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## New England Fishery Management Council

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Ernest F. Stockwell III, *Acting Chairman* | Thomas A. Nies, *Executive Director*

### MEMORANDUM

**DATE:** September 20, 2013  
**TO:** Council  
**FROM:** Thomas A. Nies, Executive Director  
**SUBJECT:** Summary of September 3, 2013 Executive Committee Meeting

The Executive Committee met on September 3, 2013 at the Holiday Inn in Peabody, MA. Messrs. Stockwell, Blount, Dempsey and Preble participated in the meeting. Messrs. Nies, Bullard, Darcy, Kellogg and Dr. Karp and Ms. Raymond also attended. The committee discussed the following agenda items.

#### Executive Director Report

**Budget overview** - Mr. Nies reported that the Council is on track for spending its award for 2013; however, the actual award was 12% less than in 2012 as opposed to 7-8% less as anticipated. This was because \$90,000 in funding to support Council activities relative cooperative research was eliminated and the administrative operations base was reduced by 12% instead of the 7% reduction that NMFS informed the Council last spring. This was a reduction of about \$500,000 from the average annual awards received in 2010-2012. Mr. Nies added that he was uncertain about what the Council will receive in 2014. There is a concern that several funding add-ons (for ACL implementation etc.) may not be received in 2014.

In terms of the cod stock structure workshop that was outlined by the SSC and requested by the Council, Mr. Nies explained that he was talking with the NEFSC about the lead on the workshop and expected that it will take more than one year to complete. Additionally, because of the staff workload, the Council probably will contract to have an outside group organize the workshop.

The committee discussed how to use any possible unspent funds and decided that the top priority should be to improve science that might help the Council provide more opportunities for permit holders particularly those adversely affected by groundfish or other cutbacks. Mr. Dempsey noted that these opportunities might include reducing scientific or management uncertainty for species other than groundfish such as skates. Committee members had received input from some fishermen that it was impractical to develop projects whose primary purpose was to engage many vessels in research because of logistical and administrative difficulties and the amount of money it would require to make it worthwhile for vessels to participate directly in research projects. The Committee urged Mr. Nies to identify a way of administering the research that would minimize staff time and administrative costs and leverage Council resources.

#### Working Group Updates -

**Electronic Monitoring (EM) Working Group / National EM Workshop** – Mr. Dempsey reported that the working group held a conference call on August 23. He added that the staff support person, cannot do all the work for the committee and that other committee members or organizations would have to share the workload.

Although the committee would not have a work product in time for the September Council meeting, Mr. Dempsey thought that EM could be implemented as a component of some groundfish sector operating plans some time in the 2014 fishing year. Mr. Dempsey also reported that he, Dr. Karp and other Council and staff members had participated in a call of the National EM Workshop steering committee earlier in the month.

**ABC Control Rule Working Group** - Mr. Nies reported that the working group was meeting for the first time concurrently with the Executive Committee.

**MAFMC Climate Change & Fisheries Governance Workshop** – Mr. Nies reported that a steering committee conference call for this workshop is scheduled for Oct. 3 and that the meeting would hopefully be in March. The focus of the workshop would be how to manage in response to climate change rather than the science of climate change. Several people commented that managing a workshop that included participation from three Councils would be difficult.

**MSA Reauthorization** – Mr. Nies explained that Rick Robins had been designated to speak on behalf of the Councils at upcoming House Natural Resources Committee oversight hearing on the reauthorization of the MSA on September 11. Each Council had been asked to provide input on three issues of concern. At the June meeting the Chair had proposed that the Executive Committee serve as the MSA reauthorization committee. Mr. Nies suggested that Mr. Cunningham’s July 23 testimony addressed the three issues raised by the Council at its April meeting and serve as the basis for Council comments to be incorporated into Mr. Robin’s testimony. The committee also agreed with the response to additional questions from the Committee on Natural Resources that were prepared by Mr. Nies.

### **Management Action Timelines**

Mr. Kellogg reviewed timelines for Council FMP related actions. He reported the following changes. 1) The performance evaluation of the Scallop LAGC ITQ program would be delayed until January because of problems in tracing vessels ownership changes and because the completion of FW 25 is a higher priority during the rest of 2013. 2) The target dates for Monkfish Amendment 6 milestones were changed to “to be determined” until the Committee can make more progress on the development of alternatives. Mr. Nies pointed out that although the Vessel Baseline Amendment had been identified as a priority, a timeline have not been developed for it. The committee agreed that a timeline for the amendment would be helpful. In the discussion, Mr. Bullard also reported that NERO staff had developed an additional option for the Habitat Omnibus amendment that would be sent to the Council office.

### **Council/ NERO Coordination Exchange**

Mr. Nies explained that the Council Chair and the Regional Administrator had exchanged letters regarding the partial disapproval of Herring Amendment 5 with both organizations pointing out the need for better communication on what management alternatives would or would not work. The previous Council chair intended the letter to address the broad issue of coordination between the Council and NERO, using the herring amendment disapproval as an example. Council representatives urged NMFS to provide more clear indications of agency policy, and assistance to the Council in addressing the technical details of management measures. The agency representatives noted that they need to carefully balance the Council’s apparent desire for more agency input with a wish to avoid the appearance the agency is directing Council actions. The Executive Committee was sensitive to this concern, but urged NMFS to take a more active role at the Committee level. To this end, the Committee agreed that it is important to have senior NERO staff serve on all of the Council’s species committees and this will be considered with the new Committee assignments this fall.

### **NMFS/NERO/NEFSC Operating Agreement**

Mr. Darcy asked if the staff had seen the short version of the operating agreement that the MAFMC had agreed to and noted that it was a version that many Councils probably would use. Mr. Nies responded that short version was the first draft the Council considered but found problems with. Mr. Nies added that Mr. Bullard, Dr. Karp

and he planned to meet later in the month to work out remaining issues in consideration of the Tiger Team report. After the Tiger Team report is reviewed, work will resume on the Operating Agreement.

### **Potential 2014 Priorities**

The Committee reviewed a memo from the Executive Director on 2014 priorities which included the status of approved Council priorities for 2013 and a preliminary listing of possible 2014 issues. He explained that several committees including the Groundfish, Herring, Skate, and Scallop Committees had not yet had a chance to talk about 2014 priorities so the list of possible 2014 priorities and tasks is not yet complete. As a result, the Committee did not make any attempt to prioritize the list for the September meeting. The list will be updated for the Council meeting. Mr. Nies advised the Committee that he was trying to develop a more clear way to present priorities for the November meeting.

The Committee held a general discussion on ways to improve the priority setting process. There was a sense that a longer- range view should be taken at both the Council and Committee level, since some actions clearly cannot be completed in a year. In addition, the Council needs to take into account that considerable staff time is used on projects such as assessments, research project reviews, outreach, training, etc. The Committee agreed that a closer look at priorities will be conducted by the Executive Committee over the coming year. Dr. Karp mentioned the need to consider NEFSC resources when the Councils and ASMFC set their priorities. The Committee also discussed EBFM and the need to coordinate more closely with the MAFMC and the ASMFC, should this be adopted as a priority for 2014.

### **GB Yellowtail Flounder**

Mr. Bullard reported that he did not know the GB yellowtail TAC that the TMCG might agree to. Mr. Nies commented that it would help the U.S. members of the TMCG to know the TAC NMFS could approve in advance of the TMCG meeting.

### **Herring/River Herring/Shad Next Steps** *(discussed under Management Action Timelines)*

Mr. Nies reported that the development of the Framework 3 was on track so far and that the Council was scheduled to approve it in September. Mr. Kellogg stated that it was important to for the Council to finish this action because it needed to then work on the industry funded monitoring program, although NMFS has the lead on this action, and to consider whether river herring and shad should be included as “stock-in-the-fishery” in the Herring FMP.

### **Sector Exemption Issues**

The committee also discussed the experimental fishery for redfish and the problem that potential participants could not afford 100% observer coverage. Mr. Darcy stated that in response to industry concerns, NERO was evaluating whether a lower observer coverage level would be possible. With respect to other issues Mr. Nies asked whether the NERO would update the Council on the results of increasing the monkfish trip limit in the northern management area and whether there was going to be an ongoing process for approving sector exemptions from groundfish closed areas. Mr. Darcy responded that most exemptions have to be included in sector operations plans but that NMFS was not holding sectors to the September 1 deadlines for submitting their plans.

### **SSC membership** *(closed session)*

The committee met in closed session to discuss options for filling a vacancy on the SSC due to Dr. Sissenwine’s appointment to the Council. Mr. Nies explained that the process for appointing SSC member was for the Executive Committee to consult with the Council about candidates and then the Executive Committee would make the final selection. The committee then decided to consult with the Council over one candidate at the September 24-26 Council meeting.