

# A Review of the New England Fishery Management Process

April 2011

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## Executive Summary

The purpose of this study is to conduct a regional assessment and management review of the fishery management process (hereafter referred to as “the process”) in New England, focusing on the relationships among the New England Fishery Management Council (NEFMC), the Northeast Regional Office (NERO), and the Northeast Fisheries Science Center (NEFSC). The study also incorporated a review of other factors that influence the effectiveness of those three entities in carrying out their responsibilities under the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (MSRA). This study was requested by John Pappalardo, Chair of the NEFMC, acting in his personal capacity. Pappalardo’s request stemmed from frustration resulting from struggles implementing the MSRA requirements and concern that the goals established by the Act were unattainable and not adequately supported by the necessary science resources. The MSRA increases science and management requirements for ending overfishing and rebuilding fish stocks on the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service (NMFS) and the Fishery Management Councils.

This effort was designed to be rolled out in phases. The initial phase, which concludes with this report, focuses on gathering stakeholder input via interviews. The stakeholders referenced throughout this study are an active part of the management process, and are impacted by the process. The interview questions were designed to understand the strengths and weaknesses within the current fishery management process in New England under the MSRA, and to gather recommendations to improve the process. Future phases of this effort will involve a more focused analysis of the top recommendations identified in this report and implementation. The effect of the overall effort will be stakeholder-driven change to improve the current fishery management process.

Interviews were conducted with 179 stakeholders selected from nine groups: NERO, NEFSC, NEFMC, industry, research partners, non-governmental organizations (NGOs), Mid-Atlantic Fishery Management Council (MAFMC), NMFS Headquarters and municipalities. We identified interview participants by reviewing organizational charts from NERO, NEFSC, and NEFMC, Council attendance rosters, and by asking for referrals. We gathered and analyzed interview data and summarized these data into themes. General statements are attributed to the interview groups and are not intended to represent a consensus or majority opinion within a group.

Stakeholder Group	# of Interviewees
Industry	59
New England Fishery Management Council	40
Northeast Regional Office	30
Northeast Fisheries Science Center	20
Non-Governmental Organizations	11
National Marine Fisheries Service Headquarters	6
Research Partners	6
Mid-Atlantic Fishery Management Council	4
Municipal	3
<b>Grand Total</b>	<b>179</b>

Stakeholders agreed that there are many positives with the current process, including the presence of dedicated staff within each organization; the transparency of the process; cooperative research

programs; the growing use of science in the process; the role of sector managers; and the Marine Resource Education Program.

Stakeholders identified a number of problems and challenges across the entire process. Problems exist that cannot be attributed to any single organization or person and will require a collective effort to change. The challenges we identified are:

- Eliminating redundancies across the entire system.
- Building a shared sense of accountability for outcomes among NERO, NEFSC, and NEFMC.
- Defining clear, objective criteria for determining the success of a management decision.
- Developing a shared vision and strategy to guide the process.
- Creating a more welcoming environment at the Council meetings.
- Reducing the negative impacts of lawsuits and politics on the process.
- Working to minimize redundancy created by NEPA and MSRA.
- Fostering an environment of service to the industry.
- Reestablishing “development of the commercial fishing industry” as part of the NMFS mission.
- Streamlining the layers of NOAA review needed to respond to stakeholder requests.
- Improving the quality and timeliness of industry generated data.
- Building industry confidence in survey generated data.
- Reducing the time required for science to inform the management process.
- Simplifying NMFS outreach and communications.
- Geography and history compound challenges.

Stakeholders willingly provided recommendations for ways to improve the fisheries management process. The most frequent recommendations were:

- Improve collaborative research and the Research Set-Aside (RSA) programs.
- Simplify the governance across the three organizations.
- Maximize collaboration across the system and simplify communications with stakeholders.

Other recommendations included:

- Scale up the collection and use of socioeconomic data in the Fishery Management Plans (FMPs) in order to make socioeconomic analysis a more visible and meaningful part of the management process.
- Conduct a comprehensive analysis of all NMFS data systems to identify areas that will improve data gathering, data management, data analysis and data use.
- Conduct a comprehensive analysis of the FMP reporting requirements to find opportunities to eliminate unnecessary reporting/analysis/writing (e.g., Does an EIS need to be created for each FMP?) and decrease the reporting workload on Council and NERO staff.
- Begin the creation of a regional vision and strategic plan to define a new model for collaborating with all stakeholders and to set a future direction for the fishery.

- Consider resources to scale up observer program and aging analysis to eliminate that as a bottleneck in the science process.
- Streamline NOAA communications review protocols to improve the response time to stakeholder request and inquiries.
- Design a cost-effective performance management system to track the progress of decisions and capture lessons learned and best practices.

Additional challenges and recommendations that are specific to each of the three organizations can be found in the final section of this report.

After completing our themes, we reviewed past efforts and concluded that many past and current efforts have arrived at similar conclusions. This indicates that little change has been made over the years, and that for improvements to be made all stakeholders must work together to implement both procedural and cultural recommendations.

We recognize we were unable to speak with everyone involved in the New England Fishery Management process, but we would like to thank all those who participated in this study.

Sincerely,

Preston Pate and SRA-Touchstone Consulting Group

## Background

With the 2006 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (hereafter referred to as “the MSRA”), the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) and the Regional Fishery Management Councils face significantly increased science and management requirements for ending overfishing and rebuilding fish stocks. Implementation of the new requirements, particularly for Annual Catch Limits (ACLs), has been achieved in some regions, but other regions and councils have struggled to meet the new mandates. While NMFS received budget increases to support the new requirements, further resources may still be needed to fully implement the requirements of the MSRA. The increased pressure to meet the MSRA requirements and balance conservation issues with economic and social concerns has raised questions about whether alternative approaches to how NMFS and the Councils do business could improve coordination, communication, and management outcomes.<sup>1</sup>

## Purpose of the Study

The purpose of this study is to conduct a regional assessment and management review of the fishery management process in New England, focusing on the relationships among three entities: the New England Fishery Management Council (NEFMC), the Northeast Regional Office (NERO), and the Northeast Fisheries Science Center (NEFSC). This study also aims to incorporate a review of other factors influencing the effectiveness of those entities in carrying out their responsibilities under the MSRA and serves as a platform for a neutral review of current coordination, and processes. This study also provides suggestions for improvements that would enable all three entities to work more efficiently and effectively in implementing the MSRA. The study is directed to provide specific recommendations to understand if additional resources or reallocation of existing resources are needed to meet the MSRA requirements and improve New England’s fishery management processes, as well as ways to modify existing processes to better meet NOAA’s mission and statutory outcomes of ending overfishing and rebuilding sustainable fisheries. Although the study focuses on New England, it is designed so that its findings and recommendations could be systematically expanded to other regions to provide comparable information between and across regions.

A review of NOAA’s enforcement responsibilities under the MSRA is not included in this study. Questions concerning enforcement arose infrequently in our interviews. When asked, our response was to explain that enforcement is being evaluated through a separate process.

## Driver for the Study

At the May 2010 New England Council Coordinating Committee (CCC) meeting, NOAA Fisheries and the Councils discussed the potential for a study examining the current regulatory review process and potential ways to improve efficiency in Council-NMFS operations. This discussion was initiated by a letter that John Pappalardo, Chair of the NEFMC (but writing in his personal capacity), wrote to the Secretary of Commerce in December of 2009 requesting assistance, funding, and oversight for a systematic review of the Regions’ and Councils’ internal and external fishery management processes.

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<sup>1</sup> Based on the original statement of work

Pappalardo’s request stemmed from frustration with challenges in implementing the MSRA requirements, and concern that the goals established by the Act were unattainable and not adequately supported by the necessary science resources. At the CCC meeting, Pappalardo elaborated on the potential for this study, indicating that NERO and NEFSC work well together. He was concerned that by supporting two Councils (New England and Mid-Atlantic), NERO and NEFSC are in a high-pressure situation and as such, that an external review might be able to take a neutral look at the current relationship and processes and suggest improvements, thereby ensuring joint prioritization of goals, a common vision, a shared sense of responsibility, and a shared sense of ownership are things that could be improved. He emphasized that the request for a review was not based on issues of poor performance by NERO and NEFSC, but that they and the Council could benefit from constructive guidance to ensure they move forward together.

## Approach and Methodology

**What is the overall approach for this effort?** The initial phase of this effort, which concludes with this report, focuses on gathering stakeholder input via interviews. Stakeholders, as referenced throughout this study, are individuals who are actively part of the management process, as well as those impacted by the process. Questions were designed to understand the strengths and weaknesses with the current fishery management process in New England under the MSRA and to gather recommendations for making improvement to the process. Future phases of this effort will involve a more focused analysis of the top recommendations identified in this report and implementation. The effect of the overall effort will be stakeholder-driven change to improve the current fishery management process.

**When will we see progress?** Progress is ultimately the responsibility of all participants and stakeholders. The interviews conducted in the initial phase sought to identify recommendations that could be implemented within 18 months. The goal is to see the right changes made as soon as possible. That being said, we, the authors, advise 1) to not rush into action without a clear plan; and 2) to not be overly cautious and turn this into a paperwork exercise. The goal is to achieve timely and relevant improvements to the current fishery management process.

**Who was interviewed?** Interviews were conducted with 179 stakeholders and process participants, who were identified by reviewing organizational charts from the three organizations listed above (NERO, NEFSC, and NEFMC), Council attendance rosters, and by asking the interviewees for referrals. Referrals were the greatest source of interviewees, as almost every interviewee suggested people to speak with. The distribution of interviewees across stakeholder groups was carefully tracked throughout the process to ensure that stakeholders from all fisheries and geographical areas are represented in the study.

Stakeholder Group	# of Interviewees
Industry	59
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**Why were so many people interviewed?** The approach was designed to be driven by significant amounts of stakeholder input. This approach fosters ownership from the start—which, as this Study will highlight, is needed for any meaningful change to the current fishery management process in New England. As the authors of this report, we hope that stakeholders will see themselves represented in the interview data. As a steward of this study’s process, our role as consultants is to listen, analyze for themes, and present the themed information back to stakeholders in a constructive way. Although this process is not perfect, themes identify common ground that exists among stakeholder groups.

**What questions were asked, and why?** The interview questions were organized into three broad categories. The first category sought to understand *what is working* with the fishery management process. The analysis of this information helps identify what works in New England and whether these “best practices” can be used in other Regions or within other organizations. The second category sought to understand *where stakeholders experience the greatest challenges* with the fishery management process. These insights provide a starting point for further analysis. The opening questions were broad and then we asked a series of “why?” questions to further understand the root cause of the challenge. The third category focused on interviewees’ best thinking for *how to improve the fishery management process*. Theming the interview data helps identify solutions shared by multiple stakeholder groups—and thus solutions that will have a higher chance of being successfully implemented.

We avoided questions about the outcomes of the process, and focused on the **process** itself. For example, we did not ask, “are Sectors working?” Rather, we asked questions to understand whether the **process** that was used to develop and roll out the Sectors worked.

Collectively, our questions led to findings around management topics including governance, vision and strategy, priorities, communications, stakeholder engagement, and performance management.

**Why were the interviews confidential?** We needed interviewees to feel comfortable answering questions about their organization. We also wanted to assure them that nothing would be directly attributed to them (oftentimes interviewees didn’t care one way or the other; other times they appreciated the anonymity).

**How the themes created?** First, we consolidated the interview data from 179 interviewees. We then organized the interviews by stakeholder group. We then began to organize the information by broad area and management topics. We spent considerable time reading through the interview data to find trends that wove throughout multiple interviews. These trends were then summarized into a concise statement that captured the essence of the trend; we called this an interview theme. The theme was then verified by supporting quotations. This was done for all three organizations (NERO, NEFSC, and NEFMC) collectively, and for each organization individually. *Note:* Organization-specific themes include both internal and external perspectives.

## Caveats

Below are a set of caveats, or qualifications, that we feel important to highlight as part of this report.



**We made generalizations.** Stakeholder groups in New England are highly diverse. For example, we found nuances among stakeholders with different boat sizes, gear types, origins, fishing locations, etc. That being said, we often heard differing points about the same process, person, or program depending on the interviewee's role and perspective. We were also not able to interview every stakeholder. Therefore, as we present our findings and reference a stakeholder group, we are making certain generalizations that we attribute to that group.

**We could not speak with everyone.** Although we conducted interviews with 179 stakeholders, we could not contact everyone, and for that, we apologize. In fact, we reached out to many more individuals than we were actually able to interview. That said, we did our best to ensure that all major stakeholder groups, geographical areas, and interests were well represented.

**This report is based on stakeholder input.** Phase 1 of this project is a broad analysis of stakeholder input. We are reporting findings that represent the perspectives of the various stakeholder groups and individuals that were interviewed.

**We will be objective and neutral.** There was a lot of finger-pointing among broad stakeholder groups, and within each group (e.g., between boat size, gear-type, states, funding sources, etc.), and an overall victim mentality. So to help all groups see how they are part of both the problem and the solution, we will strive to paint an objective and neutral perspective of all viewpoints, recognizing that no one is either wholly at fault or faultless.

## Collective Findings

### Positives

**All three organizations have competent and dedicated staff.** Many interviewees recognized that staff within the organizations are highly professional and dedicated to their work. Most understood that staff members do the best they can, given their span of control and influence.

**Although complex and slow, the management process is transparent.** Many recognized that although federal laws and executive orders require certain protocols throughout the rule-making process that cause it to be slow (e.g., fixed days for public comment), the process is transparent.

**Interaction with the process is good, but not at all stages.** Many like the “Town Hall” format of the Council meetings, even though it slows the process.

**Cooperative research is seen as an effective tool for fostering trust between NMFS and stakeholders.** Many see the value of cooperative research as a method for improving science and fostering trust between stakeholders and NMFS.

**The Northeast Region Coordinating Council<sup>2</sup> (NRCC) has the potential to make considerable improvements across the organizations.** The NRCC provides a venue for gaining critical alignment among leaders from NERO, NEFSC, MAFMC, and NEFMC.

**Science is helping build confidence in final decisions.** Many believe the Scientific and Statistical Committee (SSC) is a positive component of the fishery management process. Many agreed that as the SSC clarifies its relationships between the NEFSC and the Council, stakeholders will gain more confidence that science, rather than politics, is driving decision-making.

**New England’s fishery scientists are recognized as being world-class.** Stakeholders recognized New England as having credible fisheries scientists in government and academic institutions, and that these scientists are engaged in the process. Many believe the overall process will improve and stakeholders will have greater confidence in the rule-making process as scientists become more collaborative among themselves and with the industry.

**Role of Sector Managers is improving collaboration between industry and NMFS.** Many agreed that the role of the Sector Managers is having a positive impact on collaboration between NMFS and industry. NMFS noted that Sector Managers provide a focal point for collaboration and communications with the industry. Sector Managers said they have seen greater responsiveness from NMFS.

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<sup>2</sup> The NRCC is a group made up of the region’s fisheries executives from the New England and Mid-Atlantic Council, the Atlantic States Marine Fisheries Commission, and NOAA Fisheries Service Regional Administrator and Science and Research Director.

**Marine Resources Education Program<sup>3</sup> (MREP) is building needed awareness among stakeholders.** Many recognized that MREP has been a successful program for educating stakeholders. Many expressed the need for continuous stakeholder education and investment in MREP.

## Challenges

**Eliminating redundancies across the entire system.** Stakeholders agreed that many of the management programs and processes that exist among the three organizations are unnecessary and/or redundant. Many feel each organization has been successful at building—but not eliminating—programs, which has created an inflexible and slow process. As a result, each organization has programs that do similar functions, creating delays, tension, and inefficiencies across the system. Below are the most apparent unnecessary redundancies, with accompanying examples of the impact:

1. Between NERO and NEFSC: Both NMFS organizations (Fisheries Statistics Office [FSO] in NERO and Data Management Systems [DMS] in NEFSC) gather, manage, and process data. Both share data with each other and external stakeholders; however, the systems are not fully integrated. As a result, one organization often has to rework the other's product, or stakeholders get tossed around between organizations and are then unable to find answers. This creates considerable delays getting data into a stock assessment process, and hinders quota management for Sector Managers. Another example is that NMFS communication support in the Northeast is housed in both NEFSC and NERO. This has created two entities that have difficulties coordinating communication to the same stakeholder groups. At multiple levels, NMFS does not present itself as one organization.
2. Between NEFSC and the Council: The Council's SSC reviews work performed by NEFSC's Stock Assessment Review Committee (SARC), the external reviewing committee of the NEFSC's stock assessments. Reviewing stock assessments twice creates unnecessary tension and redundancy between the two groups.
3. Between the Council and NERO: Interviewees at the Council (Plan Development Teams [PDTs]) and NMFS (Sustainable Fisheries Division [SFD]) both said the Fisheries Management Plan (FMP) development and review process is inefficient and builds contention between the two organizations. Many parties are involved in the development of the FMPs. However, the input is not well coordinated or well timed. For example, SFD, whose responsibilities include facilitating the various reviews at NERO, is accused of not providing guidance earlier in the process. SFD argues they are not allowed to offer its opinion because its role, as specified by the MSRA, is not to guide the Council recommendations. Legal advice provided by General Counsel and Protected Species often enters into the decision-making process late, and participants expressed frustration over not having the opportunity to consider this advice earlier in the process.

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<sup>3</sup> The Marine Resource Education Program (MREP) is conducted through the Gulf of Maine Research Institute and is designed to provide training to the fishing industry that will help bridge the gap among fishermen, scientists and managers.

**Building a shared sense of accountability for outcomes among NERO, NEFSC, and NEFMC.** Multiple interviewees expressed frustration that the Council, NERO, and NEFSC do not take ownership for the outcomes of a rule or resulting management action. Many feel the reason for this is a lack of agreement around who is ultimately accountable for a decision. *“The Council recommends a decision to NMFS for approval, and NMFS implements approved rules. When something does not work it’s easy for the Council to blame NMFS for failing to implement, and NMFS to blame the Council for making a poor recommendation.”* When we asked interviewees who/what organization is ultimately accountable if something goes well or fails, few could give a definitive answer.

**Defining clear, objective criteria for determining the success of management decisions.** Many expressed frustration that the success or failures of past decisions are rarely evaluated, and that little or no performance management or feedback mechanisms exist to track and review the performance of past decisions. As a result, many feel NMFS and the Council may not apply lessons from past success or failures. There is also concern that without a performance management process, decisions are changed before anything meaningful has a chance to happen.

**Developing a shared vision and strategy to guide the process.** Many agreed that there is no overarching vision, strategy, or plan that is guiding policy and management priorities. Many feel this has created a fatalistic mentality within the region: *“There is nothing to be excited about or work towards. There’s no hope.”* Fishermen also expressed frustration about the lack of stability in the system. They find it difficult to make good business decisions: *“We cannot create a business plan when everything is always changing.”*

**Creating a more welcoming environment at the Council meetings.** Interviewees stated that the process has become too complex and overly formal, which discourages them from actively participating. Specific areas of discontent were around overly formal meetings, poor outreach and communications, and confusing governance. As a result, participants engage late in the process (at decisional meetings rather than the scoping meetings), rather than at more appropriate stages of the process (such as the Advisory Panel and the PDT meetings). Many have lost or are losing faith in the process.

**Reducing the negative impacts of lawsuits and politics on the process.** Political influence has become an effective way for getting NMFS and the Council to respond to requests, rather than using the current fishery management process as set forth in the MSRA. Political intervention often creates responsiveness; however, over time it has contributed to unpredictability and rapid changes of the decisions.

At the Council level, members admitted to feeling intimidated or pressured into a decision by political influence. Council members admit to avoiding difficult decisions because they fear political fallout.

Lawsuits have also become an effective tool used by both industry and environmental nongovernmental organizations (NGOs) against NMFS. As a result, NMFS has become more rigid and strict in its interpretation of the law and policy. They cause General Counsel to play a much more active role in the

fisheries management process. Many feel NMFS has become defensive, legalistic, and process-focused to avoid losing lawsuits. NMFS General Counsel and leadership are often accused of having an “*our way or the highway*” approach when reviewing proposed rules.

**Working to minimize redundancy created by NEPA and the MSRA.** Many NMFS and Council interviewees expressed frustration that both National Environmental Policy Act (NEPA) and the MSRA add considerable amounts of redundant workload onto the fishery management process. For example, each FMP requires an Environmental Impact Statement (EIS), which are hundreds of pages long and are not designed to be easily updated for the dynamic nature of the fisheries.

**Fostering an environment of service to the industry.** Across the board, industry feels NMFS does not seek to help them. Specific examples of this were overly burdensome reporting requirements, untimely feedback on weekly reporting, poor customer service, a lack of presence in the field, a lack of industry-knowledgeable staff, and an overly defensive and rude posture. Most industry representatives said they are never told what a report is used for or where it goes. Over time this tension has grown to levels that both NMFS and industry feel are unproductive.

**Reestablishing “development of the commercial fishing industry” as part of the NMFS mission.** Many interviewees remember when development of the industry was part of the NMFS mission, and they realize that NMFS had to correct for overcapitalization of the fleet in the 1970s. However, many industry members feel that NMFS no longer has any focus on economic growth of the industry.

**Streamlining the layers of NOAA review to respond to stakeholder requests.** Due to the political sensitivity of the fisheries, NERO and NEFSC must get multiple approvals from NOAA headquarters in order to release formal communications and responses. These controls limit NERO and NEFSC’s ability to respond to requests in a timely manner. This delays NMFS’ ability to address and mitigate the impacts of misinformation: “*By the time we get an approved response out the damage has been done.*” As a result, stakeholders interpret delays as lack of concern or insensitivity, and the problems escalate.

**Improving the quality and timeliness of industry generated data.** Considerable time has to be spent cleaning and correcting poorly entered data. Interviewees cited poor data entry systems, issues with reporting compliance, and the need for complex quality assurance protocols, which create delays that ripple through the system.

**Building industry confidence in survey generated data.** Multiple interviews with industry participants highlighted the lack of confidence they have in the NMFS survey design and collection methodology. Specific concerns focused on the locations, gear and vessels being used for sampling.

**Reducing the time required for science to inform the management process.** Many NMFS stakeholders complained that outdated and fragmented systems and information technology management delay the efficient flow of data into the management process. Many see this issue as a high priority given the increased role quota management and stock assessments will play in the process.

**Simplifying NMFS outreach and communications.** Despite the use of new methods and channels for outreach and communications, stakeholders feel information from NMFS is confusing and ineffective. Many noted that the volume and language in permit holder notices is not user-friendly. Some complained that important information is buried in the details and gets easily overlooked. Some attributed the complex wording of notices, permit holder letters, etc. to the influence of NOAA legal advice and the need to make sure nothing in such communications, or omitted from them, could make NMFS vulnerable to lawsuit or complicate enforcement.

**Geography and history compound challenges.** Many saw New England as having factors that added complexities that other Regions do not have to face. The two most common factors were geography (more states than other regions, each with its own constituents, politicians, priorities, and representatives) and history (New England has the oldest fishing port, and fishing is deeply embedded in the culture).

## Recommendations for Stakeholders

The following are themed recommendations supported by the above analysis of the interview data. These recommendations are targeted at creating positive change, recognizing that there will be budgetary and other resource limitations that must be considered.

### Starting within 60 days:

**Improve Science Collaboration:** Improve collaboration between NEFSC and research partners, and enhance the cooperative research and Research Set-Aside (RSA) programs.

- Host a series of facilitated meetings between NMFS and external research organizations to identify actions to improve collaboration with NEFSC and transparency into the RSA process.
- Develop an action plan for improving collaboration that will be implemented by NEFSC leadership and reported to participants in a follow-up meeting.

**Simplify Governance:** Leaders from NERO, NEFSC, NOAA Legal, and the Council should clarify expectations of each group and refresh roles and responsibilities. Explore ways to eliminate unnecessarily redundant programs, activities, and resources among NERO, NEFSC, and the Council at key hand-off points.

- Between NERO and NEFSC: Consolidate data management activities between NERO and NEFSC, and oversee an effort to integrate and simplify IT systems. Improve communications and outreach efforts being done by NERO and NEFSC to help NMFS show up as a unified front.
- NEFSC and the Council: Eliminate redundant reviews and activities occurring between the SAW/SARC and the SSC. Clarify roles and responsibilities between NEFSC and the SSC. Establish a more collaborative working relationship to eliminate multiple back-and-forths.

- The Council and NMFS: Develop and implement a collaborative process for Council/PDT and NMFS/SFD/GC to create, review, and approve rules. Apply this across all PDTs. Define clear time- reduction initiatives to manage expectations for internal NMFS reviews.

**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, on topic, and to minimize individuals dominating the conversation; and provide coffee and refreshments.

**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 want to receive. Provide them with options (e.g., email, letters, etc.), and formats.
- Make NMFS outreach and communications easier to understand.
- Reduce the number of steps external stakeholders need to go through to find information or speak to someone.

**Starting within 120 days:**

- Scale up the collection and use of socioeconomic data in the FMPs in order to make socioeconomic analysis a more visible and meaningful part of the management process.
- Conduct a comprehensive analysis of all NMFS data systems to identify areas that will improve data gathering, data management, data analysis and data use.
- Conduct a comprehensive analysis of the FMP reporting requirements to find opportunities to eliminate unnecessary reporting/analysis/writing (e.g., Does an EIS need to be created for each FMP?) and decrease the reporting workload on Council and NERO staff.
- Begin the creation of a regional vision and strategic plan to define a new model for collaborating with all stakeholders and to set a future direction for the fishery.
- Consider resources to scale up observer program and aging analysis to eliminate that as a bottleneck in the science process.
- Streamline NOAA communications review protocols to improve the response time to stakeholder request and inquiries.
- Design a cost-effective performance management system to track the progress of decisions and capture lessons learned and best practices.

## Specific Findings

### New England Fisheries Management Council Findings

The following are specific findings for each organization:

#### Positives

- The Council has pockets of high-performing staff.
- Preparation leading up to Council meetings is strong.
- Council meetings are professional and open.

#### Challenges

- Council staff may have a tendency to take ownership of a plan and overstep their authority by guiding policy instead of supporting an objective review. *Note:* This is connected to the council and committee members' struggle to read and process all the information prior to meetings, so they may often rely on staff to share their opinion.
- There are pockets of low-performing Council staff. A number of interviewees suggested that staff have become complacent. It was believed that there are no performance criteria or standards that staff must meet.
- The Council governance is too complicated; there are too many committees and groups.
- The Council gives poor guidance to committees, and then down to the PDTs. Consequently, PDTs spend time developing misguided actions.
- Council members are asked to process far too much information for efficient decision-making.
- There is no vision or strategic plan guiding decision-making.
- There is no sense of unity among Council members, or among the three organizations.
- Collaboration and constructive dialogue are lacking during meetings. Certain members are cited as "filibustering" their points, making meetings run late into the night, and impacting the quality of decisions.
- The Council avoids making difficult decisions, or decisions are often put off until further information is gathered.
- There is little consistency and standards across FMPs, PDTs, Councils, Advisory Panels (APs), etc.
- PDTs do not share best practices across teams; interviewees suggested that staff rarely collaborate with each other across PDTs.

#### Recommendations

- Redesign Council meetings:
  - Provide more time on the agenda for collaborative working sessions with active participation and dialogue.
  - Have a shorter decisional meeting at the end.
  - Provide coffee.
  - Change the meeting layout and format to be more collaborative.



- Bring in a facilitator to prevent “filibustering” and to encourage full participation from the Council members and audience.
- Develop a strategic plan for New England fisheries. New England should begin a collaborative strategic planning process that will help them define priorities and activities over the next 5 years.
- Drastically simplify reading and decisional material for Council members.
- Hold weekly Council staff meetings and encourage more cross-PDT collaboration between staff.
- Clarify roles and responsibilities of staff on PDTs; define expectations and link performance reviews to the completion of those expectations.
- Eliminate redundant activities between NEFSC SAW/SARC and SSC.
- Eliminate redundant activities between Council Staff/PDTs and NERO/SFD.

## Northeast Regional Office

### Positives

- NERO has pockets of very helpful staff.
- NERO is making incremental progress toward improved stakeholder engagement (e.g., Sector Managers’ workshops) and implementing a number of internal projects to improve collaboration and customer service. Liaisons and port agents are having a positive impact in the field.

### Negatives

- Poor data management:
  - Redundant data management activities exist between NEFSC and NERO.
  - Data management systems highly fragmented, ineffective, and overly burdensome for end users and back-office managers.
  - There is poor compliance from end users.
  - Considerable time is spent on cleaning and correcting poorly entered data.
  - External stakeholders have limited access to data.
  - There is no overarching enterprise architecture that encompasses all the data entry, processing, and management systems.
- Too many steps and protocols are required for stakeholder communications:
  - Communications must pass through headquarters approval, creating considerable delays.
  - NMFS is seen as unresponsive to stakeholder requests.
  - Communications material is complicated and ineffective; the general public does not read publications.
- Internal collaboration, communications, and coordination between NERO offices at the manager level are poor. Many managers and staff expressed frustration around the lack of communications and coordination occurring among offices within NERO. This challenge

escalates during changes in management practices (e.g., shift to sectors) and during FMP reviews.

### **Recommendations**

- Improve internal NERO collaboration and coordination at the manager level.
- Improve NERO and NEFSC coordination around data management and communications.
- Increase collaboration with PDTs during the creation of frameworks, amendments, and plans.
- Shift the culture and posture of NMFS from “no, we cannot do that” to “here are some ideas that could work.”
- Overhaul data management and IT architecture.
- Bring data management under one organization.

## **Northeast Fisheries Science Center**

### **Positives**

- Stock assessments are produced using a very formal and professional process.
- The SAW/SARC is considered an industry best practice.
- NEFSC has pockets of very talented and dedicated staff.

### **Negatives**

- There is a void in leadership, lack of clear direction on management priorities and philosophy, and poor collaboration with external partners.
- Staff morale is declining.
- There is distrust from external stakeholders:
  - There is distrust in the science.
  - There is distrust in the research funding process.

### **Recommendations**

- Increase leadership outreach to external partners to improve working relationships.
- Increase transparency into decision-making around the RSA program.
- Increase industry participation across programs.
- Increase the use of socioeconomic data in decision making.

## Conclusion

Fisheries management in New England is beset with problems and challenges that are characteristic of fisheries management in general but may be even more acute in this area now due to concurrently changing factors of law, management programs, and economics. There is a great deal of frustration among all stakeholder groups over the difficulty (some might say inability) to make progress and having to constantly work in an environment of contention and mistrust. Improving this working environment will require significant investments of time, resources and ingenuity to put into place ideas and solutions for both short- and long-term improvements.

Some of the findings of this report are not new. We found that many of the strengths and weaknesses of the current management process have been presented to a large degree in other reports. The fact that they persist is evidence to us that there has not yet been a sufficiently strong commitment to creating a solution, or, that there may be serious institutional or legal barriers standing in the way of implementation—not that no solution exists. The stakeholders involved have an expectation that change can and will occur. In order for this change to happen, implementation of the recommendations of this report should be the priority. All stakeholder groups must be engaged and committed to the change process and work together to create a new way of operating. Neither fault for the current problems, nor the responsibility to find solutions, falls on one group alone.