



New England Fishery Management Council

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

MEMORANDUM

DATE: January 21, 2014
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: **Summary of January 21, 2014 Executive Committee Meeting**

The Executive Committee met on Tuesday, January 21, 2014 at the DoubleTree Hilton, Danvers, MA. Messrs. Stockwell, Quinn, Grout, Pierce, Kendall attended the meeting as did Messrs. Nies, Bullard, Darcy, Kellogg, Dr. Karp and Ms. Roy. Ms. Raymond and Ms. Mooney-Seus also attended the meeting. The committee discussed the following agenda items.

Management Action Timelines

Mr. Kellogg reviewed timelines for Council FMP related actions. New Council priorities were reflected within the timelines and updates include: 1) electronic monitoring and changes to groundfish spawning closures have not yet been added; 2) Scallop Framework 25 is expected to be submitted in February; 3) the Scallop General Category IFQ program report is still slated for April; 4) there will be a benchmark assessment for scallops in July with final approval of a scallop management action in November; 5) Groundfish Framework 51 is expected to be submitted in February; 6) the final decision for Framework 52 (specs for US/CA stocks and other issues) is expected in November; 7) Herring Framework 3 was submitted to NMFS and possible implementation is January 2015; 8) final approval of the whiting framework is expected in November.

Ms. Raymond asked that the Council leadership speak with the MAFMC about their objections to monkfish management measures for the fishery in the north.

Magnuson-Stevens Act (MSA) Reauthorization – Mr. Nies inquired as to how the Council wants to communicate on the discussion draft bill. He presented an overview of the bill and suggested drafting a position document to present to the Council at the January meeting. Dr. Pierce suggested supporting the National Research Council comments of which several members, who are familiar to the Council, make important recommendations on fishing mortality targets. Mr. Nies will draft up documentation to show support for flexibility but explain how it does not go far enough with the concept of a fixed period.

Mr. Nies discussed changes to the annual catch limit (ACL) and found it lacks clarity on what the changes are trying to accomplish and the language is difficult to interpret. Dr. Pierce stated

that the title of the Act is inconsistent with the definition of optimum yield (OY) and the committee supports a different term other than overfished but is not comfortable with using the word 'depleted'.

Mr. Nies stated that the NEPA requirement recommends transcripts and video for each Council and SSC meeting. The Council previously used transcripts at their Council meetings (approx. 10 years ago), at a cost of \$5,000/meeting. Mr. Grout stated that the ASFMC is still using transcripts and they find it valuable and recommends the Council reinstate transcripts for both Council and SSC meetings. The committee also agreed to support audio but not video at Council and SSC meetings. Mr. Nies will provide comments to modify the NEPA process.

Changes to the new catch share programs were reviewed and the committee was undecided on what changes they would like to see. Mr. Stockwell stated that definitions of full-time, part-time and crew should be dependent on each Council and the committee agreed that the changes also seem to depend on how 'active' and 'crew' are defined.

Mr. Nies stated that the changes to data collection and electronic monitoring (EM) help to expedite the implementation of EM. Mr. Bullard stated that marine spatial planning is necessary and needed by fishermen, NERO and the Council as well. The committee believes that data should be available for fishery enforcement and supports EM development. Dr. Karp stated that the goal is to look for efficient, affordable fishery monitoring systems.

Other issues included a recommendation to allow the MAFMC liaison to be a voting member of the NEFMC and vice versa. The committee agreed this was a good idea. In addition, the committee agreed that there would be an additional workload if ESA recovery plans must be implemented under MSA authority.

Dr. Pierce suggested MSA revise the definition of 'person' and restrict it to an individual person and not an entity or corporation. Mr. Nies stated that many organizations have several members but are supported by one person and he does not think that this section of the draft document addresses concerns about data confidentiality being too restrictive.

GB Yellowtail Flounder Empirical Catch Advice Proposal – Dr. Karp stated that dates have been set to conduct a 'diagnostic' benchmark to address challenges of the VPA assessment. The benchmark will focus on current information, recent survey data, pilot survey, SMAST data, etc. and it will be peer reviewed. Mr. Nies stated that there is a disconnect between the Georges Bank Yellowtail Flounder TORs for the 2014 TRAC and the empirical approach and, for consistency, one of them must be changed. He also stated that there has been very little discussion about the empirical approach at the TMGC meetings. Dr. Karp stated that Dr. Paul Rago will address the empirical approach at the January Council meeting.

Sector Access to Closed Areas – Implications of FR Notice – Dr. Pierce inquired as to the status of NEROs comments on the interim Final Rule and he suggested highlighting issues that have relevance to sector management. Dr. Pierce stated that NERO ties LOAs specific with research which requires additional analysis and LOAs would not be issued in a timely manner.

OHA2 Impacts on the Lobster Fishery – Mr. Grout stated that the scallop and lobster fisheries have been speaking and making progress towards an agreement about fishing in the area of the Northern Edge. Mr. Darcy stated that regulations would need to be implemented under an agreement with or on behalf of the ASMFC. A scallop framework would be required to implement the change to the fishery. Mr. Nies inquired as to the need for a regulatory agreement. Ms. Raymond stated that when problems arise on the water, the parties tend to work it out and she is uncomfortable with the ASMFC setting up an agreement through their regulations. The Committee agreed that regulations should be pursued if requested by the industry. Mr. Nies stated that DHRA reference area rules exclude party/charter vessels because they harvest bottom-dwelling species yet lobster gear is not prohibited in the reference area and that there seems to be no rationale as to why one gear is excluded and the other isn't.

Disaster Relief – Though not on the agenda, Mr. Bullard gave an update on the decisions needed to be made about disbursements of disaster relief money. He is working to collect ideas through meetings and has 30 days to submit these ideas. He inquired as to whether the Council wants to weigh in within the compressed timeframe. The committee agreed with Mr. Kendall's suggestion that the Regional Administrator provide an update at the Council meeting.

Executive Director Report

Budget overview - Mr. Nies reported that there is uncertainty with the Council's funding since the Council has not yet received their budget for the year and that he will be hearing more at the February CCC meeting. He presented a display of financial scenarios based on the amount of funds the Council will receive (or not receive). He also stated that the Research Steering committee will be getting together to discuss priorities in preparation of a collaborative research program.

Collaborative Research – Mr. Nies stated a contractor will soon be identified to manage a collaborative research program primarily focusing on groundfish. The National Fish and Wildlife foundation is interested in the contract; however, other research organizations may come forward. Mr. Stockwell asked whether collaborative research funds could be used for observers. Dr. Karp asked what the NEFSC's role would be in reviewing the projects and wants to ensure the Science Center derives something from the work, though they would have little to no control over its quality. Mr. Bullard stated that collaborative research is a good idea, but questioned it in the context of disaster assistance. Mr. Grout stated that cooperative research funds go to a limited number of fishermen so it would not be a good use of disaster funding.

NMFS/NEFMC Operating Agreement (OA) – Mr. Bullard stated that 'NERO' has been renamed 'GARFO' (Greater Atlantic Regional Fisheries Office). He went on to stress the value of the relationship between NMFS/NERO/NEFSC and NEFMC and spoke about moving ahead with approval of the Operating Agreement. Mr. Nies stated that the draft OA will be addressed at the February 7th Tiger Team meeting and that the Executive Committee should review the Tiger Team's comments before moving forward on the Agreement. Mr. Bullard stated that the MAFMC has already signed the agreement.

Amendment 18/Compass Lexecon Report Peer Review – Mr. Stockwell stated that there is a peer review scheduled and a timeline associated with it.

AP Chair comments at Committee meetings – Mr. Stockwell stated that during a recent committee meeting, the AP Chair had made his personal opinions known while sitting at the head table. He reminded the committee that if an AP Chair wants to provide personal input, they should speak from the public comment table and identify their comments as such.

Closed Session / SSC Appointments - The committee approved the following reappointments/appointments to forward to the Council for their comments at the January meeting:

- Robert O'Boyle (reappointed)
- Dr. Patricia Pinto DaSilva (reappointed)
- Dr. Alexei Sharov (reappointed)
- Dr. Kevin St. Martin (reappointed)
- Dr. Patrick Sullivan (reappointed)
- Dr. Andrew Pershing, GMRI (appointed)