



New England Fishery Management Council

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

MEMORANDUM

DATE: December 12, 2013
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of November 6, 2013 Executive Committee Meeting

The Executive Committee met on November 6, 2013 at the Sheraton Colonial Hotel, Wakefield, MA. Messrs. Stockwell, Quinn, Grout, Pierce, Kendall attended the meeting as did Messrs. Nies, Bullard, Darcy, Kellogg and Dr. Karp. Ms. O'Dell and Mr. Giacalone attended the meeting. The committee discussed the following agenda items.

Executive Director Report

Budget overview - Mr. Nies reported that the Council still is on track for spending its award for 2013; but noted that the actual award is 12% less than in 2012. He also reported that in the most recent Council Coordination Committee conference call, there was mention of a NOAA "tax". Mr. Bullard explained that as the result of an audit on NOAA's administration of the National Weather Service, NOAA was now required to charge administration costs for all programs it administered including the fishery management councils. He did not know what the amount of the administration fee would be but expected NMFS to inform the Council Coordination Committee about it within a month. Mr. Bullard commented that he thought both the fishing industry and the Council would benefit if the Council spent any surplus that might be available on collaborative research.

MAFMC Climate Change Fisheries Governance Workshop – Mr. Nies reported that the MAFMC was planning to hold a workshop in March 2014 for MAFMC, SAFMC, NEFMC, ASMFC and NMFS representatives to discuss the potential governance challenges arising from the impacts of climate change on East Coast marine fisheries. The workshop steering committee planned a press announcement in December, but due to the number of groups involved and the interest that the workshop would generate, how to balance participation and potential public interest in the workshop is still under discussion.

CCC Conference Call/M-S Act Reauthorization – Mr. Nies reported that he, Mr. Stockwell and Mr. Quinn participated in a webinar meeting of Council Coordination Committee (CCC) on October 23-24 that mainly discussed MSA reauthorization issues. He explained that NEFMC comments provided at the webinar were based on the positions the Council had developed since last April and the comments provided by Mr. Cunningham at Senate subcommittee hearings in July. Mr. Don McIsaac, the Executive Director of the PFMFC was charged with summarizing the comments agreed to by the CCC. Mr. Nies added that the CCC recommendations would be posted on the CCC web page at:

<http://www.nmfs.noaa.gov/sfa/management/councils/ccc/ccc.htm>

In response to questions from committee members, Mr. Darcy explained that NMFS is trying to decide how to handle the revised National Standard 1 guidelines that were scheduled for publication in January in light of the problems caused by the government shutdown and the upcoming MSA reauthorization. He stated their publication may be delayed until the end of the summer.

Management Action Timelines

Mr. Kellogg reviewed timelines for Council FMP related actions. Changes to the timelines, many caused by delays in completing analyses due to the federal government shutdown in October, included the following: 1) final action on Scallop FW 25 and Groundfish FW 5, and approval of the Habitat Omnibus Amendment 2 DEIS and preferred alternatives would be in December with final approval in June; 2) the performance evaluation of the Scallop LAGC ITQ program was changed from January to April because the completion of FW 25 is a higher priority and work on it was delayed because of the shutdown; 3) the MAFMC will take final action on Monkfish FW 8 in February 2015. The committee discussed the importance for the Council to meet the habitat amendment timeline. Several people present noted that the current timeline would only be possible to meet if the Council did not add new alternatives and if there were no delays in completing or reviewing the amendment documents. Ms. O'Dell from the Northeast Seafood Coalition stated that there should be flexibility to mix and match alternatives after the DEIS public comment period. Mr. Darcy explained that this would be possible without another public comment period as long as the impacts were within the range of those analyzed in the DEIS.

In response to a question from Mr. Nies, Mr. Darcy stated that the process for consulting the Councils on the prioritization of observer coverage would continue pending the development of the new SBRM amendment.

Council Meeting Procedures

Changes to the “Reports” agenda item – The committee discussed how it might keep the reports from lasting two hours. Dr. Karp asked how Center reports could be shortened and Mr. Nies suggested that whenever possible information should be provided in detail in writing rather than orally. This change still would allow new or important information to be presented in oral comments and the Executive Committee recommended this approach.

Open comment period policy – The committee discussed a proposed in the policy for the open comment period during Council meetings to keep it from exceeding the time allotted for this on the agenda. It decided to recommend to the Council, among other things, that the comment period be limited to 30 minutes, require those who would like to comment to indicate via sign-up sheet on the day of the comment period and to limit individual comments to 3-5 minutes.

Laptop use at Council meetings – The Executive Committee discussed the impact of laptops used at Council meetings and the transparency or perceived transparency of the Council decision-making. As part of the discussion it reviewed information on whether or how other Councils had controlled the use of electronic devices at their meetings – only the NPFMC had a policy that members are to use laptops for reviewing documents only, and not for email or instant messages. Several committee members thought it was impossible to restrict communications at Council meetings and there are many communications that are not electronic. As a result, the committee decided not to recommend that the Council adopt policy to deal with this issue.

Council Participation in International Organizations - The committee discussed a request from Dean Swanson, the current U.S. Commissioner to NAFO, that the Council reschedule its September 23-25, 2014 Council meeting because of a conflict with the annual NAFO meeting (as happened this year) and decided that the schedule could not be changed. The committee considered the timetables for approving Council actions for the start of the fishing beginning in March or May including the need to hold TMGC, PDT and SSC meetings in late August and early September. It also heard from the NERO and NEFSC that holding the September meeting one week later would be very burdensome on NMFS personnel who normally attend both meetings in terms of their ability to prepare for both meetings and to be away from their offices for such an extended period.

Potential 2014 Priorities - The Committee considered information presented by the Executive Director and developed recommendations to the Council on 2014 and multi-year priorities. (See the memo and background information from the Executive Director to the Council for the November 20, 2013 meeting for a discussion of the issues and priority recommendations).

Herring Emergency Action Request – Mr. Nies reported that he had sent Mr. Dempsey background information on Council requests for emergency action and had worked with the staff to get available data on the bycatch of haddock by mid-water trawlers in preparation for the discussion at the November 20 Council meeting. The committee discussed ideas for making the Council discussion as efficient as possible but did not develop any formal recommendations for the Council to consider.

Omnibus Habitat Amendment 2 / ASMFC letter – The committee discussed the concerns expressed in the ASMFC letter about potential lobster/mobile gear interactions in vicinity of CAII. It was decided to recommend that the Council encourage the industry-to-industry communication to reduce potential gear conflicts and look for solutions that would minimize conflicts in the choice of alternatives in Habitat Omnibus Amendment 2.

Closed Session / Advisory Panel (AP) Membership - The Committee made the following advisory panel appointments:

Enforcement AP – Beth Casoni, Jim Kendall

Groundfish AP – Edward Snell, Ted Platz

Habitat AP– Bud Brown, Beth Casoni, Corinne Endres, Chris McGuire, Edward Snell

Recreational AP – Jason Colby, Geoff Minsky

Red Crab AP – Michael Carroll

Scallop AP – Brady Lybarger

Skate AP – Corinne Endres, Dr. John Mandleman, Gregory Mataronas