspecies Actions)

1. Develop a strategy including goals and objectives, issues and recommendations to improve monitoring in all FMPs.
2. Prepare Amendment to respond to NRCC working group recommendations to simplify vessel baseline, upgrade, and replacement restrictions. [NMFS lead – Advance Notice of Proposed Rulemaking published on October 5, 2011]

#### Ecosystem based Management

- **Phase II:** Prepare Amendment 1. Identify management and scientific requirements to implement EBFM. Establish Monkfish and skate complex as part of Multispecies Plan. Consider predation and competition and consider new reference points based on new modeling approaches for the new Multispecies complex. This action will have an EIS (2 years)
- **Phase III:** Prepare Amendment 2. Implement Ecosystem Based Fisheries Management. Implement quota based management in all Ecosystem Production Units (EPU, i.e. GOM, GB and SNE). Allocate all fishery resources (9 current FMPs) to each EPU (new spatial management). Establish accumulation limits, transferability requirements, and permitting and monitoring requirements, etc. (identified in Phase II). This action will have an EIS. *(3 years)*

#### Note FMP requirements for 2013

Groundfish: Set specs for 2014 and 2015 (rollover provision exists)

Monkfish: Set specs for 2014 and 2015 (rollover provision exists)

Skates: Set specs for 2014 and 2015 (rollover provision exists)

Red Crab: Set specs for 2014 and 2015 (rollover provision exists)





## Advisory Panels

Council Advisory Panels (APs), which meet the requirements for a fishing industry advisory committee (FIAC) are charged with carrying out the objectives and duties listed below for a specific fishery management plan (FMP) or management problem. The Council may establish or abolish its Advisory Panels as necessary.

New England Council APs shall be appointed by and serve at the pleasure of the Council. When a Council oversight committee determines that an Advisory Panel will facilitate its work in preparing or amending a fishery management plan (FMP) or provide assistance in addressing a special issue or problem, the Council will appoint an AP.

Every fall, each oversight committee reviews its existing advisory panel membership and recommends any changes to the Council's Executive Committee. A maximum of 15 individuals may be appointed to any Advisory Panel.

The Executive Committee provides final approval for membership on all NEFMC Advisory Panels. The three-year term for advisors begins on October 1st or as soon thereafter as possible. All decisions and recommendations made by an Advisory Panel are considered to be advisory in nature and are not binding on the Council.

**Membership** The Advisory Panels shall be composed of individuals who are either actively engaged in some aspect of the region's commercial or recreational fisheries, or are knowledgeable and interested in the conservation and management of a fishery or group of fisheries that are managed by the Council. Panel membership shall also reflect as broad a cross-section as possible of interests and expertise from the standpoint of geographical distribution, user group representation, and social and economic diversity that generally may be found within the Council's geographical area of concern.

Other Councils may be invited to name advisors to serve as members of a New England Council's Advisory Panel if the FMP, amendment or, problem under consideration extends into the management area of the other Council.

The New England Council will reimburse advisors from the New England region for travel expenses. Advisors from outside New England may be reimbursed by either the New England Council or other Council(s) whom the advisor(s) may represent.

**Appointments** At the end of each year of a three-year term, advisors performance and attendance will be reviewed by the oversight committees. If needed, new members will be solicited to fill any vacancies. Additional advisors could be appointed in response to the creation of a new panel, the addition of members to an existing panel, resignation, or Council action that removes an advisor. Neither proxies nor designees shall serve in place of appointed members of any Advisory panel.

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The Executive Director will solicit applicants through the news media, receive a questionnaire to complete and return to the Council or require the candidate to Council mailing lists, and/or other means as deemed appropriate. Each candidate will submit a resume to the Council, depending on the nature of the Advisory Panel.

The relevant oversight committee will review the qualifications of the nominees and recommend appointments to the Council Chairman.

**Prior to selection, nominees shall be subject to an additional level of review by NOAA's Office of Law Enforcement. Advisory Panel membership may be declined if applicants have had a marine resource violation.**

**Terminations** An Advisory Panel member will be replaced at the Council's discretion if he or she:

- 1) Transfers employment or moves to a different location;
- 2) Is absent from two consecutive meetings without giving adequate notification or reason to the Council Executive Director;
- 3) Appears unable or unwilling to fulfill their obligation as an Advisory Panel member;
- 4) Their area of expertise is no longer required; or
- 5) The Chairman, in consultation with the Executive Committee, determines whether an Advisory Panel member should be removed for just cause (e.g., violation of marine resource regulation or felony, conviction, etc.; these examples are not all inclusive.)

**Organization** A chairman for each Advisory Panel will be designated by the oversight committee chairman (with the advice of committee members), reviewed by the Executive Committee and approved by the Council Chairman.

Advisory Panels chairs are encouraged to attend meetings of their respective oversight committees and will be seated at the committee table with other members. These individuals will not be allowed to vote but may freely enter into the committee's deliberations. Input provided by Advisory Panel chairs must be identified "as discussed by the advisory panel" or "personal input." Expenses for participation in oversight committee meetings will be covered by the Council and will be indicated on the appropriate *Travel Authorization and Reimbursement* form.

If an oversight committee determines it is necessary, the Advisory Panel also may designate a vice-chairman who will be selected in the same manner as the AP Chairman.

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**Meetings** Advisory Panels will meet as directed by the oversight committee chairman. They may meet in conjunction with their oversight committee or independently. Advisory Panel meetings shall be scheduled by the Executive Director, as often as necessary to fulfill the panel's responsibilities, taking into consideration time and budget constraints. Generally, meetings will be scheduled for a single day. Meetings of more than one day must have prior approval from the Council Chairman.

The Advisory Panel Chairman will be given explicit directions and guidance from the Oversight Committee Chairman concerning committee tasks (i.e. prepare comments on draft public hearing document, prepare comments on the scoping document, prepare comments and advise on a specific measure, etc.). Each Advisory Panel meeting shall be open to the public and the conduct of business will be in accordance with the guidelines found on page 66, Committees and Advisory Panels, of the Magnuson-Stevens Fishery Conservation and Management Act (Blue Book).

The chairman of the oversight committee may attend meetings of the Advisory Panel at his or her discretion and will be reimbursed for expenses. Other members of the oversight committee or Council may attend, but will not be reimbursed for expenses.

The Executive Director may provide support as necessary for panel activities within budget limitations and staff availability.

**Travel Authorization and Reimbursement** Members of Advisory Panels shall serve with compensation, provided funding is available. Advisors are eligible for reimbursement of travel expenses incurred while attending authorized meetings scheduled by the Executive Director and subject to availability of funds.

Instructions for reimbursement can be found in the Council's Policy on *Travel Authorization and Reimbursement*.







New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978.465.0492 | FAX 978.465.3116  
C.M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

February 17, 2012

TO: Executive Committee  
FROM: Paul J. Howard, Executive Director  
SUBJECT: Touchstone Report – Improving Collaborations and Communications; Follow up Report on NEFMC Actions and Activities, as approved at the November 15-17, 2011 Council Meeting

**Summary of Actions to Date**

At the Council's June 2011 Executive Committee meeting, staff was asked to develop recommendations in response to a report led by Preston Pate and prepared by the SRA-Touchstone Consulting Group. Under the umbrella of the report recommendation to **"create positive change,"** the two areas addressed included A.) **maximizing collaboration** and B.) **simplifying communications**.

To accomplish these tasks, a list compiled by the Council staff was presented to the Executive Committee on August 9, 2011. The recommendations were subsequently presented to the full Council on September 26, 2011. At that time the Council asked the Executive Committee to prioritize the list and move forward. The final list as approved by the full Council is provided below.

**TOUCHSTONE RECOMMENDATION**

- A. **Maximize Collaboration: Redesign key engagements to be more collaborative.**
- ✓ **Examine measures other Councils have taken to improve communication and collaboration with stakeholders.**
  - ✓ **Redesign the Council meetings to be more collaborative and welcoming to stakeholder participation. Change the layout of room; engage facilitators to keep the meeting focused, and on topic, and to minimize individuals dominating the conversation; and provide coffee and refreshments.**
1. **Convene at least one "super meeting" annually with all advisors and SSC members.** The room set-up should be different than regularly scheduled Council meetings to encourage participation by all parties. Someone other than the Council Chair might facilitate. Invite all members of these groups to a "meet and greet" hour beforehand hosted by the Council.

**Discussion at Feb. 28 ExComm Meeting:**

**Staff recommends convening a super meeting in September 2012 when the Council addresses how it will address risk with the SSC it determines ABCs.**

ENCLOSURE ( 4 )

2. **Hold collaborative working sessions at the oversight committee level to tackle problematic management issues.** Encourage industry to develop management solutions, recognizing that Council members must vote on final outcomes. Use of non-traditional formats, for example breakout groups and workshop formats should be explored.

Advisory panel chairs could be seated at the committee table to report about meetings that are not held jointly with their respective committees, more frequent joint advisory panel/committee meetings also could be scheduled, especially for actions that are controversial, may have disparate impacts on fishing communities, etc. It is best to use these types of tools as early as possible in the process to maximize the input of fishermen and interested parties.

**Discussion at Feb. 28 ExComm Meeting:**

These types of efforts have been successfully undertaken by the Council at both the Accumulation Limits/Fleet Diversity and Sector Workshops. A similar approach will be used when the Council, its advisory panel chairs and several members of the SSC meet with NROC in March 2012.

If time allows, staff recommends convening an informational meeting with stakeholders and public about the status of the recently assessed groundfish stocks and the potential impacts on catches.

3. **Invite sector managers to provide reports to the Council.** These will be included on each Council meeting agenda with representatives of two or three sectors reporting at each meeting. A “give and take” flavor is encouraged during these discussions. Briefings should be informal and could consist of progress reports or comments about topics a sector chooses to bring to the Council. The selection of an individual to report to the Council would be up to each sector.

**Discussion at Feb. 28 ExComm Meeting:** The crisis over the status of Gulf of Maine cod has precluded follow-up activities. Discussions with staff, committee and advisors may be helpful before action is initiated.

4. **Serve coffee during two set 30-minute breaks on each Council meeting day.** Council members and staff are encouraged to use these opportunities to engage meeting attendees.

**Task Completed**

5. **As time allows, organize an informal social hour that would be open to Council members, staff, stakeholders and any interested members of the public on the second night of most Council meetings.** All attendees would be responsible for ordering and paying for their own food or beverages. *Additional details about these types of events will be worked out by the staff and discussed at a future Executive Committee meeting.*

**Discussion at Feb. 28 ExComm Meeting:**

Staff recommends resuming this practice at the April 2012 Council meeting. (We had a social hour in Newport, RI and included a goodbye to Pat Kurkul.)

6. **Hold Council member and staff listening sessions the evening before every Council meeting.** *Alternatives about how this might work will be developed by the staff, and again, reviewed by the Executive Committee.*



**Discussion at Feb. 28 ExComm Meeting:**

Staff recommends that, in keeping with the other Councils (two of them) that use this tool to engage the public, the NEFMC hold an hour-long public session during the Council meeting. An example would be from 4:30-5:30 at each meeting. As with the rest of the meeting, this session would be live-streamed. Questions could come from any audience members that wish to participate as well as from anyone listening online. Questions would be directed to the Council Chairman, Vice Chair, Regional Administrator or NEFSC Director.

As necessary, other Council members or staff may be designated to answer questions, but in any case, the majority of the Council listens would or could listen to the public session. This opportunity would supplant the half-hour long public comment period that is currently included on every full Council meeting agenda.

7. **Initiate Council member training sessions to enhance familiarity with and use of Robert's Rules of Order and enhanced meeting management skills.**

**Discussion at Feb. 28 ExComm Meeting:**

Staff recommends initiating this practice at the April 2012 Council meeting. May need an extra meeting day if training, social hour and listening session are all on the agenda.

8. **Post short Council member bios on the NEFMC website.** Council staff will write short bios for each Council member and ask each individual for explicit approval before posting and/or possibly additional information if necessary.

**Discussion at Feb. 28 ExComm Meeting:**

In process. Public Affairs Officer will update the ExComm.

**TOUCHSTONE RECOMMENDATION**

**B. Simplify Communications: Redesign communications to meet stakeholders' needs.**

- ✓ The Council (and NMFS) should work with key industry representatives to understand how, when, and what information they wish to receive. Provide them with options – emails, letters, and a range of formats.
- ✓ Make Council (and NMFS) outreach and communications easier to understand.
- ✓ Reduce the number of steps stakeholders need to go through to find information or speak to someone.

9. **Establish an ad hoc working group to determine where improvements should be made, activities modified or new initiatives developed.** Questions include "what are we missing and what could we do differently to address communications issues." Any meetings convened will be open to all interested parties and reports about outcomes provided to the Council and/or its Executive Committee. Results will be shared with NMFS communications staff, if they do not attend.

**Discussion at Feb. 28 ExComm Meeting:**

Staff has questions and seeks further guidance.



## Approval Process and Guidelines for Communications with the Media

**Identification of Issues** In April 2011, the Council directed its staff to develop a document that: 1.) Clarifies issues that are generally acceptable to discuss in Council press releases and other major forms of mass communications distributed to the media; 2.) Discusses who approves text before communications are distributed; and 3.) Provides suggestions about how the Council as an organization might present its views to the public via the media, pending further Council discussion.

**Background** The Public Affairs Officer routinely communicates with the media via press releases, letters to the editor, and through the Council's newsletters, and other written materials as well as phone calls and emails. At the direction of the NEFMC's Executive Committee, the staff has more aggressively responded to negative press articles and editorials that have mischaracterized the Council's intent or actions on a range of issues.

Largely because of the ongoing frustration expressed by many in the fishing industry about NEFMC and NOAA programs, several Council members have questioned the appropriateness of the subject matter and verbiage used in some recent Council communications to the press. Based on the discussion at the April 2011 Council meeting, members requested an outline of the process used to determine who speaks on behalf of the Council and who approves the final text in its communications.

**Approval Process** There is a long-standing process in which the Public Affairs Officer (PAO) works with the appropriate technical staff member to ensure that Council-related issues are accurately described in any external mass communications that target the media and public. These take the form of press releases, letters to the editor, opinion pieces, and Council newsletters, as well as web content, occasional articles, fliers and brochures. The PAO is responsible for the tone, quality and relevance of the materials, while the Executive or Deputy Director provide final approval. During Council meetings, the Chairman and Vice Chairman often provide feedback and approval of press releases.

The Executive Committee has recently become part of this process, reviewing and revising press releases or letters to the editor as necessary. When referring to the "Council leadership" as the source of written comments to the press, permission is sought from each Executive Committee member. That group of individuals must give final approval to such communications.

**Current Practice** NEFMC communications are intended to promote a better understanding of the Council's charge to conserve and manage fisheries, educate the public about the process it employs to achieve that end and encourage stakeholder participation and buy-in to Council decisions. The staff follows a number of broad guidelines in crafting its communications to the public.

ENCLOSURE (5)



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- 1) Communications are based on and support approved Council actions and positions.
  - 2) Because the Council uses majority votes to make its decisions, communications are generally written to reflect the rationale used by the prevailing side in any vote and provided in Council documents, public testimony and Council member comments.
  - 3) All forms of Council communications should be fact or policy-based. Speculation about the outcomes of Council votes should always be avoided. Staff and members can still be helpful to the media by presenting the major issues, both pro and con, associated with any Council action and the reasons an action is moving through the Council process.
  - 4) Council members are often asked to speak to the media on behalf of the Council. This is generally a responsibility that is assumed by the Chairman, but can and does include others – for example, Oversight Committee Chairs or Council members who also are local fishermen or state directors and are recognized as sources of information to local media reps. The Public Affairs Officer and staff also serve in this capacity.
  - 5) Individual Council members are free to express themselves to the media as they see fit, but they should be clear about speaking for themselves or their own institutions and not the Council.
  - 6) When press releases are necessary, but concern issues that are highly controversial, or address interim reports or other actions that are otherwise not final, particular care must be taken to ensure these types of communications are fair, balanced and clearly acknowledge all sides of an issue. Examples of these would include issues that relate to safety, as well as economic, social and community impacts.
  - 7) Council communications should not include verbiage that expresses personal opinions unless they are consistent with approved Council positions. If included, they should be appropriately attributed to a voting Council member, such as the Chair, Vice Chair, Oversight Committee Chair or Executive Director.
  - 8) Opinion pieces written by members on behalf of the Council and by staff on behalf of the Council should also be consistent with Council positions. Communications of this nature may concern a range of issues, correct the record or more fully describe Council actions, as well as address other fishery matters. Opinion pieces written independently should clarify that the writer is speaking on behalf of him or herself, and not for the full Council.
  - 9) As a matter of course and in keeping with most professional guidelines, press releases should be written for general consumption, although they should include enough

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information to make them useful to stakeholders and interested members of the public. They should be objective and contain facts that are relevant to the subject matter.

- 10) As a reminder, submission of press releases, letters to the editor or opinion pieces does not guarantee publication or a follow-up news article. In New England, Council press releases are more likely to be picked up by local fishing community or trade publications rather than by larger print media outlets that cover issues with greater news impact. Of course, groundbreaking decisions or very high profile issues are an exception to this, as well as timely, relevant letters to the editor that are of regional interest.
- 11) News clippings, opinion pieces and other items of interest are provided, via email, by the staff to Council members as time and priorities allow. The Public Affairs Officer and Executive or Deputy Director will determine the items to be distributed. Materials from advocacy websites, whether in support of or contrary to Council policies will not be distributed unless there is an overriding reason to do so, and particularly if Council members have the option to independently subscribe to them.





**From: Praskovich, Alisa L. [mailto:[APraskovich@ostp.eop.gov](mailto:APraskovich@ostp.eop.gov)]**

Sent: Wednesday, January 25, 2012 3:25 PM

To: Bill Walker; David Naftzger; Dee Freeman; George Stafford; Geraldine Knatz; Jacque Hostler; Joan Murphy; Leyden, Kathleen; Kevin Ranker; Kristin Jacobs; Lelei Peau; Mark Robbins; Micah McCarty; Pagie Rothenberger; Steve Crawford; Dolores McLaughlin; Monserrat, Marcia; Amy Vierra; Weiss, Michael I.

Subject: National Ocean Council Determination: Regional Fishery Management Council Representation on the Regional Planning Bodies

Good afternoon GCC Members, below is an important update on the status of Regional Fishery Management Councils as they relate to RPBs:

As part of the Administration's efforts to implement a National Ocean Policy, the National Ocean Council recognizes the unique quasi-regulatory roles and expertise of the Regional Fishery Management Councils (RFMCs) regarding fisheries management, and is committed to the RFMCs' participation in Regional Planning Bodies under the Framework for Coastal and Marine Spatial Planning in a substantial and meaningful way.

That is why the National Ocean Council today informed the RFMCs' leadership that Regional Planning Body membership will be extended to the eight RFMCs. Each RFMC will be asked to identify a Regional Planning Body representative who is either a Federal, State, tribal, or local government official serving as a voting member of a RFMC. RFMCs may also provide support as necessary to their Regional Planning Body member, including attendance by any RFMC member or staff at Regional Planning Body meetings. In addition, to ensure consideration of information developed by the RFMCs, each Regional Planning Body will establish a standing technical committee comprising the geographically-associated RFMC's scientific and technical experts.

Next steps: The National Ocean Council is in the final stages of developing guidance for State and tribal representatives to the Regional Planning Bodies. After this guidance is complete, the Council will coordinate with State, Tribal, and RFMC leaders on the establishment of the Regional Planning Bodies, and make this guidance publicly available.

Background: Under the National Ocean Policy's coastal and marine spatial planning framework, the United States is subdivided into nine regional planning areas. Each region will have a corresponding Regional Planning Body consisting of Federal, State, and tribal representatives to develop regional goals, objectives, and ultimately regional coastal marine spatial plans. The framework for coastal and marine spatial planning as adopted by Executive Order 13547 requires Regional Planning Bodies to "provide a formal mechanism for consultation with RFMCs across their respective regions on fishery related issues given their unique statutory responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act and quasi-regulatory role in fisheries management." Accordingly, the National Ocean Council was asked to determine the best way to engage the Regional Fishery Management Councils in marine spatial planning, including potential membership on the Regional Planning Bodies.

V/r

Alisa L. Praskovich, Ocean Policy Advisor  
National Ocean Council  
Executive Office of the President  
(202) 456-3265; (202) 294-0198  
[www.whitehouse.gov/oceans](http://www.whitehouse.gov/oceans)

Betsy Nicholson, Northeast Lead, NOAA Coastal Services Center  
35 Colovos Rd, Suite 148  
Durham, NH 03824  
Reach me Monday - Thursday:  
cell: 617-869-9148 (primary)  
office: 603-862-1205

ENCLOSURE ( 6 )





New England Fishery Management Council

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C.M. "Rip" Cunningham Jr., *Chairman* | Paul J. Howard, *Executive Director*

February 16, 2012

Dr. Chris Legault  
NOAA/NMFS Northeast Fisheries Science Center  
166 Water Street  
Wood Hole, MA 02543

Dear Chris:

I understand that SSC work is underway to respond to the motion passed by the NEFMC at its January 30 - February 2, 2012 meeting:

*that the Council task the SSC with developing work plans for addressing all four items listed as warranting further investigation (stock structure, discard mortality, incorporating MRIP data and CPUE data), and to submit those work plans as quickly as possible to the NEFSC and request that Dr. Butterworth's analysis be reviewed by the SSC.*

For your information, I have enclosed a letter to the Acting Director of the Northeast Fisheries Science Center and ask you to coordinate SSC activities with the NEFSC to ensure timely input to the updated GOM cod assessment. We expect the GOM cod assessment update to be completed as soon as possible in August 2012. With this in mind, we suggest you pay priority attention to the items in the motion like MRIP data and the review of Dr. Butterworth's analysis that can be accomplished in time to input the NEFSC GOM cod update assessment.

Additionally, as a committee of the Council, the SSC should transmit their work products to the Council office and then we will immediately forward them to the NEFSC.

Please do not hesitate to call me if you have any questions.

Sincerely,

Paul J. Howard  
Executive Director

enclosure

ENCLOSURE ( 7 )







New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116  
C.M. "Rip" Cunningham Jr., *Chairman* | Paul J. Howard, *Executive Director*

February 16, 2012

Dr. William Karp  
Acting Science and Research Director  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543-1026

Dear Bill:

As you know, at its January 31 – February 2, 2012 meeting the Council passed the following motion concerning Gulf of Maine (GOM) cod and the 2011 assessment:

*that the Council task the Scientific and Statistical Committee (SSC) with developing work plans for addressing all four items listed as warranting further investigation (stock structure, discard mortality, incorporating MRIP data and CPUE data), to submit those work plans as quickly as possible to the NEFSC and request that Dr. Butterworth's analysis be reviewed by the SSC.*

I am writing to ask that you coordinate the NEFSC's activities with our SSC and staff in developing input for the updated GOM cod assessment. This coordination will help ensure that the Science Center's timetable for producing the updated assessment will take into account the Council's tasking to the SSC as well as the Council's timelines.

The Council has already directed the SSC to begin developing the work plans to prepare input to the updated assessment. In addressing the NEFSC assessment plans, you should know that the updated GOM cod assessment will have to be completed as early in August as possible. Accordingly, the SSC will have to make an ABC recommendation by early September so that the Groundfish Plan Development Team can prepare the necessary documents for Council approval in November. The Council will need adequate time to develop management measures, provide the required public notification and accommodate public input.

There may be other timing issues for the Council, the Science Center and the Northeast Regional Office to resolve at the upcoming Executive Committee, such as addressing potential management actions by the Council or NMFS interim measures that result from the February 2012 groundfish assessments.

With this in mind, I would like to invite you and Chris Legault to our February 28, 2012 Executive Committee meeting at the Sheraton Colonial Hotel in Wakefield, MA to discuss these issues in more detail. I look forward to seeing you in late February. Please do not hesitate to call me if you have any questions.

Sincerely,

Paul J. Howard  
Executive Director

cc: Chris Legault, NEFSC







New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

C. M. "Rip" Cunningham, Jr., *Chairman* | Paul J. Howard, *Executive Director*

**To:** Paul J. Howard, Executive Director  
**From:** Scientific and Statistical Committee  
**Date:** 27 February 2012

**Subject:** Gulf of Maine cod work plans

The Scientific and Statistical Committee (SSC) was asked to develop work plans for addressing all four items listed as warranting further investigation in the SSC 30 January 2012 report to the Council and to submit those work plans as quickly as possible to the NEFSC by a Council motion passed February 1, 2012. Per later instructions provided by a memorandum from Paul Howard, these work plans are being provided to the Council for direct transmission to the NEFSC.

There are two work plans attached. The first document describes the plan for addressing the stock structure issue for cod in this area. The second document describes the plan for addressing the discard mortality rate, transition from estimation of recreational catch by MRFSS to MRIP, and the use of landings per unit effort in the stock assessment model.

## **Re-evaluating the spatial basis for management of Atlantic cod**

Proposed work plan

NEFMC Scientific and Statistical Committee

February 27, 2012

### Overview

We propose a three-phase process for re-evaluating, and possibly revising, the spatial basis for assessment and management of Atlantic cod, including the following objectives at each step:

#### Phase I

- Summarize the potential implications of defining inappropriate stock boundaries and ignoring sub-stock structure within stock units, as well as the potential advantages and disadvantages for both science and management of revising the status quo units, in order to provide a commonly understood rationale for this investigation.
- Overlay tagging, genetic, life history, and other data on the current management units to estimate rates of mixing and, conversely, independence and evaluate key assumptions of assessment models, essentially testing the “null hypothesis” of the status quo configuration.
- Develop a synthesis of those same tagging, genetic, life history, and other data to determine whether one or more alternative spatial configurations are more likely than the status quo. This synthesis should include the Gulf of Maine, George’s Bank, the Mid-Atlantic Bight, and the Scotian Shelf.
- Characterize the mechanisms that drive spatial finer scale dynamics of cod populations and the fishing fleet, including habitat status and distribution, behavioral diversity, oceanography, predator-prey dynamics, and other factors.
- Provide advice on spatially-explicit management goals and strategies based on the synthesis of processes driving finer scale patterns, whether a new spatial configuration is adopted or not.

#### Phase II

- Summarize the practical limitations of changing stock units for both science and management.
- Analyze the advantages and disadvantages of either maintaining the status quo or adopting different spatial configurations through simulation modeling.

#### Phase III

- Conduct new assessments on new stock units, if warranted.

Since the need for Phase II is contingent upon the outcomes of Phase I, and likewise the need for Phase III is contingent upon the outcomes of Phase II, the work plan proposed herein focuses on Phase I only, although we propose objectives for all phases.

### Proposed timeline for Phase I

(Note: Timeline based loosely on the process for a benchmark stock assessment.)

Feb. 27:	Revised plan submitted to NEFSC.
March 12-16 (3-4d):	Combined industry meeting (1 d) + data meeting (2-3 d)
March 19 – April 20 (5 wk):	Data acquisition and preparation
April 23 - 27 (2-3d):	“Models” meeting (i.e., methods for analysis & synthesis)
May 7 – June 15 (6 wk):	Application of methods
June 18-22 (2-3d):	Review of results; determine revisions as needed
June 25 – Aug. 3 (6 wk):	Revised analysis
Aug. 6-10 (2-3d):	Review and finalize outcomes

### Capacity needed for Phase I

- 1-3 dedicated analysts working full-time on this issue.
- Work group/advisory panel including one or more experts<sup>1</sup> in:
  - Population genetics.
  - Tagging studies.
  - Life history traits.
  - Behavior.
  - Oceanography.
  - Other stock identification approaches (e.g., morphology, parasites, otolith composition)
  - Habitat.
  - Trophic interactions.
  - Stock assessment, esp. spatially structured.
  - Spatial ecology/theory.
  - Spatial modeling.
  - Fishing behavior, esp. spatial patterns.

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<sup>1</sup> Involvement of Canadian experts will be important given the need to address linkages to the Scotian Shelf.



### **Work Plan for Evaluating Assumed Discard Mortality for Hook Caught Cod**

*Background:* The TOR for the January 25, 2012 SSC meeting asked the SSC to become familiar with the GOM cod assessment and identify any information that may affect the interpretation of the assessment results. A list of potential items that may be considered by the SSC was provided including the following:

“4) Assuming 100% mortality of hook caught and released fish (commercial and recreational).”

The SSC agreed that the assumed discard mortality may influence interpretation of the assessment and agreed to develop a work plan for further examination of the assumed discard mortality of hook caught and released fish. Note that the SSC interprets the TOR as referring to hook gear including both bottom longline and rod and reel, although discard mortality for all gears should be examined.

*Issue:* As noted in the working paper by (Palmer et al. 2011) cited in the assessment document “Incorrect assumptions about the fate of fishery discards can lead to biases in the stock assessment and yield projections.” In past GOM cod assessments discard mortality has been assumed to be 100% for all gears for which a discard estimate was calculated. Gears for which discards had not been estimated in previous assessments included longline and both commercial and recreational discards using rod and reel. In the current assessment discards for commercial rod and reel gear were not estimated so the discard mortality for this segment of the hook fishery would not influence interpretation of the assessment. However, the current assessment does include estimated discards for both the longline and recreational fishery and in both cases all released fish were assumed to be discarded dead. Thus the overall mortality in these two hook segments would be larger than what had been assumed in prior assessments.

A sensitivity analysis was conducted to determine whether the assumed discard mortality would affect either the reference points or current stock status finding that confidence intervals for the two scenarios (100% and 0% mortality) overlapped. This may be interpreted to mean that the perception of the stock is insensitive to the discard mortality assumption. As a practical matter, however, reference points and stock status determinations are typically based on median results. This means that if the discard mortality assumption affects the median it may influence interpretation of the assessment for making management decisions. Furthermore, management decisions are often based on projections of current stock size estimates into the future, and the sensitivity of projections to the discard mortality assumption has not been reported. As became evident during the SSC meeting the discard mortality assumption also has implications for how catches may count against the Annual Catch Entitlement (ACE) for vessels using hook gears operating in a sector under the multispecies FMP.

#### *Work Plan:*

1. Identify studies summarized in Palmer et al. (2011) that may be most appropriate to the TOR; studies relevant for gears and studies most likely to be transferrable to cod.
2. Identify any other known sources such as grey literature or cooperative research studies that were not included in Palmer et al. (2011).
3. Extend sensitivity analysis for reference points using a range of discard mortality rates.
4. Analyze sensitivity of projections.
5. Evaluate impact of discard mortality assumption on median results.

## **Work Plan to Address Changes to Recreational Fisheries Input due Changeover from MRFSS to MRIP**

Issue: Recreational fishing mortality has been included in past GOM cod assessments. In the 2010 assessment as well as all prior assessments, recreational catch estimates for GOM cod were based on catch estimates derived from the Marine Recreational Fisheries Statistics Survey (MRFSS). The MRFSS was scrutinized by the National Research Council in 2006 resulting in what is now known as the Marine Recreational Information Program (MRIP). Like the MRFSS, the MRIP catch estimates are derived from a Coastal Household Telephone Survey (CHTS) (to be replaced/supplemented by the saltwater angler registry scheduled for full implementation in 2013) from which effort estimates are obtained and an Access Point Angler Intercept Survey (APAIS) used to identify numbers caught by species. An estimate of total catch is derived from the two surveys using statistical procedures consistent with the sample frames and design for each survey. Herein lies the key factor in the revisions to the MRFSS catch data. That is:

“In the traditional MRFSS, estimates from the Access Point Angler Intercept Survey (APAIS) were calculated using unweighted data that did not reflect the complex sampling design and contained some intercepts that were not obtained through probability sampling. The resulting MRFSS estimates were design-biased...”

<http://www.st.nmfs.noaa.gov/st1/recreational/overview/overview.html>

The implication of this statement is that the recreational catch data used in the GOM cod assessment were biased because they were based on MRFSS statistical procedures that were not consistent with the sampling design of the APAIS. This is true for the entire MRFSS time series used in the assessment. Furthermore, this problem affects any estimates that are based on catch such as length distributions that may be used in assessments or regulatory analyses of recreational fishery management measures such as size limits. Revised catch estimates for the period 2004-2011 based on MRIP statistical procedures were released during the week of the SSC meeting (January 25, 2012). Note that 1) these data were not available at the time the assessment was conducted, 2) the statistical procedures to estimate length distributions have yet to be determined, and 3) catch estimates for MRFSS years prior to 2004 have not been released and will not be available until later in 2012.

### **Work Plan:**

- 1) Attend the MRIP workshop scheduled for March 26-28 to become more familiar with the MRFSS/MRIP implementation plan and schedule.
- 2) Identify timing of when statistical methods to estimate length distributions may be available.
- 3) Revise recreational catch information in future updates of the GOM cod assessment to be consistent with the available information from MRIP.
- 4) Analyze sensitivity of reference points and projections to uncertainty in recreational catches



### **Work Plan for Evaluating the Utility of Landings-per-Unit-Effort (LPUE) Information**

*Background:* Under its Terms of Reference (TOR) for the January 25, 2012 meeting the Scientific and Statistical Committee (SSC) was asked to identify sources of information, 'including Fishery-dependent CPUE', that may influence interpretation of the Gulf of Maine Cod assessment results, including.

The TORs for the assessment included a directive to 'Investigate the utility of commercial or recreational LPUE as a measure of relative abundance. Characterize the uncertainty and any bias in these sources of data'.

Previous Gulf of Maine cod assessments have included a LPUE index that extended from 1982 to 1993. Given the uncertainty in Vessel Trip Report (VTR) reported fishing effort since 1994 and the impact of DAS, rolling closures and trip limits on the comparability of LPUEs estimated from 1994 onward with the earlier time series, the time series has not been extended beyond 1993. The continued inclusion of this index was evaluated by the Northern Demersal Models and Biological Reference Point Working Group who felt it would be appropriate to remove the index from the 2011 assessment update. Model results were found to be insensitive to this index, and the decision was made to exclude this index from the final base model.

*Issue:* The issue of using LPUE requires reconsideration. The identified concerns with the VTR estimates of fishing effort complicate use of this source of information (see above). The VTR data nonetheless provide the broadest representation of the overall fleet composition and spatial/temporal coverage. Accordingly, an evaluation of updated estimates of standardized LPUE from this source should be undertaken. Also, most CPUE indices are based on highly aggregated data with only crude information on location and time, and numerous other factors that affect catch rates. There is also the problem of misreporting (particularly discards). These problems are at least partially overcome with observer data. This fishery is unique in that observer coverage (particularly during the period of the change in survey methodology) is so high that number of observed tows is much higher than from research vessels. An observer based CPUE index may help to confirm or improve research vessel calibrations.

#### *Work Plan:*

- 1) Create a standardized CPUE series based on observer reports, perhaps beginning a new time series starting in 1994, consistent with past analytical methods and classification of main effects in generalized linear models. Evaluate development of standardized CPUE including observed discards. Where possible use observer and other applicable data to estimate LPUE by area.
- 2) Update standardized LPUE indices from VTR. Undertake analyses consistent with item (1) above. Evaluate the utility of adding indicator terms to account for additional factors such as rolling closures and trip limits.
- 3) Evaluate the potential use of recreational LPUE from observer data as indicator of relative abundance.
- 4) Examine the relationships among LPUE derived from observer coverage, VTR, and relative abundance estimates (for size classes vulnerable to the commercial fishery) from research vessel surveys.
- 5) Examine sensitivity of assessment results to including these sources of Observer and VTR information.