



# 3

## New England Fishery Management Council

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

### MEMORANDUM

**DATE:** November 4, 2011  
**TO:** Council  
**FROM:** Paul J. Howard, Executive Director  
**SUBJECT:** DRAFT Summary of November 3, 2011

The Executive Committee met on November 3, 2011 at the Sheraton Colonial Hotel in Wakefield, MA. Messrs. Cunningham, Odlin, Grout and Stockwell and Ms. McGee and Kurkul participated in the meeting. Messrs. Howard and Kellogg, Ms. Roy and Fiorelli from the Council staff. Audience members included George Darcy, George Lapointe and Steve Weiner. 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. Mr. Howard reviewed the Groundfish and Habitat interaction and proposed setting up a joint committee and a joint PDT to make recommendations to the Council in June 2012. It was suggested that the analysis should come forward from one group, whether one joint group or one of the committees. The Executive Committee agreed to ask that the technical work be done by the separate PDTs as soon as possible and then bring the 2 groups together. The timeline will be updated to reflect this discussion. *See Encl (1).*

*2. Discuss proposed Operating Agreement between the NEFMC, NERO, NEFSC, GCNE and OLE:* Mr. Darcy reviewed the draft agreement and explained the commitment sought by the signatories to approve agreement. He explained that the agreement would insure compliance with applicable laws, simplify regulations, provide greater accountability and improve the transparency of the process. The action plan would be initiated once the Council tasks each committee and/or PDT. Mr. Odlin discussed concern with how joint plans would be handled. Mr. Howard stated that the Council already has several products which address these issues, however, they are in our SOPPs but not in one document. Mr. Darcy noted that the agreement is to make things more user-friendly for the public. Mr. Darcy will present a powerpoint to the Council in November and a timeline will be announced shortly for written comments to NMFS. *See Encls (2 and 2A).*

*3. Discuss strawman for Council's priorities:* Mr. Howard reviewed the list of management priorities with changes proposed during the September Council meeting. Groundfish will have 4 priorities being handled by two staff. Mr. Howard mentioned the need to hire 2 professional staff, one with a socio-economic background to prepare our Social Impact Assessments and another individual with technical experience. Mr. Odlin stated that the Groundfish Committee did not recognize the groundfish advisory panel's work at their recent meeting. Mr. Howard

suggested inviting the Groundfish AP Chair to the Council meeting in November to report on advisory panel meeting recommendations for Groundfish priorities. *See Encl (3)*.

4. *Discuss strawman for Council's vision:* Mr. Howard stated that at the recent Sector and GMRI workshops, the industry explained that they want to be part of a collective vision and work with the Council. He suggested holding a series of public hearings to inform the public and collect comments on the Council's draft vision. He also suggested that we set up our web page to ask for public comment as well. *See Encl (4)*.

5. *Prioritize list of Council communication options in response to the Touchstone Report:* Ms. Fiorelli provided a simplified list for review and implementation. Mr. Odlin suggested having coffee 30 minutes before the start of the 2<sup>nd</sup> and 3<sup>rd</sup> Council meeting, but most felt having a mid-morning and mid-afternoon service was best. The committee agreed to add coffee/tea service at Council meetings. Ms. McGee suggested holding more collaborative working sessions. The idea of listening sessions was discussed but no decision was made. More discussion on listening sessions will occur at the January Executive Committee meeting. Roberts Rules was discussed and training will be held one day at a future Council meeting. The committee discussed wearing name tags but they decided against it. The committee agreed to put short bios of each Council member on the Council website. Ms. Fiorelli discussed creating an ad hoc committee to address improvements to the process. The committee agreed it would be a staff function handled by Ms. Fiorelli and the public would be invited to attend. Mr. Odlin suggested inviting a few sector managers to each Council meeting. Other communication items were discussed and approved by the committee without objection. *See Encls (5 and 5A)*.

6. *Discuss herring DEIS social impact analysis:* Mr. Howard discussed an email received from Roger Fleming. Improvements have been made and the DEIS will be sent out for comment in the near future.

7. *Discuss joint plans and committees/advisors with MAFMC:* Mr. Howard reviewed the Monkfish Advisory panel and committee and found no disparities with our agreement (MAFMC and NEFMC) on joint plan. However, it was noted that we need to request the Vice Chair position and additional membership on the Dogfish Committee to be consistent with our joint plans agreement. The committee agreed to request the MAFMC add additional NEFMC membership, including the Vice Chair designation, on the Joint Dogfish committee.

8. *Discuss budget for 2012:* Mr. Howard mentioned there is no information yet on the 2012 budget and will keep the Council informed as developments occur.

9. *Discuss appointments to NRCC work groups:* Mr. Howard discussed the development of a working group to address MRFSS/MRIP processes and an NRCC working group to discuss governance implications regarding ecosystem/space-based management. It was agreed that one Council member (preferably from the Exec Cte) and one staff member be assigned to the Governance working group and that one staff member would be assigned to the MRFSS/MRIP working group. Mr. Howard stated that staff would be appointed to the SBRM member group after a review of priorities.

*10. Approve reappointment of SSC membership expiring 12/31/11 and discuss SSC meeting schedule for 2012:* Mr. Kellogg reviewed the current membership showing 6 members of the SSC expiring at the end of the year. The committee agreed to reappoint all 6 members after they confirm their interest in remaining on the committee. Mr. Kellogg reviewed the schedule for 2012 showing 5 committee meetings. Mr. Howard suggested staff attempt to schedule an SSC meeting in conjunction with a Council meeting to improve communications and the relationship between members. *See Encl (6).*

*11. Review strawman for FMP performance evaluation:* Mr. Howard reviewed a Catch Shares presentation he presented at a recent GMRI workshop. Mr. Lapointe reviewed his white paper on performance measurement. Mr. Howard mentioned the need for a few, not many, measurable biological, economic, social and ecological goals. Mr. Odlin suggested adding discard rates under the biological and economic sections. Mr. Howard suggested getting a website up and running to have this information available to the managers, industry and public in a dynamic manner. Funding support from the RA and NEFSC may be required to implement our performance management system. Collaboration between NERO, NEFSC and the Council will be needed during development and implementation. Mr. Lapointe will be meeting with NMFS and NEFSC staff to get their input prior to bringing the white paper to the Council at its January 2012 meeting.

*12. Approve additional Monkfish advisors:* The Committee approved 3 new Monkfish advisors.

**DRAFT NEFMC TIMELINES**  
**November 3, 2011**

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# SCALLOPS

## 1. 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

TARGET COMPLETION DATE: OCT 2011

TARGET IMPLEMENTATION DATE: MAR 2012

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

## 2. Scallop Amendment 16

OBJECTIVE: Amendment to consider individual fishing quotas for the limited access scallop fishery

TARGET COMPLETION DATE: 2012/2013

TARGET IMPLEMENTATION DATE: 2013/2014

MILESTONES	PLANNED	COMPLETED / PROJECTED
1. Staff begins work after FW23 complete	OCT 2011	
<b>2. Council initiates scoping process</b>	<b>NOV 2011</b>	
3. If support, Council develops action	2012	
4. Implementation	2013?	

The Council discussed scoping this issue first and then reassessing if the action should be fully developed based on input from scoping.

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

OBJECTIVE: Implement 2013-2014 scallop specifications based on 2012 survey data

TARGET COMPLETION DATE: SEP 2012

TARGET IMPLEMENTATION DATE: MAY 2013

MILESTONES	PLANNED	COMPLETED / PROJECTED
1. Staff begins work on framework	JUN 2012	
2. Council initiates framework	<b>JUN 2012</b>	
<b>3. Council approves framework</b>	<b>SEP 2012</b>	
4. Staff submits framework to NMFS	OCT 2012	
5. Implementation	MAY 2013	

# 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

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	
5. Implementation	MAY/JUN 2012	

## 2. Groundfish Amendment 17

OBJECTIVE: Amendment to address state permit bank issues. (NMFS Lead)

TARGET COMPLETION DATE: AUG 2011

TARGET IMPLEMENTATION DATE: DEC 2011

MILESTONES	PLANNED	COMPLETED / PROJECTED
1. Council initiates framework adjustment	APR 2011	✓
2. Council approves specifications/ framework	JUN 2011	✓
3. Implementation	DEC 2011	

## 3. Sector Workshop

- Conduct a “lessons learned” review/workshop of the first year of sector operations with Sector representatives

TARGET COMPLETION DATE: TBD

TARGET IMPLEMENTATION DATE: NA

MILESTONES	PLANNED	COMPLETED / PROJECTED
1. Conduct workshop	OCT 25-26, 2011	✓
2. Develop options from workshop results for Council consideration	NOV- DEC 2011	

**4. Groundfish Amendment 18**

OBJECTIVE: Amendment to consider fleet diversity and accumulation caps

TARGET COMPLETION DATE:

TARGET IMPLEMENTATION DATE:

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

## 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

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
3. Council approves Draft Amendment 5/DSEIS and public hearing document and selects preferred alternatives	SEP 2010	✓ SEP 2011
4. Staff submits DEIS for final review	OCT 2010	NOV 2011
5. Herring Amendment 5 Public Hearings	NOV 2010	JAN 2012
6. Council reviews public and advisor comments and O/S recommendations; approves final Amendment 5 measures	JAN 2011	FEB-APR 2012
7. Staff submits Amendment 5	FEB 2011	MAY 2012
8. Amendment 5 Implementation	JUL/AUG 2011	JAN 2013

### WITH INCLUSION OF MAFMC RECOMMENDATION FOR RIVER HERRING CATCH CAP

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
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 final review		17-JAN-2012
6. Public Hearings	OCT/NOV 2010	MAR 2012
7. Council reviews public and advisor comments and O/S recommendations; approves final Amendment 5 measures	JAN 2011	APR 2012
8. Staff submits Amendment 5	FEB 2011	MAY 2012
9. Amendment 5 Implementation	JUL/AUG 2011	JAN 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	FEB/MAR 2011	✓
3. SSC recommends ABC method	APR 2011	✓
4. SSC approves ABC	AUG 2011	✓
5. AP and Oversight Committee develop AM options and ACL allocations	JAN/MAY 2011	✓
6. Council approves management alternatives for analysis	JUN 2011	✓ SEP 2011
7. PDT prepares Draft Amendment	MAY/AUG 2011	OCT-DEC 2011
8. Council approves draft amendment and selects preferred alternatives	SEP 2011	JAN 2012
9. Public hearings	NOV 2011	FEB 2012
10. Council approves final amendment measures	NOV 2011	APR 2012
11. Staff submits final amendment to NMFS	DEC 2011	MAY 2012
12. Implementation	JULY 2012	DEC 2012

## 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. Alternatives to minimize adverse effects on EFH and alternatives to modify and/or eliminate groundfish closures will be packaged together before the Council approves them for analysis. Deep-sea coral protection alternatives can be approved at a separate meeting and are expected to be ready earlier. The remainder of the timeline after #9 is contingent on when that work begins – possibly as early as January 2012, depending on other 2012 groundfish priorities.

PROJECT MANAGER: Michelle Bachman

TARGET COMPLETION DATE:

TARGET IMPLEMENTATION DATE: FEB 2013

MILESTONES	PLANNED/ REVISED	COMPLETED
1. Phase 1 scoping hearings	MAR 2004	✓
2. Council approves EFH designations (Phase 1)	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	
8. Habitat Committee finalizes fishing impacts minimization alternatives (=habitat area alternatives), forwards to joint process with groundfish	<b>Winter 2012</b>	
9. Groundfish Committee /PDT develops alternatives for groundfish areas, including AP review	Winter/Spring 2012 <b>Depending on 2012 Groundfish priorities</b>	
<b>10. Council approves deep-sea coral alternatives for analysis</b>	<b>APR or JUN 2012</b>	
11. Habitat and Groundfish committees package habitat area alternatives and groundfish area alternatives	MAY 2012	
<b>12. Council approves packaged habitat area/groundfish area alternatives for analysis</b>	<b>JUN 2012</b>	
<b>13. Council approves Omnibus 2 DEIS and public hearing document; selects preferred alternatives</b>	<b>SEP 2012</b>	

MILESTONES	PLANNED/ REVISED	COMPLETED
14. Staff submits Omnibus 2 DEIS (combining EFH and HAPC designations, habitat area alternatives, groundfish area alternatives, and deep-sea coral alternatives)	NOV 2012	
15. NMFS publishes NOA, starts 45-day DSEIS comment period	JAN 2012	
16. Public hearings	FEB 2012	
<b>17. Council approves Omnibus Amendment 2 &amp; DEIS</b>	<b>APR 2012</b>	
18. Staff submits Omnibus Amendment 2 & DEIS	JUN 2012	
19. Implementation	FEB 2013	

# MONKFISH

## 1. Monkfish Amendment 6

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

STAFF PROJECT MANAGER: Phil Haring

TARGET COMPLETION DATE: TBD

TARGET IMPLEMENTATION DATE: TBD

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.		
6.		

## 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 upPLANNED 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	✓
<b>5. Council approves range of specifications (TALs, possession limits, etc.) for specifications package or initiates framework adjustment</b>	<b>JUN 2011</b>	✓
6. PDT prepares specifications package	JUL/AUG 2011	✓
<b>7. Council approves ACL specifications package or framework adjustment</b>	<b>SEP 2011</b>	✓
8. Staff submits final specifications or framework adjustment to NMFS	OCT 2011	NOV 2011
9. Implementation	MAY 2012	

Science, Service, Stewardship



## Draft Operating Agreement

November 2011

**NOAA  
FISHERIES  
SERVICE**

NOAA  
FISHERIES  
SERVICE



### Parties to the Agreement

- New England Fishery Management Council
- NOAA Fisheries Service Northeast Regional Office
- NOAA Fisheries Service Northeast Fisheries Science Center
- NOAA General Counsel, Northeast
- NOAA Fisheries Service Office of Law Enforcement, Northeast



## Purpose

- Confirms mutual interests of the parties
- Clarifies roles and responsibilities
- Provides for improved planning
- Ensures compliance with applicable law
- Explicitly considers opportunities for simplification
- Establishes greater accountability
- Makes process more transparent/accessible to public
- Encourages constructive collaboration
- Assists in managing expectations

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## Links to Management Review

- Better understanding of roles and responsibilities
- Better understanding of the development process
- Better understanding and agreement on timelines
- Better accountability
- Better prioritization of actions and resources
- More focus on opportunities for simplification
- Better public information for timely and effective involvement in process

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## Action Plan

- Would be required for each action
- Planning and public information tool
- “Contract” among the parties
- Living document throughout development and implementation of the action

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## Action Plan Preparation

- Prepared by the PDT, with involvement by all disciplines (science, management, legal, enforcement, data, protected resources, habitat, etc.)
- Identifies issues and requirements that will need to be addressed, and who will do what to address them
- Not all disciplines need be involved after initial meeting; action-specific
- Approved by Executive Committee and full Council
- Executive Committee would resolve priority/resource constraints

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## Action Plan Contents

- Problem statement/objectives
- Range of alternatives to be considered
- PDT membership and responsibilities of each
- Type of NEPA analysis (EIS/EA/CE)
- Applicable laws/issues
- Enforcement issues/concerns
- Data issues/concerns/timing
- Regulatory clarification/simplification
- Timeline and flowchart

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## Action Plan and the Public

- Action Plan would be posted on Council's website
- Links to/from NMFS NERO website
- Flowchart would illustrate the process and timing
- Guidance would inform public when and how to be involved (meetings, comment periods, etc.)
- Action Plan would be included in Council binders
- Action Plan review would be first item on Council discussion of that action

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## Action Plan—Completion

- A checklist would be completed by the PDT prior to final Council action
- Checklist would document that:
  - All issues have been considered and addressed
  - All documents are completed or will be completed upon final adoption by Council
  - Regulatory simplification has been considered

**DRAFT**

# **OPERATING AGREEMENT**

**Between the**

**New England Fishery Management Council;**

**NOAA Fisheries Service Northeast Regional Office;**

**NOAA Fisheries Service Northeast Fisheries Science Center; NOAA**

**General Counsel, Northeast; and NOAA Fisheries Service Office of**

**Law Enforcement, Northeast**

**October 26, 2011**

This Operating Agreement (Agreement) is between the New England Fishery Management Council (Council); NOAA's National Marine Fisheries Service (NMFS) Northeast Regional Office (NERO); NMFS's Northeast Fisheries Science Center (NEFSC); NOAA General Counsel, Northeast (GCNE); and NMFS Office of Law Enforcement, Northeast (OLE).

### **Statement of Purpose**

This Agreement confirms the mutual interests of the Council, NERO, NEFSC, GCNE, and OLE in the effective conservation and management of the Northeast Region's fisheries, and clarifies the roles, responsibilities, and commitments of the parties.

The objectives of this Agreement are to facilitate the development and implementation of fishery management actions under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act); to ensure compliance with applicable law; to help simplify regulations where possible; and to help the affected public better understand how fishery management actions are developed, in what timeframe, and how and when to be involved in the process.

The preparation, review, approval, and implementation of fishery management actions and the implementing rules and regulations under the Magnuson-Stevens Act is a complex process in which the Councils and NMFS, acting on behalf of the Secretary of Commerce (Secretary), have distinct, yet sometimes overlapping roles. In many instances, the issues are controversial, politically charged, and challenging to analyze. In addition, a variety of other applicable laws and Executive Orders have analytical and procedural requirements that must be complied with, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the Regulatory Flexibility Act (RFA), the Paperwork Reduction Act (PRA), the Information Quality Act (IQA), and the Administrative Procedure Act.

In order to support the mutual objectives of the Council, NERO, NEFSC, GCNE, and OLE; and to provide an efficient and transparent process for the public; this Agreement specifies responsibilities of the parties, and the procedures that will be followed to develop fishery conservation and management actions.

The parties agree to facilitate public involvement in the management process. This will be done, in part, through advance planning of fishery management actions and development of an Action Plan; regular public discussion of progress and timing of actions under development; and by making schedules, status reports, and information for each action under development easily available to the parties to the Agreement and to the public, along with guidance on when and how the public can have input to that process.

The parties further agree to collaborate on encouraging and facilitating compliance with management measures and regulations, providing public outreach and education, simplifying and clarifying regulations whenever possible, and fostering better public understanding of how and why fisheries are managed as they are.

## Definition of Terms

**Action Plan** – The Action Plan is a **critical component in the development of each fishery management action**, serving as both a **planning and public information tool**.

The Action Plan is prepared by the Council's Plan Development Team (PDT), in consultation with the associated Council Oversight Committee, prior to the start of drafting the initial Magnuson-Stevens Act and NEPA document [Categorical Exclusion (CE) memo, Environmental Assessment (EA), or Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS)] for each management action [e.g., new Fishery Management Plan (FMP), FMP amendment, or framework adjustment].

The Action Plan is developed jointly by the PDT representatives from **all disciplines** (science, protected resources, habitat, fishery management, data collection and analysis, social sciences, economics, legal, enforcement, etc.), to ensure that all potential aspects of the action and its development are carefully considered.

Once the Action Plan is **approved by the Executive Committee and Council**, it may be unnecessary for all of the disciplines to remain active on the PDT during that specific action's development, if there are no significant issues relevant to those disciplines. However, **representatives from all disciplines must be involved in preparing the Action Plan** to ensure that all issues that may reasonably be expected to arise can be addressed.

The Action Plan lays out a **realistic, mutually agreed upon path for development and completion** of the action so that the Council, NERO, NEFSC, GCNE, OLE, NMFS Headquarters, and the public know what to expect, and when to expect it. Changes in the Action Plan and the schedule of development should be made in a public forum.

The Action Plan must take into account the **resources that will be needed to accomplish the action** so as to reasonably ensure that the timeline can be met; this includes ensuring that the responsible parties and required information will be available at the appropriate times in the development process.

The Action Plan serves as a **contract among the parties** as to **what will be done, how it will be done, who will be responsible** for each aspect of the action's development, and **when the action will be completed**. If the parties cannot agree on respective roles and commitments at the PDT level, or to the timeline to be followed, the **unresolved issues are to be raised to the Council's Executive Committee for discussion and resolution**.

The Action Plan is also used to help the Council, NERO, NEFSC, and other involved entities **prioritize** their actions. The timeline should include all major steps from initiation of the action, through Council development, Council adoption, Secretarial review, and implementation by NERO.

Specifically, the Action Plan:

- Identifies the **problem(s) to be addressed and the objective(s) to be met**;
- Identifies the **type of measures and potential alternatives that might be considered** (e.g., limited entry, hard quotas, gear restrictions, allocations, etc.);
- Provides an outline of the **type of analyses** likely to be necessary to support the action;
- Identifies the **staff resources** that will be required, the **core staff** that will work on developing and implementing the action, and the **specific responsibilities** of each staff member during development (to provide analysis, data, background information, etc.);
- Identifies the **type of NEPA analysis to be undertaken** (CE, EA, EIS), and why that level of analysis is expected to be necessary;
- Contains a **checklist of applicable laws** that will need to be addressed/complied with and, if possible, an initial indication of how these requirements will be addressed, and by whom;
- Identifies **other issues** (enforcement, data availability, assessment schedules, reporting requirements, administrative aspects and costs, etc.) that will need to be considered;
- Identifies **regulatory simplification and/or clarification opportunities** that should be considered;
- Provides a **realistic timeline** for complying with all applicable laws and for completing and implementing the action; and
- **Informs the Oversight Committee, the Council, and the public** of the schedule for the action's development and implementation. The schedule is to be kept up to date and made easily available to the public, with **clear guidance as to how and when the public can participate in the process and provide input**.

Once approved by the Council's Executive Committee and the full Council, the Action Plan will be **posted on the Council's website**, with a **link from the NERO website**, along with **clear guidance as to when in the process the public can be involved** (e.g., scoping, public hearings, comment periods, etc.), and what the appropriate participation at that stage would be (e.g., attend Oversight Committee meeting, comment on Draft EIS, comment on the proposed rule, etc.). A **flowchart** should be included in the Action Plan, along with projected dates for completion of each major step in the development and approval process, indicating when public involvement is possible.

The Action Plan should be included in the Council's meeting binder **at each Council meeting** for which the action under development is on the agenda, and be the first topic to be discussed in the report of the Oversight Committee to the Council, to ensure the Action Plan is up to date, and so that the Council and public are aware of the progress of the action and can discuss any changes that might need to be made to the Action Plan.

A template for an Action Plan is attached (Attachment 1).

Prior to presentation of the action to the full Council for adoption, the PDT should complete a checklist of all documents that the PDT has completed and all documents and analyses that still must be completed before submission to NMFS for Secretarial review and approval. The checklist should also document that the PDT and Oversight Committee have considered all relevant aspects of the action, including regulatory simplification.

**Plan Development Team (PDT)** – A PDT is a team formed by the Council to **plan, develop options and alternatives, provide technical advice and analysis, and to write FMPs and associated actions (e.g., framework adjustments, FMP amendments)**. The **Action Plan** is the first step in development of each action, and is a **critical step**, as the Action Plan serves as a roadmap and contract among the parties until the action is has been completed.

The PDT is not independent, but works closely with its associated **Oversight Committee** (e.g., the Groundfish Committee) to refine options evaluate management proposals to ensure they are **consistent with Council strategies and achieve the management objectives of the FMP**. The PDT provides an **expanded pool of expertise** to conduct analyses and provide information to the Council, including scientists, managers, and other experts with knowledge and experience related to the biology and/or management of particular species or issues. The individual members of the PDT will carry out their usual responsibilities to their parent agencies, but as a group, the PDT is responsible to the Council.

The PDT helps ensure that Council FMPs, amendments, and framework adjustments **meet scientific, legal, and technical requirements for review and approval**. The PDT is also responsible for **incorporating Scientific and Statistical Committee (SSC) recommendations**, as accepted by the Council, into the management alternatives; for **providing guidance and assistance**, as appropriate, to the Council staff in the development and preparation of FMP, amendment, and framework adjustment submission documents; and for **providing FMP monitoring, and scientific and technical expertise** to the Council and its committees and, if appropriate, to the Stock Assessment Workshops conducted by the NEFSC.

PDT membership will usually consist of staff representatives of the offices and organizations **necessary for the successful development, review, and/or implementation of the action**, and may include representatives of state and academic institutions. This typically will include staff from the Council (including appropriate staff and a representative of the relevant species Oversight Committee), NERO (Sustainable Fisheries Division, Habitat Conservation Division, Protected Species Division, Fisheries Data Services Division , Analysis and Program Support



Division, NEPA staff, etc., as appropriate), and NEFSC (Population Dynamics Branch, Social Sciences Branch, Protected Species Branch, and Fisheries Sampling Branch, and others as appropriate), with advice from GCNE and OLE, as necessary and appropriate.

Depending on the issues being discussed, or the action to be developed, the **active participation of members may vary** (i.e., not all actions may have issues that are relevant to all potential participants). However, **all PDT members should be involved in developing the Action Plan**, to ensure that all issues are considered. All members of a PDT are expected to **contribute substantively** to the development of the action. Following the first meeting of the PDT, involving the full range of potential participants, the PDT Chair and the NERO SFD member should **confirm the membership of the PDT that will remain active** in the development of the action.

The PDT is expected to **meet regularly**, as needed, to respond to any direction provided by its respective Oversight Committee or the Council as a whole, to provide analysis of species-related information, and to develop issue papers, alternatives, and other documents, as appropriate.

**A member of the Council staff chairs the PDT.** While PDTs are generally established in support of each FMP (e.g., Monkfish and Sea Scallop PDTs), they may also be established on an issue(s) basis (e.g., Habitat PDT, Protected Resources PDT).

**Oversight Committee chairs** provide detailed guidance (**Terms of Reference**) to their associated PDTs. Committees may ask PDTs to **evaluate management proposals, develop options to meet FMP objectives, or to provide guidance on a variety of scientific, technical or FMP implementation issues.** The Terms of Reference should clearly identify the management objectives against which management proposals should be evaluated and options developed. The goal is to direct the PDTs to **develop and/or analyze a variety of options consistent with FMP objectives.**

**PDT chairs** will facilitate accurate preparation of **written Terms of Reference**, and will be responsible for presenting or overseeing the presentation of PDT reports and analyses to the committees or the Council. PDT chairs may request that other PDT members make special presentations to the committees, as appropriate.

In meeting the management objectives specified by the Oversight Committee, the PDT **should consider a broad range of options.** All management alternatives, to be viable, must be consistent with the advice provided by the Council's SSC and applicable law.

PDTs will provide **reports to their respective Oversight Committees** in response to the Terms of Reference. The PDT reports will contain options and analyses of options that meet specified objectives. PDT conclusions and recommendations will reflect the **consensus of its members.** PDT members must have the chance to review and comment on PDT reports prior to their distribution.

**Oversight Committee**—An Oversight Committee is established by the Council for each FMP, or group of FMPs, or on the basis of cross-cutting issues (e.g., Habitat Committee), to develop

alternatives for actions related to the FMP or issues. The Oversight Committee brings forward recommendations for alternatives, and preferred alternatives, to the full Council for consideration and final approval.

## General Roles

**Regional Fishery Management Councils (Councils)** are responsible under the Magnuson-Stevens Act for the preparation of FMPs, FMP amendments, and other related actions for species under their management authority. As such, the Councils **develop, analyze the impacts of, and recommend management programs and program changes** that are **consistent with applicable law**. The Councils must **document the management process** to ensure consistency with the processes required by statute, and provide the justification and rationale for their recommendations. The process used must **ensure that the Council members are informed** of the potential impacts of the actions they are recommending, and that the actions are **enforceable** and can be **implemented and administered in a cost-effective way**.

The Councils, in partnership with NMFS Regional Offices and Science Centers, state agencies, and other entities, such as regional fisheries commissions (e.g., the Atlantic States Marine Fisheries Commission), as appropriate, develop **the documentation** to support fishery conservation and management decisions. The Councils also **establish groups to provide technical and practical advice**, such as SSCs, Advisory Panels, and Monitoring Committees.

The **Council process is the focus for public involvement during the development of fishery management actions**, while the Secretarial rulemaking process is the focus for public comment on the approval/disapproval decision and the proposed implementing regulations for the action.

**NOAA** is responsible for **reviewing the Councils' fishery management recommendations for consistency with applicable statutes and Executive Orders**, and for **approval, disapproval, or partial approval** of the Councils' recommendations. If disapproved, NOAA is responsible for providing the rationale and justification for the disapproval. If approved, NOAA is responsible for **implementing, administering, and enforcing** the management programs. If challenged legally, NOAA is responsible for **defending approved management actions**.

**NERO** is responsible for **assisting the New England and Mid-Atlantic Fishery Management Councils in the development** of fishery management actions, by:

- Providing **staff representation** on appropriate committees, such as PDTs and working groups, to **advise on technical, policy, administrative, and analytical requirements** and issues;
- **Coordinating the review** of Council-submitted actions within NERO, NEFSC, OLE, and GCNE;
- **Writing proposed and final rules** to implement approved measures, with the accompanying regulatory language, consistent with the Council's action and intent;

- **Preparing decision packages** for Secretarial review, including all memoranda and documentation required for NMFS Headquarters, NOAA, Department of Commerce (DOC), and Office of Management and Budget (OMB) reviews;
- Completing **PRA submissions** for approval of new or revised data collections from OMB;
- Completing **IQA analyses**;
- **Responding to public comments** received during rulemaking;
- **Responding to requests for briefings** on proposed actions;
- **Implementing and administering** approved programs and program changes, including cost-recovery programs, quota and effort leasing programs, vessel replacements and upgrades;
- **Consultations under the ESA**;
- Making determinations regarding **marine mammal and essential fish habitat (EFH) impacts** of fishery management actions;
- **Collection and analysis of fishery dependent data**;
- **Monitoring fisheries, projecting and documenting fishing activity**, and taking appropriate **inseason and/or post-season actions**;
- **Providing timely landings and discard reports** for monitoring fishery performance relative to annual catch limits and seasonal catch quotas;
- **Determining eligibility for limited access permits**;
- **Issuing and renewing fishery permits**, including vessel permits, dealer permits, operator permits, exempted fishery permits, scientific research permits, educational permits, and letters of authorization for scientific research;
- Providing **information and assistance to the public and to NMFS Headquarters, NOAA, and DOC to respond to constituent needs**, including requests from Members of Congress;
- Providing **outreach and educational services**;
- **Developing and implementing emergency actions, interim actions, and Secretarial FMPs/amendments** to respond to new information or management/statutory requirements; and
- **Conducting any referenda** that may be required under the Magnuson-Stevens Act limited access privilege program provisions.

NERO also works closely with OLE and GCNE in **enforcing regulations** and in **defending approved Council actions in litigation**.

The NERO/NMFS process is the **focus for public involvement during rulemaking**, through comment periods on proposed rules and FMP/NEPA documents.

NEFSC is responsible for **providing staff and assistance** to the Council during its development of fishery management actions, including representation on PDTs and technical working groups, to **provide technical advice and assist in analysis**, as needed. NEFSC also reviews **Council-developed documents** supporting fishery management actions and makes **certifications regarding certain analytical and scientific requirements of applicable law**, such as the RFA, including overfishing definitions, adequacy of economic analyses, and use of best available scientific information.

GCNE **advises the Council and NERO** throughout the process of developing documentation and making and reviewing decisions, and **provides legal advice** to the NERO Regional Administrator confirming legal sufficiency of documentation and processes. GCNE provides NOAA General Counsel Headquarters with an analysis of the legal issues associated with Council actions and works with them to resolve any issue preventing a determination of **legal sufficiency**. NOAA General Counsel also **provides legal advice to NMFS leadership**, as appropriate, and provides **final clearance for legal sufficiency of regulatory packages** requiring clearance from NOAA Headquarters or DOC General Counsel. NOAA General Counsel Headquarters works with NMFS Headquarters to **resolve legal issues** elevated from the Regions. GCNE also **coordinates the defense of approved actions** that have been legally challenged.

The Northeast Region Coordinating Council (NRCC) is composed of the Chairs and Executive Directors of the Mid-Atlantic and New England Fishery Management Councils, the NERO Regional Administrator, the NEFSC Science and Research Director, the SSC Chairs of the two Councils, and the Executive Director of the ASMFC. Other senior staff from those organizations also routinely participate in NRCC meetings and workgroups. The NERO Regional Administrator and the NEFSC Science Director chair the meetings. Among other functions, the NRCC annually **reviews lists of proposed priority actions** of the Councils and the ASMFC for the coming year, **schedules stock assessments** (under the new assessment process under development, the NRCC would approve the annual schedule of Operational Assessments and topics for the Research Track), and **helps assess and balance the resources (especially staff resources) needed to complete those actions**. In considering Council priorities, the NRCC **will review Council Action Plans**, which will be used to consider current and future staffing and priority setting.

At NMFS Headquarters, the Assistant Administrator for Fisheries is responsible for: (1) Deciding whether to concur in the Regional Administrator's decision regarding **approval/disapproval/partial approval of Council-recommended FMPs/amendments**; (2) deciding whether to **approve final rules implementing regulations**; (3) determining that an **appropriate NEPA document** has been completed for the action; and (4) **resolving with NOAA General Counsel** any issues elevated to Headquarters, including issues related to determinations of **legal sufficiency**.

Within NMFS Headquarters, the Office of Sustainable Fisheries tracks Council and NMFS **FMP activities**, consults with and advises Regions on the **national policy implications** of decisions, packages and forwards regional documents to NMFS leadership, and **facilitates communications** to resolve problem issues raised during reviews by NMFS, NOAA, the Department of Commerce, and/or the Office of Management and Budget.

The Office of Science and Technology in NMFS Headquarters **advocates and ensures the sound scientific basis** for NMFS resource conservation and management decisions. It has **oversight of NMFS scientific research and technology development activities**, including biology, ecology, economic and social sciences, oceanography, management of scientific information, engineering, and other disciplines used to fulfill its conservation and management mission for living marine resources.

The NOAA NEPA Coordinator, in the Office of Strategic Planning, Program Planning, and Integration, in Silver Spring, MD, **reviews and provides final clearance for all EISs and EA/Findings of No Significant Impacts (FONSI)s**. In addition, the NOAA NEPA Coordinator is responsible for **filing EISs with the Environmental Protection Agency and signing all transmittal letters that disseminate NEPA documents for public review**. NOAA, as the action agency, has ultimate responsibility for the findings under NEPA.

## Specific Responsibilities

### Council

#### *Scientific and Statistical Committee (SSC)*

The Council will establish and maintain a single SSC.

The **responsibilities** of the SSC are:

- To **review the scientific basis of Council management plans and actions;**
- To **develop fishing level recommendations in accordance with national standard guidelines;** and
- To assist in **developing stock assessments** for Council-managed resources through SSC member participation in the NEFSC's Assessment Oversight Committee, Stock Assessment Workshops, and Stock Assessment Review Committees.

The SSC operates at the direction of the Council, and the Council's Executive Director.

#### *Plan Development Team (PDT)*

The **responsibilities** of the PDTs are:

- To **develop an Action Plan** for each action under development, prepared by all members of the PDT, representing all disciplines, which serves as a **contract among the parties** on the PDT, and that establishes, for that action, what the **specific responsibilities of each individual** on the PDT will be, and the **timeline for completion** of the action;
- To determine, based on direction from the Council, the **scope of issues** that will be considered in the development of the action, and to establish **what areas of expertise should be actively represented on the PDT for that action**, which is then documented in the Action Plan;
- To **evaluate management proposals** with respect to achieving FMP objectives, consistent with applicable law;
- To **incorporate SSC recommendations**, as accepted by the Council, into management alternatives;
- To **provide guidance and assistance**, as appropriate, to the Council staff in the development and preparation of FMP and amendment submission documents;

- **To support the associated Oversight Committee;**
- **To provide plan monitoring, and scientific and technical expertise** to the Council and its committees and, if appropriate, to the Stock Assessment Workshops; and
- **To review major components of submission documents**, such as draft and final environmental impact statements, economic, social and Regulatory Flexibility Analyses for all FMPs, and major amendments or framework adjustments, and to complete a checklist for the action, prior to final Council adoption, documenting that all documents and analyses have been, or will be, completed prior to submission to NMFS for Secretarial review.

The Council's Executive Director will assign appropriate staff to chair each PDT and to coordinate the logistics for all PDT meetings.

The **responsibilities of Council staff** on the PDT are:

- **To serve on and chair the PDT;**
- **To coordinate logistics** for PDT meetings and to schedule meetings as far in advance as possible;
- **To ensure that an Action Plan is developed for each action, with input from all disciplines;**
- **To coordinate assignments** of specific tasks to individuals or subgroups of the PDT, **consistent with the approved Action Plan;**
- **To distribute all Terms of Reference** prior to PDT meetings;
- **To keep PDT members informed of all Council actions** affecting a PDT's area of responsibility;
- **To ensure that all documentation and analysis necessary to support fishery management actions are completed**, including the Magnuson-Stevens Act document (FMP, amendment, framework adjustment, or annual specifications), the NEPA document (EA/FONSI or EIS), information necessary for NERO to conduct ESA section 7 consultations, and documentation demonstrating compliance with all other relevant applicable laws and executive orders, with the exception of the PRA and the IQA; and
- **To post on the Council's website, and keep current, the Action Plan for each action** under development, including clear information as to how and when the public can be involved in that process.



Council staff will **not be responsible for writing implementing rules and regulations** for Council-developed actions, or for conducting PRA or IQA analyses.

Council staff **will be responsible for facilitating the deeming of implementing regulations** for Council-developed actions to be consistent with the proposed actions and Council intent.

### *Oversight Committee*

The **responsibilities** of the Oversight Committee are:

- To provide **guidance and direction (or Terms of Reference) to the associated PDT** to assist in technical development of management alternatives and analyses;
- To develop **management alternatives** consistent with the management objectives for each fishery management action, as established by the full Council, for approval by the Council to take to public hearings and for further development; and
- To develop and recommend **preferred alternatives** to the full Council for final adoption and submission for Secretarial review.

The Council Chair will appoint Council members to the Oversight Committee, and appoint a Chair of that committee.

The Council's Executive Director will assign Council staff to support each Oversight Committee.

**Council staff** will **prepare all documents and analyses necessary** for the Oversight Committee's development of scoping documents, alternatives, public hearing documents, Council decision documents, and all Council documentation to be submitted to NMFS for Secretarial review, following adoption of the final preferred alternatives by the Council as a whole.

### *Executive Committee*

Based on input from a variety of sources (stakeholders, NRCC, Advisory Panels, staff, etc.), the Council's Executive Committee **will identify issues warranting Council action and prioritize** those issues for the coming year, for final approval by the Council.

The Executive Committee will **review each Action Plan** developed by a PDT and, if appropriate, forward it to the Council for approval. If the Executive Committee does not accept the Action Plan, the Action Plan will be returned to the PDT, with an explanation, for further

development. The Executive Committee will also assist **in resolving issues regarding resource availability and timelines** relative to Action Plans.

## NERO

### Sustainable Fisheries Division (SFD)

At the development stage, **responsibilities** of SFD staff are:

- **To support and participate in all PDTs** established by the Council for which SFD has the lead within NERO;
- **To participate in the development of all associated Action Plans;**
- To ensure that a **current Action Plan for each action under development is available to the public**, both through the NEFMC's website, and NERO's website, including clear guidance to the public as to the status of each action and how and when they can have input to the process.);
- **To serve as the lead in coordinating participation and responsibilities** of other NERO divisions, in support of the PDT;
- **To request additional support** from the various divisions/offices of NERO and NEFSC, on an as-needed basis, to ensure that all issues related to the action are adequately addressed in compliance with the Magnuson-Stevens Act, NEPA, ESA, MMPA, and all other applicable laws and Executive Orders;
- **To provide advice, guidance, and information** on fishery management policy issues and requirements, as requested, including considerations of **administrative costs and complexity, potential approvability issues, enforceability concerns, timing of the development and implementation** of the action under development, particularly with regard to the Secretarial review phase, and **regulatory simplification** (i.e., how to keep measures and regulations as simple and clear as possible);
- **To complete specific responsibilities (e.g., to provide information, data, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action; and
- **To provide a link to each Action Plan on the NERO website, and update timelines for Secretarial review, approval, rulemaking, and implementation.**

The Assistant Regional Administrator (ARA) for Sustainable Fisheries will assign SFD staff to participate on each PDT, as necessary and appropriate.

**Once a complete fishery management action document, including all required analyses, is submitted to NERO by the Council, SFD staff will have primary responsibility for:**

- **Ensuring that the appropriate review procedures are followed**, in accordance with the timeline established in the Action Plan;
- **Coordinating the review** of Council-submitted actions within NERO, NEFSC, OLE, and GCNE;
- **Drafting the proposed regulatory text**, working with the appropriate Council staff to ensure consistency with Council intent, which will be submitted to the Council's Executive Director prior to publication in the Federal Register to be **deemed** necessary and appropriate to implement the Council's action;
- **Completing the proposed and final rule packages**, including all Issues Advisories and other memoranda necessary for Secretarial review of the action;
- **Preparing decision packages** for Secretarial review, including all memoranda and documentation required for NMFS Headquarters, NOAA, DOC, and OMB reviews;
- **Completing PRA submissions** for approval of new or revised data collections by OMB;
- **Completing and signing IQA analyses**;
- **Requesting section 7 consultations under the ESA from PRD**;
- Making initial determinations regarding **marine mammal and essential fish habitat (EFH) impacts** of fishery management actions, and requesting concurrence from PRD and HCD;
- **Responding to requests for briefings** on proposed actions;
- **Responding to all relevant comments received from the public** on proposed regulations and FMPs/amendments in the final rule;
- **Implementing and administering** approved programs and program changes, in cooperation with other NERO divisions, including cost-recovery programs, quota and effort leasing programs, vessel replacements and upgrades;
- **Monitoring fisheries**, in cooperation with APSD;
- Taking appropriate **inseason and/or post-season actions** and **implementing accountability measures**;
- **Assisting APSD in determining eligibility for limited access permits**;

- Providing **information and assistance to the public and to NMFS Headquarters, NOAA, and DOC to respond to constituent needs**, including requests from Members of Congress;
- Assist NERO communications staff in providing **outreach and educational services; and**
- Work closely with NOAA OLE and GCNE in **enforcing regulations and in defending approved Council actions in litigation.**

In addition, as necessary, SFD staff will have the lead in **development and implementation of emergency actions, interim actions, and Secretarial FMPs/amendments** to respond to new information or management/statutory requirements.

### Habitat Conservation Division (HCD)

**HCD staff** will **participate in the PDT** established for each fishery management action for which habitat-related concerns can reasonably be identified or expected, and will **participate in the development of Action Plans for all actions.**

The ARA for Habitat Conservation will assign HCD staff to participate on the PDT, as necessary and appropriate.

**HCD staff** assigned to a PDT will be responsible for:

- Participating in the **development of all Action Plans;**
- Ensuring that any **potential habitat-related issues** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying to the PDT any **habitat-related requirements** that may have to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring that they are included in the Action Plan;
- Explaining how habitat-related issues and/or requirements **may affect the Action Plan and/or timeline** for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Providing guidance and assistance to Council staff in the **preparation of the EFH assessment** required for an EFH consultation under the Magnuson-Stevens Act; and

- **Completing specific responsibilities (e.g., to provide habitat information, data, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

For all fishery management actions submitted to NMFS for Secretarial review, HCD staff will have primary responsibility for ensuring that all **EFH consultation activities** required under the Magnuson-Stevens Act are completed in accordance with the timeline established in the Action Plan.

### **Protected Resources Division (PRD)**

**PRD staff** will **participate in the PDT** established for each fishery management action for which significant protected resource-related concerns (marine mammals and/or threatened or endangered species) can reasonably be identified or expected, and will **participate in the development of Action Plans for all actions**.

The ARA for Protected Resources will assign PRD staff to participate on the PDT, as necessary and appropriate.

**PRD staff** assigned to a PDT will be **responsible** for:

- Participating in the **development of all Action Plans**;
- Providing **guidance and assistance to Council staff in the preparation of the protected resources assessment** required for a consultation under the ESA;
- Identifying to the PDT how **protected resource-related issues and/or requirements** (such as a formal section 7 consultation and the resulting Biological Opinion) may affect the Action Plan and/or timeline for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan; and
- **Completing specific responsibilities (e.g., to provide information, data, etc., relating to protected resources) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

For all fishery management actions submitted to NMFS for Secretarial review, PRD staff will have primary responsibility for ensuring that all **review and consultation activities required under the ESA and MMPA** are completed in accordance with the timeline established in the Action Plan.

### **NERO NEPA Staff**

NEPA staff will **participate in the PDT** established for each fishery management action, and will **participate in the development of Action Plans for all actions**.

The Regional NEPA Coordinator will assign NEPA staff to participate on the PDT, as necessary and appropriate.

**NEPA staff** assigned to a PDT will be **responsible** for:

- Participating in the **development of all Action Plans**;
- Ensuring that any **potential NEPA-related issues** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying to the PDT any **NEPA-related requirements** that may need to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring that they are included in the Action Plan;
- Explaining how **NEPA-related issues and/or requirements** may affect the Action Plan and/or timeline for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Providing **guidance and assistance to Council staff** in the preparation of the documentation required under NEPA; and
- **Completing specific responsibilities (e.g., to provide information, formats, examples, etc., relative to NEPA compliance requirements) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

For all fishery management actions submitted to NERO for Secretarial review, NEPA staff will have primary responsibility for **ensuring that all review and consultation activities required under NEPA** by the Council on Environmental Quality and through NOAA Administrative Order 216-6 are completed in accordance with the timeline established in the Action Plan.

### **Fisheries Data Services (FDS) Division**

**FDS staff** will **participate in the PDT** established for each fishery management action for which data and/or reporting-related concerns can reasonably be identified or expected, as appropriate and necessary, and will **participate in the development of Action Plans for all actions**.

The FDS Director will assign staff to participate on the PDT, as necessary and appropriate.

**FDS staff** assigned to a PDT will be **responsible** for:

- Participating in the **development of all Action Plans**;
- Ensuring that any **potential data and/or data reporting-related issues** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying to the PDT any **data and/or reporting-related requirements** that may have to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Explaining how these **data and/or reporting-related issues and/or requirements** may affect the Action Plan and/or timeline for the completion of the action;
- Identifying **any staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan; and
- **Completing specific responsibilities (e.g., to provide information, data, data analysis, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

### **Analytical and Program Support (APS) Division**

**APS staff** will **participate in the PDT** established for each fishery management action for which fishery monitoring issues/concerns can reasonably be identified or expected, as necessary and appropriate, and will **participate in the development of Action Plans for all actions**.

The APS Director will assign staff to participate on the PDT, as necessary and appropriate.

**APS staff** assigned to a PDT will be **responsible** for:

- Participating in the **development of all Action Plans**;
- Ensuring that any **fishery monitoring-related issues** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying to the PDT any **fishery monitoring requirements** that may have to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Explaining how these **fishery monitoring-related issues and/or requirements** may affect the Action Plan and/or timeline for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan; and
- **Completing specific responsibilities (e.g., to provide information, data, data analysis, permit-related data, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

### **NEFSC**

**NEFSC staff** will **participate in the PDT** established for each fishery management action, and will **participate in the development of all Action Plans, including all NEFSC disciplines that are involved in all aspects of development of fishery management actions.**

The Science and Research Director will designate a representative of the **Population Dynamics Branch** and a representative of the **Social Sciences Branch** to serve on a PDT.

In addition, staff from the **Ecosystem Assessment Program, Ecosystem Processes Division, Fisheries Sampling Branch,** and the **Protected Resources Branch** may be assigned, as appropriate.

**NEFSC staff** assigned to a PDT will be **responsible** for:

- Participating in the **development of all Action Plans**;



- Ensuring that any **potential issues for which the NEFSC staff have expertise** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying to the PDT **all requirements for which the NEFSC staff have clearance authority** (e.g., overfishing definitions, E.O. 12866 and RFA compliance) that may have to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Explaining **how these issues and requirements may affect the Action Plan** and/or timeline for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Providing **guidance and assistance to Council staff in the preparation of the documentation** necessary to meet the requirements of the Magnuson-Stevens Act and all other applicable law;
- **Preparing, at the discretion of the Center Directorate, biological, ecological, economic, and social analyses** as needed to support the PDT in fulfilling its functions;
- **Requesting additional support** from the various offices of NEFSC, on an as-needed basis, to ensure that all scientific issues related to the action are adequately addressed in compliance with the Magnuson-Stevens Act, NEPA, and all other applicable laws and Executive Orders; and
- **Completing specific responsibilities (e.g., to provide information, data, analyses, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

For all fishery management actions submitted to NMFS for Secretarial review, NEFSC staff will have **primary responsibility for ensuring that all relevant review and consultation activities required under the Magnuson-Stevens Act, E.O. 12866, and the RFA are completed** in accordance with the timeline established in the Action Plan.

#### **NOAA General Counsel—Northeast Region (GCNE)**

**GCNE staff** will provide legal advice, as required, to the PDT and Oversight Committee for each fishery management action, and will **participate in the development of Action Plans for all actions.**

**GCNE staff** will be responsible for:

- Participating in the **development of all Action Plans**;
- Ensuring that any **potential legal issues** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying any **legal requirements** that may have to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring that they are addressed in the Action Plan;
- Explaining how these **legal issues and/or requirements** may affect the Action Plan and/or timeline for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitation** associated with the development, review, approval, and/or implementation of the action, and ensuring they are reflected in the Action Plan;
- Providing **guidance to Council staff** in the preparation of the documentation necessary to meet the legal requirements of the Magnuson-Stevens Act and all other applicable law; and
- **Completing specific responsibilities (e.g., providing legal opinions, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

For all fishery management actions submitted to NERO for Secretarial review, GCNE staff will have primary responsibility for **ensuring that all legal review and consultation activities required under the Magnuson-Stevens Act and other applicable laws are completed** in accordance with the timeline established in the Action Plan.

GCNE will also be responsible, with assistance from NERO, NEFSC, and the Council, for **coordinating the defense** of approved actions that have been legally challenged.

#### **NOAA Office of Law Enforcement (OLE)**

**OLE staff** will **participate in the PDT** established for each fishery management action for which enforcement-related concerns can reasonably be identified or expected, as needed, and will **participate in the development of Action Plans for all actions**.

**OLE staff** assigned to a PDT will be responsible for:

- Participating in the **development of all Action Plans**;

- Ensuring that any potential **enforcement-related issues** that may be associated with the action are clearly identified as early as possible in the process, and that they are addressed in the Action Plan;
- Identifying any **enforcement-related requirements** that may have to be satisfied during the development, review, approval, and/or implementation of the action, and ensuring that they are addressed in the Action Plan;
- Explaining to the PDT how these **enforcement-related issues and/or requirements** may affect the Action Plan and/or timeline for the completion of the action;
- Identifying any **staff resource needs, requirements, and/or limitations** associated with the development, review, approval, and/or implementation of the action, and ensuring that they are reflected in the Action Plan;
- Providing an **enforceability assessment** for draft amendments and other actions, as necessary, and **as early in the development process as possible**; and
- **Completing specific responsibilities (e.g., providing information, data, etc.) necessary for the successful completion of the action, and as documented in an approved Action Plan** for each action.

### **Life of Agreement**

This Agreement will become effective when signed by all parties, and will remain in effect unless and until it is terminated by one or more parties, or it is superseded by another agreement. Any party may terminate this Agreement by providing 90 days written notice to the remaining parties. This Agreement may be amended at any time upon written agreement among all parties.

### **Statement of Commitment**

By signing below, I agree, on behalf of the organization I represent, to fulfill the roles and responsibilities outlined herein, and to support the efforts of the other parties involved in the fishery management process.

New England Fishery Management Council:

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date

NOAA Fisheries Service Northeast Regional Office:

\_\_\_\_\_  
Regional Administrator

\_\_\_\_\_  
Date

NOAA Fisheries Service Northeast Fisheries Science Center:

\_\_\_\_\_  
Science and Research Director

\_\_\_\_\_  
Date

Northeast Office of NOAA General Counsel:

\_\_\_\_\_  
Regional Counsel

\_\_\_\_\_  
Date

NOAA Fisheries Service Office of Law Enforcement, Northeast:

\_\_\_\_\_  
Special Agent in Charge

\_\_\_\_\_  
Date

Attachment 1.

## **Action Plan**

[With Guidance]

**Council:** *[Insert name of lead Council]*

**Fishery:** *[Insert name of fishery or FMP]*

**Title of Action:** *[Insert title of action, e.g., Amendment 18, Framework 49, Specifications for the 2012 fishery, etc.]*

**Problem Statement/Objective of Action:** *[Describe the problem(s) or issue(s) the action is intended to address]*

**Range of Alternatives Expected to be Considered:** *[Describe the likely range of alternatives that may be considered. It is understood that this may change as the Team; the Council's Management Committee Oversight Committee; and/or the Council as a whole further develop the action. But the team should make an initial attempt to define what sorts of alternatives are expected to be examined so that the appropriate staff can be involved, and to update the Action Plan as the alternatives are better defined.]*

**Fishery Management Action Team or Plan Development Team:**

*[Insert the names of individuals identified to serve as team members or contacts for this action, and the role and responsibilities of each person, such as completion of an analysis or consultation. Not every action will involve all of these areas of discipline at the same level; one of the purposes of the Action Plan is to assess the appropriate involvement of the various disciplines. This will serve as a contract among the parties, once the Action Plan is approved.]*

Council staff:  
NMFS NERO Sustainable Fisheries:  
NMFS NERO Habitat Conservation:  
NMFS NERO Protected Resources:  
NMFS NERO FDS:  
NMFS NERO APS:  
NMFS NERO NEPA:  
NMFS Enforcement:  
GCNE:  
NMFS NEFSC:  
Other(s):

**Type of NEPA Analysis Expected (CE/EA/EIS):** *[Insert the type of analysis expected. It is understood that this could change as the action progresses, as the scope and significance could change].*

**Applicable laws/issues:** *[Briefly identify significant issues or analyses that are expected to be required for this action, as appropriate. This will assist in determining what staff resources are needed and what the timing issues may be. See "Resource Considerations for Fishery Management Actions" document for additional guidance.]*

Magnuson-Stevens Act:

Administrative Procedure Act:

National Environmental Policy Act:

Regulatory Flexibility Act:

Paperwork Reduction Act:

Coastal Zone Management Act:

Endangered Species Act:

Marine Mammal Protection Act:

E.O. 12866 (Regulatory Planning and Review):

E.O. 12630 (Takings):

E.O. 13132 (Federalism):

Essential Fish Habitat:

Data Quality Act:

Other:

**Other Issues:** *[Describe other issues and/or needs that must be considered in the development and implementation of this action.]*

Enforcement:

Statistics:

Observer Coverage:

Administrative issues/costs:

Regulatory clarification/simplification: *[Are there aspects of this action that could be used to simplify or improve existing regulations for this fishery? Simplification should be a strong consideration in the development of alternatives.]*

Other:

**Timeline for Development/Review/Implementation:** *[Based on the complexity of the issues, procedural requirements, statutory requirements, analytical requirements, and taking into account other workloads and demands on staff resources, develop a schedule for the action that is realistic. This will allow the Council, the reviewers, and the affected public to plan. In some cases, the schedule may be driven by a critical implementation date (e.g., start of a new fishing year, court-ordered deadline, sunset provision, etc.); in other cases there will be no critical implementation date and the schedule should be based on a reasonable pace of development and implementation, with consideration of other priorities and staff and data availability. Clearly indicate the stages in development, and timeframes, that the public can have input to the process. This timeline should be posted on both the Council's and NERO's public website, and updated as necessary.]*

## **Consideration of Management Priorities for 2012 (NOV 3, 2011)**

### Groundfish

- Continue Amendment 18 to consider fleet diversity and accumulation caps.
- Coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.
- Prepare framework action to adjust sector rules based on lessons learned from Oct 2011 Sector Workshop, including determination of 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.
- Prepare framework to respond to new assessment information for 9 stocks.

### Monkfish

1. Continue Monkfish Amendment 6 for catch shares (sectors and IFQs).

### Sea Scallops

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 (realistically only 3-4)
    - 1) leasing LAGC IFQ mid-year;
    - 2) consider modification of GB access area opening dates, currently June 15 (would require joint action with GF);
    - 3) performance review workshop (similar to lessons learned sector workshop) of LAGC IFQ program to date (not in FW 24 – after FW 24 submitted);
    - 4) address sub-ACL of YT flounder (potentially divide sub-ACL between LA and LAGC and develop AMs for LAGC trawl fishery);
  - 5) 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);
  - 6) develop AMs for windowpane flounder, if GF FW 47 implements sub-ACL

### Herring

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

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

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



## **Continue from 2011 and ongoing actions:**

### Whiting

1. Continue Whiting Amendment to set ACLs, AMs and Specs (2012-2014). *(Mar 2012 completion)*

### Habitat

1. Continue Omnibus Habitat Amendment

### RSC

1. Continue to steer research to support NEFMC plans.

### SSC

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

### Enforcement, Safety and VMS

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.)

### Whiting

1. Prepare an Amendment for limited entry to the whiting fishery.

### 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)

**DRAFT (rev) STRAWMAN FOR NEW ENGLAND FISHERIES VISION**

**“Healthy ecosystems, healthy fishing communities and sustainable fisheries are maintained with simplified fishery management plans. An open and transparent Council process, where stakeholder engagement and communications are maximized, builds trust and healthy relationships among the Council, Industry, Public and the Government. Fishing fleets are diverse, safe and economically viable. States and fishing communities support and share in the economic and social benefits from recreational and commercial fishing activities, including jobs, infrastructure and seafood.”**

**Enabling Objectives:****Ecosystem Based Fisheries Management**

Ecosystem Based Fisheries Management is implemented with a gradual shift from single species management throughout the range to an ecosystem approach to fisheries management which is adaptive, specified geographically by ecosystem production units (EPU), takes into account uncertainties and strives to balance diverse social objectives.

There is comprehensive consideration of fishery and biological interactions in each ecosystem plan. Ecosystem constraints are considered by managers with an understanding that rebuilding timelines are not fixed within each EPU.

Management structures are simplified. One spatial ecosystem based plan, with several ecosystem production units with attendant Committees and APs. Resulting in greater stakeholder participation (co-management), better analyses of social, economic and biological impacts, improved fisheries trade-offs, and improved data collection and science partnerships. Social, economic, and biological measures of success are established for each EPU. These measures are monitored to ensure they are achieved.

ABCs/ACLs/and AMs are established for geographical areas (EPU's). Smaller scale management enhances stewardship, understanding and credibility of scientific data and models.

**Quota Based Management**

Quota based management, including catch shares, is the mainstay of fisheries management. Quota, not effort, is allocated to individuals, sectors and communities consistent with National Standard 4. ACLs and allocation of catch quotas based on each EPU. Allocation and accumulation limits are established within each EPU, which ensure fairness and maintain directed commercial and recreational fisheries. Effort and other input controls used only to supplement quota based management when needed.

**Governance**

There is coordination with states, MAFMC, ASMFC and other governance bodies to ensure the health of the EPU and sustainability of fisheries and communities are not jeopardized by fishing and non fishing activities.

Cost effective, reliable, safe, and flexible monitoring systems are the shared financial responsibility of the industry and government.



New England Fishery Management Council

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

MEMORANDUM

November 7, 2011

TO: Council Members  
FROM: Paul J. Howard, Executive Director  
SUBJECT: Touchstone Report – Improving Collaborations and Communications;  
NEFMC Actions and Activities, November 15-17, 2011 Council Meeting

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. You will find attached a final list which reflects the Executive Committee decisions agreed to at its November 3 meeting in Wakefield, MA. Many of the approved activities are in process or will begin at the January 2012 Council meeting.

As has been discussed a number of times, some of the activities may be "a matter of trying things to see what works." Others are not intended to result in dramatic changes, but are intended to create opportunities during which all parties may engage in conversations about fisheries issues without the formality associated with Council or oversight committee meetings.

**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.

ENCLOSURE ( 5 )

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 would be best to use these types of tools as early as possible in the process to maximize the input of fishermen and interested parties.

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.
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.
5. **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.*
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.*
7. **Initiate Council member training sessions to enhance familiarity with and use of Robert’s Rules of Order and enhanced meeting management skills.**
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.

#### **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.
10. **Principles that should guide all communications include: objectivity, inclusiveness and clarity with respect to purpose and content.** Said differently, Council documents should be fair and balanced, address all user groups in equal fashion and focus on topics that are most relevant to the issues under consideration by the Council and informative to the public.

*The list below represents initiatives that have not yet been addressed to date but will be incorporated into the staff administrative/communications functions and duties as soon as possible.*

11. **Create a clear and informative “Navigating the Council Process” document.** Post on the Council website and have copies at all oversight committee/Council meetings. (*Will be coordinated with NMFS.*)
12. **Fully support the NOAA/NMFS “Plain Language Initiative.”**
13. **Develop and implement a Council communications plan.**
14. **Allow an opportunity in Council FMP timelines to write easy-to-understand public hearing documents that look like information pieces and not FMPs;** i.e. avoid NEPA-style language and duplications and adequately explain measures and their rationale, while maintaining consistency with the associated Fishery Management Plan/Environmental Impact Statement.
15. **Improve information distribution.** The NEFMC already communicates across formats and the staff consistently responds quickly to queries via telephone and email. Where necessary, however, improvements will be initiated, particularly with respect to simplifying the process to find information, and increasing transparency through information that is distributed.
16. **Revise email lists after actively re-soliciting fishing organizations,** stakeholder groups or interested parties that might help distribute Council sign-up cards to update preferences for snail, email and other means of communication.
17. **Redesign the NEFMC website.**

Council	Meeting-Related Activities to Promote...	Collaborations	Communications w/Constituents -	Communications/Other	Best tools and Partnerships	Interesting Comments
Mid-Atlantic Council [NB]	Meets 6x/yr., 3-4 days; coffee served at mtgs. hospitality hour ea. day in Ex.Dir's room, everyone invited, \$5-10pp	APs used in process similar to NEFMC	Press releases (15-20); one completed on a hot topic after ea. Council meeting; Newsletters (6); Pamphlets, one-off (1-2/yr.) ; regs brochures	Live streaming; listening session one eve. during Council mtg.; 2-4 trade shows/yr.	Best tool, website No partners	APs are developing a doc for SSC use describing each major fishery; includes social/econ info.
S. Atlantic Council [Budget for printed materials]	Meets 4x annually, 5 days; coffee served at mtgs. and occasionally light breakfast food at long mtgs.; AS time allows, one-hr. social at the end of ea. day in EDs hotel rm; all invited, \$5pp. Also, fishing orgs or NGOs host socials.	APs very engaged; initiated an annual "state of the fishery" rept. for each AP/FMP (similar to MAFMC effort directed toward SSC); Also have a active Information and Education AP.	Press releases (7-8); Newsletters (4, 8-12p., four-color); Regs brochures, fact sheets as time allows; also one on EBFM, SEDAR process, deepwater corals; few, if any trade shows; revising public hearing docs to be more user friendly; post card mtg. announcements	Live streaming; currently exploring social media; trade shows not worth the time and expense	Best tools, website and newsletter for now;  Partners with SC Aquarium (including participating on the Aq's Sustainable Seafood Initiative steering committee)	Tech staff is interested in maintaining a blog.
Gulf Council [NB.. yet]	Meets 5x /yr., 4-5 days; Coffee served; Q&A one eve/Council meeting, any issue, RA and Council present; socials held by outside grps; social in Chair's suite, \$10pp	APs used to some extent, similar to NEFMC	Press releases (30-40) for mtgs; also for new regs, soliciting for APs, etc.; Newsletters (5); Outreach and Ed. staff travels to constituent mtgs and participates in "dockside' chats	Live streaming, Pre-Council blog, iPhone app for regs, videos on their You tube channel, regs brochures, "Navigating the Council Process;" flier and brochures for scoping and public hearings; no trade shows	Best tools, "Navigating the Process," blogs. Partners - Florida Aquarium and Gulf of Mexico Alliance, estab. by states to enhance the ecological and economic health of the GO Mex	Working on a regulations hot line. Recent survey revealed that materials were written at a college level – too hard for many readers.

Council	Meeting-related activities to Promote...	Collaborations	Communications w/Constituents	Communications/Other	Best Tools/Partnerships	Interesting Comments
N. Pacific Council [Flex. Budget]	Meets 5x/yr., 9 days; Industry hosts eve. receptions 2-3x/yr., open to all; coffee served at all Council mtgs.	APs engaged; activities, limited to Council-held mtgs.	Press releases (0); Newsletters (5) Pamphlets, one-off, 1/year; no public hearings, testimony provided at Council mtgs. Staff road trips for hot-button issues	Live stream Council mtgs.	Best tools = video and social media up and coming; otherwise word of mouth, AP members, industry pubs, websites, blogs and newsletters, but those probably read most by industry reps. No partners	No communications staff; projects are assigned to tech staff as appropriate w/oversight from Deputy Director.
Pacific Council [NB]	Meets 5x annually, 5-7 days; coffee served	APs very engaged; cooperative research	Press releases (3-4); Newsletters (4); Fact Sheets (12), update 1-2x yrly;	Live streams Council mtgs. Uses Twitter "Guide to Council Process" No trade shows	Best tools = website, newsletter, fact sheets, likely videos in the future. Partners w/governors org and the PSMFC	Ramps up activities special mtgs, listening sessions, bilingual announcements for controversial issues
WPFMC Budget was supported by outside grants, no longer available	Meets 3x, 4 days ea., but AP, plan team, ecosystem panel and SSC meet just before the Council, so mtg expands to 2-3 weeks	Use APs? Yes, also provide training	Press releases (24) Newsletters (2-3) , plus wide range of materials include. Posters calendars, exhibits, display ads, FEP brochures	Live streams Council mtgs.	Range of activities includ. materials related to cultural, regulatory and enforcement issues; Partners w fishing assoc., indigenous grps, ed orgs	Materials too complicated for the average person. Have developed and ed. curricula for all grade levels



## DRAFT SSC 2012 CALENDAR

(Nov. 3, 2001)

Dec. 13, 2011	<ul style="list-style-type: none"><li>• Research recommendations</li><li>• SSC outreach</li><li>• Using fishery info &amp; AP input for setting ABCs for data poor species</li><li>• Social science issues</li><li>• Risk policy development</li><li>• Report on 2012 National SSC Workshop</li><li>• Report on NRCC ACL/AM Workgroup &amp; assessment schedule</li><li>• 2012 SSC calendar &amp; planning</li></ul>
January 2012	Groundfish – GOM cod ABC recommendation
late February / March	Groundfish – ABCs recommendations for 11 stocks if in-year 2012 adjustments needed. (For the 11 stocks with analytical assessment that have not been assessed since GARM III, provide an ABC for FY 2012 only. The stocks are GB cod, GOM haddock, GB haddock, CC/GOM yellowtail, SNE/MA yellowtail, witch flounder, Am. plaice, white hake, redfish, halibut & wolffish).
July / August / September	<ul style="list-style-type: none"><li>• Herring ABC recommendations for 2013-2015 specifications</li><li>• Scallop ABC recommendations for 2013-2015 specifications</li><li>• Groundfish – ABC recommendations for SNE/MA yellowtail based on SARC-54 assessment &amp; for any other stocks not covered in February meeting</li><li>• ABC for E. Georges Bank yellowtail flounder</li></ul>
November / December	2013 SSC calendar & planning

ENCLOSURE ( 6 )