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New England Fishery Management Council

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 John Pappalardo, *Chairman* | Paul J. Howard, *Executive Director*

MEMORANDUM

DATE: August 10, 2011
TO: Council
FROM: Paul J. Howard, Executive Director
SUBJECT: DRAFT Summary of August 9, 2011

The Executive Committee met on August 9, 2011 at the Seaport Hotel in Boston, MA. Messrs. Pappalardo, Cunningham, Odlin and Stockwell and Ms. McGee participated in the meeting. Mr. Howard, Ms. Roy, Fiorelli and Hawkins from the Council staff attended the meeting as well as Mr. Fogarty and Dr. Merrick from the NEFSC Pat Kurkul from NERO. Audience members included Tom Dempsey and MaryBeth Tooley. The committee discussed the following agenda items:

1. Discuss ecosystem-based fishery management: The Executive Committee discussed what the next steps will be for ecosystem management having received the 4 reports from our SSC over the last year. Mr. Howard suggested EBFM become a 5-year plan broken up into 4 phases: 1) defining goals and objectives for ecosystem based management and the establishment of 3 ecosystem production units (Plan implemented in 1 yr with a CE); 2) develop a working plan identifying management strategies and requirements and resources needed to meet goals and objectives (1 yr); 3) identify scientific requirements to meet management and other resource needs (1 yr); 4) proceed with an amendment to implement ecosystem based management with an EIS across 3 ecosystem production units (2 yrs).

Mr. Howard explained that Phase 2 would not start until Phase 1 was complete and that as working plans are developed, there may be the need to move towards a pilot program. Mr. Pappalardo suggested amending all quota-based or ITQ plans to automatically update and having one allocation key to review. Mr. Fogarty stated that the Science Center is working with ASMFC and the MAFMC on joint plans and that the MAFMC is moving ahead with forage fish species. Since EBFM will quota based management, Mr. Cunningham said that incorporating sector management changes from the upcoming sector workshop would be beneficial and feels we have to move to quota based management. Mr. Pappalardo asked how there would be meaningful analysis without socio and economic analyses completed until 4th phase. Ms. Kurkul stated that it was important that a 5-year program not turn into a 15-year program. She stated that she does not feel that regulatory action would be required to complete Phase 1. Mr. Fogarty stated that some of the 4 phases may be going on concurrently and that some of the phases may move a little faster than stated above. Mr. Odlin suggested Phase 1 be used to identify areas and combine the Monkfish/Skate plans and Monkfish/Multispecies plans as an amendment. Mr. Howard stated that we need to identify how Council is going to get there. Mr. Pappalardo suggested Phase 1 be goals and objectives and combine 3 plans together into 1 plan in Phase 2. Mr. Howard proposed

that in Phase 1, establish ecosystem based plan goals and objectives; amend Phase 2 to become a management action which would be a transition combining 3 stock plans, groundfish, monkfish and skates, by area into one plan action; that Phase 3 identify all science requirements and implement 3 ecosystem production units each with their own plan that includes 9 species within it and implementation in Phase 4. Mr. Howard will prepare a draft outline, working with Mr. Fogarty, for further review by the Executive Committee. See enclosure (1).

Discuss Draft Strawman for New England Fisheries Vision: The Executive Committee prepared a draft vision covering 4 different issues: 1) ecosystem based fisheries management; 2) quota management and catch shares; 3) economics and 4) governance. Mr. Cunningham suggested creating a committee to work on the Executive Committee's draft vision. Mr. Howard stated that the vision is currently listed as a priority but suggested the Council consider hiring a consultant (similar to what MAFMC is doing) or bring a strawman out to the public via public hearings before bringing it to the Council for final approval. Mr. Cunningham feels that we are doing the visioning process in three different actions and that it is repetitive. Mr. Stockwell suggested that the vision be brought to the Council and if approved, that the Executive Committee continue to develop it. Ms. McGee supported the full Council approving the strawman in lieu of the committee. Mr. Odlin stated that the fisheries vision include a timeline, i.e. 5 years and that development take place over 2 Council meetings (Sep and Nov) with final Council approval at the Jan 2012 Council meeting. See enclosure (2).

Discuss 2012 management priorities: Mr. Howard stated that priorities will now be discussed over two Council meetings (Sep and Nov) to make more informed decisions about management actions and suggested that the Council start eliminating some of the 'below the line' actions for future consideration. Ms. Kurkul suggested adding 'Respond to NRCC workgroup recommendations for vessel upgrades and replacement. See enclosure (3).

2. Discuss groundfish ABCs: Dr. Merrick stated that medium to long term groundfish projections do not look like they are going to work. In January 2011, the NEFSC proposed projections based on GARM 3 results for 9 stocks that had analytical assessments. In June 2011, the catch data and projection did not compare well and adjusting the projections did not work either. Dr. Merrick suggested the enhanced PDT would provide the SSC with alternate approaches which included either using the 2012 ABC for 2013-2014, or to use either the 2010 or 2012 ABC depending on the survey trend. He feels the SSC may not be completely satisfied with either approach.

Mr. Howard suggested rolling over 2012 and getting as much as possible done to set 2013-2015 so that in the fall, specs would be submitted for these three years, otherwise the Council may be doing specs annually for the near future (3 years). Mr. Odlin suggested staff draw out a timeline of what is affected at what time. Dr. Merrick also stated that the 2012 ABCs set by the GARM (based on 2007 data) may be overestimates. The SSC was also briefed on this issue at their August committee meeting. The Council should make a recommendation to NMFS on how to proceed at our September Council meeting.

3. Discuss planning for Sector Workshop in October 2011: Mr. Howard stated that staff is moving ahead with the workshop scheduled for October 25-26 at the Holiday Inn by the Bay in Portland, Maine. An update of the year long review of sector's performance will be presented by NEFSC at the September Council meeting. Mr. Odlin asked to add an additional item under 'Information Required' which asks 'what ran smoothly'. Mr. Odlin suggested that

presentations/reports be requested from the Sectors involved and distributed to the Council prior to the workshop. See enclosure (4).

4. Discuss recommendations to Management Review report: Ms. Fiorelli reviewed the 'Draft Outreach and Communications Recommendations' and table synopsizing ways other Councils handle communications. Mr. Howard suggested the Executive Committee brainstorm the strawman recommendations in September and undertake a vote in November. Ms. Kurkul suggested working together with the Council on a who's who in fisheries management. Mr. Stockwell does not believe name tags will assist process and all members agreed keeping the room arrangement as is. Ms. Fiorelli mentioned that every Council offers coffee service and suggests the NEFMC also offer a coffee service each day of the Council meeting. Mr. Pappalardo suggested trying a variety of items to see what works and what does not. Ms. Kurkul suggested adopting items 1, 3, 7 and 8 from the list of 'Maximum Collaboration' recommendations. Mr. Cunningham suggested modifying #5 to include a joint AP/Cte meeting prior to the Council meeting for upcoming actions. After further discussion on 'Simplifying Communications,' Mr. Cunningham suggested adopting items 1, 3, 4, 5 and 6. Ms. Kurkul suggested creating a better process for advertising timelines. Mr. Odlin suggested asking NMFS to include a public communication/meeting management session to their yearly training for new Council members. Ms. Tooley suggested not adding more to the NOAA training, but to have separate training annually, especially for Roberts Rules of Order, for Council members. Mr. Howard suggested adding management training to 4th day of a Council meeting. See enclosure (5).

5. Discuss review of Research Steering Committee response to Council action remanding Eliminator Trawl letter: Mr. Howard reviewed the draft letter to NMFS re the eliminator trawl and without objection, the Committee agreed to finalize and send it to NMFS. See enclosure (6).

6. Discuss timelines and management actions: Ms. McGee suggested that the Habitat Cte timelines include when scoping started and when the Council voted on Phase One.

Development of Ecosystem Based Fisheries Management Plan

Phase I: Prepare Ecosystem Based Fisheries Management Plan. Establish Goals and Objectives for EBFM. Establish 3 Ecosystem Production Units, GOM, GB and SNE. This action will hopefully have a Categorical Exclusion (CE) from NEPA (1 year).

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 3 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).

ENCLOSURE (/)

DRAFT EXECUTIVE COMMITTEE'S STRAWMAN FOR NEW ENGLAND FISHERIES VISION

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 three ecosystem production units (GB, GOM, and SNE) with 3 Committees and 3 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 3 geographical areas (EPU). 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. Effort and other input controls used only to supplement quota based management when needed.

Economics

All fleets are safe and economically viable. Allocation and accumulation limits are established within each EPU, which ensure fairness and maintain directed commercial and recreational fisheries. Fishing fleets are diverse including different gear types, vessel sizes, geographic locations of homeports, and levels of participation. Fleet capacity is commensurate with the overall health of the ecosystem production unit (EPU).

All States and fishing communities bordering the EPU share in the economic and social benefits from recreational and commercial fishing activities within the EPU. Coastal Communities support necessary infrastructure. Jobs and seafood are supplied to meet public demands.

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.

Stakeholder engagement is maximized resulting in improved stewardship.

Enforcement remains a government priority. Monitoring is an industry responsibility.

ENCLOSURE (2)

**2012 DRAFT EXECUTIVE COMMITTEE
MANAGEMENT PRIORITIES (Aug 10, 2011)**

Committee	Action	Completion	Staff (TBD)
Groundfish	1. Continue Amendment 18 to consider fleet diversity and accumulation caps.	Dec 2012	
	2. Coordinate action on the Habitat Omnibus Amendment to include possible modifications of the Groundfish closed areas.	Mar 2012	
	3. Prepare framework action to adjust sector rules based on lessons learned from Oct 2011 Sector Workshop		
Monkfish	1. Continue Monkfish Amend 6 for catch shares (sectors and IFQs).	2013	
Whiting	1. Continue Whiting Amendment to set ACLs, AMs and Specs (2012-2014).	Mar 2012	
Scallops	1. Prepare Framework 24 – to set specs for 2013 and 2014 and default measures for 2015.	Oct 2012	
	2. Continue A16 to develop IFQs.	2013	
Habitat	1. Continue Omnibus Habitat Amendment	Feb 2013	
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	
	2. Prepare specs package for 2013 – 2015 based on new assessment.	Oct 2012	
Ecosystem Management	1. Prepare Ecosystem Plan. Phase one to establish Goals and Objectives and 3 ecosystem production units (GOM, GB, SNE)		
SBRM	1. Potential action to address SBRM recent lawsuit impacts.		
RSC	1. Continue to steer research to support NEFMC plans	N/A	
SSC	1. Support SSC activities such as recommending ABC and making recommendations in the FMP development process.	N/A	
Enforcement/Safety/VMS	1. Review management actions and provide comments on safety and enforceability. Make timely reports to Council.	N/A	

ADDITIONAL CONSIDERATIONS FOR PRIORITIES IN 2012

Interspecies:

1. Develop a strategy including goals and objectives, issues and recommendations to improve monitoring in all FMPs.
2. Also potential action to address recommendations from 3 year SBRM review report.
3. Prepare Amendment to respond to NRCC working group recommendations for vessel upgrades and replacements.

Groundfish:

1. Review 10 percent quota rollover provision in response to RA letter of June 20, 2011
2. Potential action to address Groundfish sector monitoring requirements resulting from Oceana lawsuit.
3. Prepare framework to establish LAGC ACLs and AMs for YT under the Groundfish FMP. Coordinate with Scallop Cte and PDT.
4. Recreational issues: Expecting new recreational catch data based on MRIP. Council may want to react to new recreational catch estimates.
5. Potential framework to update additional specs not included in framework 47. (Based on Groundfish Cte meeting of Aug11, 2011)

Hagfish:

1. Prepare new Hagfish FMP

Whiting:

1. Prepare Amendment for Limited Entry

Scallops:

1. Coordinate action with Groundfish Cte to establish LAGC ACLs and AMs for YT under the Groundfish FMP.

Skates:

None

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)

Sector “Lessons Learned” Workshop – Draft Plan

Overview/Purpose

The workshop will be a “lessons learned” meeting of the Council with the purpose of gaining feedback about the performance of sectors during the first year of the Amendment 16 regulations.

Date and Location

This meeting will be held October 25th and 26th at the Holiday Inn by the Bay in Portland, ME.

Information required

1. Sector annual reports
2. NEFSC one-year sector performance report
3. NEFMC white paper comparing Amendment 16 goals and objectives to 2010 outcomes
4. Sector managers will be asked to prepare an answer to the following question: “What are the top five problems your sector encountered that impeded operations from running smoothly?”
5. Other analysis as available before the meeting date

Invited Participants

The workshop will be open to all Council members as well as the SSC, Groundfish AP, Groundfish PDT, sector representatives, and the public.

Proposed Agenda

Day 1:

- **Morning:** Council, NERO, and/or NEFSC staff present results of sector performance analyses and NEFMC staff summary of sector annual reports
 - Presentations followed by question-and-answer session with workshop participants
 - Followed by public comment session (30 min)
- **Afternoon:** Presentations from sectors (15 min per sector)
 - The Council will request the manager and one active fishing member to attend from each sector
 - Sectors will provide information on problems about which they wish to make the Council aware
 - After each sector’s presentation, question-and-answer session with the Council

Day 2:

- **Morning:** Continue presentations from sectors
- **Afternoon:** Summary session
 - Begin with Council members split in small groups (perhaps 2, led by Chair and Vice Chair), each discussing their take-home messages from the presentations
 - Reconvene in large group and develop “lessons learned” document, highlighting recommendations for potential action on sector improvements to be considered during Council’s 2012 priorities discussion

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); 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

Council Coordination Committee Meeting May 17-21, 2010, Hotel Captain Cook Anchorage, Alaska

New England Fishery Management Council Outreach Activities

The NEFMC has several tiers of outreach activities. The first level concerns products and activities that are the responsibility of the Council's Public Affairs Officer. These include:

- ✓ Press releases, most of which are associated with Council management actions.
- ✓ A newsletter titled the "Council Report", published after every Council meeting.
- ✓ The Council's website – www.nefmc.org; the public is able to access all Council meeting and other working documents, along with ancillary materials. Audio recordings of each meeting also are posted promptly following the meeting. All management plans --- past and present --- amendments, framework adjustments and specs packages also are posted in both draft and final form, as are any associated proposed and final rules implementing the actions.
- ✓ Special publications - such as reports on Council activities (a new NEFMC booklet outlining sector and other management programs is currently in press), the Councils' joint *Opportunities and Challenges* and *Current issues*, center pull-out pieces in the popular New England trade publication *Commercial Fisheries News* detailing options under consideration in the Council's major management actions, and a glossy cooperative research strategic plan produced in partnership with NOAA's Northeast Fisheries Science Center.

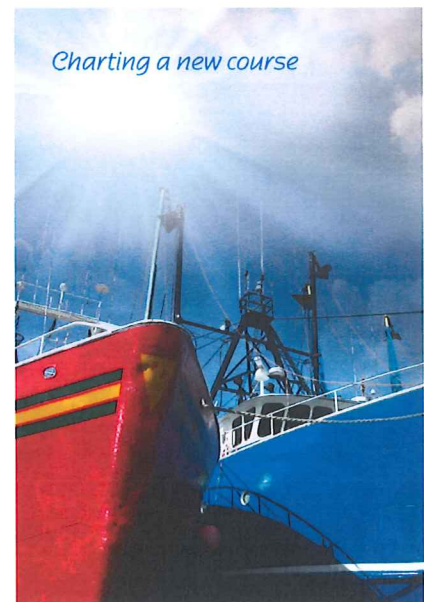
A second tier of activities involves Council staff traveling to fishing communities. This routinely occurs as part of coast-wide public hearings that communicate the specifics of proposed management actions. Perhaps more importantly, the staff often engages in smaller facilitated meetings that use an open question and answer format to discuss major programs under development, for example sectors and the transfer of sector allocations to other fisheries.

Council staff and members annually participate in various regional fish expo and forum-style events where a critical mass of stakeholders is likely to be present, serving on expert panels and/or participating in discussion groups.

For ten years, both staff and Council members have served, along with NMFS staff and others, as instructors for the Marine Resource Education Program (MREP). A professional development and training program for the fishing industry, MREP's objective is to empower regional fishermen to be active and effective partners in the fishery management process.

The Council itself or its standing committees have and will continue to host and/or participate in workshops that include our stakeholders as participants. Council events have addressed MPA/EFH science and policy issues, ecosystem-based fisheries management and catch shares. Other efforts have involved social science data collection, the scientific basis and effectiveness of NEFMC closed areas, as well as gear and tagging symposia.

A third tier of activities involves cooperative research in general and the Council's research set-aside programs in the scallop, monkfish and herring fisheries in particular. Each of these initiatives has provided pathways to better integrate research initiatives with management efforts. Both Council members and staff have provided considerable resources to participating fishermen and researchers alike to help answer pressing questions. Collaborative projects have promoted a better understanding of the scientific basis for management decisions to a larger community and have cemented relationships with fishermen.





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

August 12, 2011

Ms. Pat Kurkul
Northeast Regional Administrator
NMFS/NOAA
55 Great Republic Drive
Gloucester, MA 01930-2298

Dear Pat:

On June 20th, the Council received your letter seeking additional information and clarification of the Council's intent with regard to adoption of a new gear type, namely a mid-sized (250 x 40 cm) version of the Ruhle Trawl, and remanded it to the Research Steering Committee (RSC). The Executive Committee has reviewed the RSC's response and recommends adoption of the gear with the following points of clarification:

1. **The gear should be available for use by both sector and non-sector vessels.**
2. **The gear should be available for use in the Haddock SAP and Regular B DAS program.** The RSC reviewed the experiment results provided by the investigators and determined that the gear meets the performance standards (CFR 648.85 (b)(4)) for the groundfish species stocks of concern and other species that are overfished or subject to overfishing, except for those species for which there was an insufficient sample size to evaluate the gear with respect to the standards. The RSC also discussed extensively that while the experiment was conducted on a single, multi-day trip, there was a sufficient number of tows on which to evaluate the gear with respect to the standards.
3. **The gear should be assigned a separate gear code** to allow for additional monitoring of its performance over a wide range of commercial conditions, **but it should not be assigned a separate stratum for the purpose of discard estimation.** Rather, it should be combined with the Ruhle Trawl stratum for discard estimation given the similarity in performance in the experiment.

If you have further questions, please do not hesitate to contact me. Otherwise, the Council looks forward to expeditious approval of the gear.

Sincerely,

Paul J. Howard
Executive Director

ENCLOSURE (6)