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## New England Fishery Management Council

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John F. Quinn, J.D., Ph.D., *Chairman* | Thomas A. Nies, *Executive Director*

### MEMORANDUM

**DATE:** September 18, 2020  
**TO:** Council  
**FROM:** Tom Nies, Executive Director  
**SUBJECT:** **2021 Management Priorities**

1. The September Council meeting will include our first discussion of Council priorities for 2021. The goal of this first step is to identify the possible tasks. The actual selection of priorities will occur at the December meeting.
2. The Executive Committee prepared a first draft of the possible tasks for 2021. This list should not be interpreted as a recommendation for any specific task. The Council may want to add possible tasks to the attached list. Several Committees will meet between the Executive Committee and Council meetings. I will present any additions that surface at those meetings to the Council. This list may also be expanded at the September Council meeting.
3. As part of this year's priority exercise, the Council will identify tasks that are responsive to the President's "Executive Order on Promoting American Seafood Competitiveness and Economic Growth." Each Council is asked to submit a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries Per the order, "recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions" and "shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq.); the Endangered Species Act of 1973 (16 U.S.C. §§ 1531 et seq.); the Marine Mammal Protection Act (16 U.S.C. §§ 1361 et seq.); and other applicable laws.
  - a. The EO requires each Regional Fishery Management Council to submit, within 180 days of the date of the order (by November 2, 2020), a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries. The Council will also need to develop a proposal for initiating each recommended action within 1 year of the date of the order (i.e., by May 6, 2021).
  - b. Additionally, NOAA guidance documents and agency policy/procedural directives could be considered for inclusion in the response to the EO. These would not be Council actions for 2021.

- c. NMFS provided directions on the format for our response that includes identifying the priority of each task, the type of action, identify the relevant CFR, explain how it reduces burden, and outline a proposal for each action.

4. In order to complete the priority exercise in time to meet the EO response deadline, the Chair has scheduled a single-topic Council meeting on **October 27, 2020**. This meeting should only take a few hours.

### **Council Operations**

5. COVID-19 forced the Council to conduct its business using remote meeting technology. This will likely continue well into 2021. For the most part this changeover was successful. Much – but not all – of the public has adapted to the technology. One advantage is that it reduced travel time for the public and Council members. One downside is that it can be more difficult to develop exchange opinions without in-person interactions. If in-person meetings become possible this year, the Council may want to consider continuing to hold some meetings in the virtual format.

### **Project Follow-Up**

6. One casualty of pandemic disruptions has been follow-up on the Council Program Review, the RSA Review, and the Sea Scallop Survey Panel. I urge the Council to avoid undertaking any more reviews unless there is a commitment to follow-up.

### **Workload Planning**

7. Last year staff attempted to estimate the time need to complete various tasks. Staff reviewed the previous estimates for accuracy. The estimates for habitat, skates, scallops, and research were generally accurate; whiting was over-estimated; and more time was spent on EBFM than predicted. The Executive Committee directed the staff to provide this information again this year.

Enclosure:

- (1) Draft 2021 Priorities Task List
- (2) EO response directions and example table

18-Sep-20 This worksheet identifies possible priorities or tasks for 2021. This list has not been prioritized by the Ex Comm.

9/18/2020

Number	Priority/Task Title	Status	Multi_Year	Legal/Regulatory Requirement?	EO Response	Source
	<b>Groundfish</b>					
1	<b>Groundfish</b> <u>Set ABCs/ACLs for half of groundfish stocks for FY2022-2024 and US/CA stocks for FY 2022</u>			Y		Requirement
2	<b>Groundfish</b> Begin adjustments to management measures needed as a result of revised understanding of cod stock structure					ACSSWG
3	<b>Groundfish</b> In consultation with the SSC, revise ABC control rules for Northeast Multispecies stocks					
4	<b>Groundfish</b> Amendment to adopt limited access for the party/charter fishery		Y			Follow-up from 2019 priorities
5	<b>Groundfish</b> Possible recreational sub-ACL for GB cod					
6	<b>Groundfish</b> Consider sub-ACL of haddock for the small-mesh multispecies fishery					Sept 2018 Council meeting
7	<b>Groundfish</b> Adopt additional measures to promote stock rebuilding			Y		
8	<b>Groundfish</b> Consider adjustments to sector program suggested by sector catch share review				Y	
9	<b>Groundfish</b> White paper on splitting multispecies permits from other limited access permits				Y	Groundfish Committee September 2019
10	<b>Groundfish</b> Consider programs to facilitate access to the groundfish fishery for new entrants/young fishermen					Public comment, September 2019
11	<b>Groundfish</b> Explore Atlantic halibut industry-based resource survey and potentially RSA					Council, September 2019
12	<b>Groundfish</b> Review sub-ACL allocations for GB YTF (scallops), GB YTF (small mesh), SNE/MA WINP (scallops), SNE/MA WINP (large mesh)					Council Allocation Review Policy (window 2021-2023)
13	<b>Groundfish:Staff</b> Groundfish operational assessments					
14	<b>Groundfish:Staff</b> TRAC/TMGC					

Number	Priority/Task Title	Status	Multi_Year	Legal/Regulatory Requirement?	EO Response	Source
<b>Monkfish</b>						
15	<b>Monkfish</b> Complete work recommended by the Council in June 2020 for including the 2019 discard information in the analysis of discard estimation methods undertaken in 2020. The work should be done in 2021 to be considered in the 2022 specification process				Y	Monkfish Committee, September 2020
16	<b>Monkfish</b> Review the rationale for recent changes to IVR regulations; consider whether concerns can be addressed through revisions to administration of trip limits and/or DAS clocking/accounting regulations to increase efficiency and flexibility for vessels and to reduce monkfish discards.				Y	Monkfish Committee, September 2020
17	<b>Monkfish</b> Consider a 12-inch minimum mesh size for monkfish gillnets					Monkfish Committee, September 2020
18	<b>Monkfish</b> Consider allowing the leasing of monkfish DAS					Monkfish Committee, September 2020
19	<b>Monkfish</b> Revisit use of RSA DAS and ability to flip to a directed RSA DAS while at sea					
20	<b>Monkfish</b> Consider requiring VMS for the federal fishery, including evaluation of costs					Monkfish Committee, September 2020
21	<b>Monkfish:Staff</b> Evaluate whether the reactivation of latent effort from used permits is a potential problem in the monkfish fishery.					Monkfish Committee, September 2020
<b>Sea Scallops</b>						
22	<b>Sea Scallops</b> <u>Prepare a specifications package to set FY 2022 (2023 default) specifications (i.e. setting DAS, access area trips, Northern GOM TAC, limited access general category IFQ allocations, etc.).</u>			Y	Y	Requirement
23	<b>Sea Scallops</b> Support action for access to Northern Edge HMA ( see Habitat), including development of access area program for modified area		Y		Y	2018 priority
24	<b>Sea Scallops</b> Review and implement recommendations from 2015 scallop survey review panel (including impact of OSW on scallop surveys)	Ongoing				Part of scallop survey review panel 2020 priority
25	<b>Sea Scallops</b> Modify RSA program as recommended by RSA Program Review (see below)	Ongoing				2020 - NEFSC lead on surveys
26	<b>Sea Scallops</b> Performance report for the LA component					Scallop Committee
27	<b>Sea Scallops</b> Evaluate rotational management program					Committee
28	<b>Sea Scallops</b> Develop limited access vessel DAS and access area trip leasing suggested by the Scallopers Campaign		Y		Y	July 2020 letter
29	<b>Sea Scallops</b> Adjustments to scallop industry funded observer program (IFO coverage vs. required SBRM coverage, etc.)					NEFSC letter August 2017

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30	<b>Sea Scallops:Staff</b> NMFS and PDT have annual responsibilities related to estimating scallop, yellowtail, and windowpane catch during the year (i.e. LA AM exception, re-evaluation of YT sub-ACL based on updated information).	Ongoing		Y		
31	<b>Sea Scallops:Staff</b> Support annual scallop RSA process, including priority setting, and technical and management reviews.	Ongoing				
32	<b>Sea Scallops (Administrative)</b> Online access area trip exchanges				Y	CTE discussion on EO
33	<b>Sea Scallops (Administrative)</b> Modify LAGC closure noticing				Y	CTE discussion on EO
34	<b>Sea Scallops</b> Complete ongoing actions (Amendment 21 & Framework 33)	Ongoing		Y		
35	<b>Sea Scallops</b> Develop management and policy approaches for scallop seeding and grow out					2021 RSA priorities; staff
36	<b>Sea Scallops</b> Develop measures to improve enforceability of landings limits (bag tags)					Public comment, June 2020
<b>Herring</b>						
36	<b>Herring</b> Complete FW action that considers GB spawning closures					Herring Committee, September 2020
37	<b>Herring</b> Develop formal rebuilding plan			Y		
38	<b>Herring:Staff</b> Coordination with MAFMC, ASMFC on various herring issues (RH/S, etc.)	Ongoing				
<b>SBRM</b>						
38	<b>SBRM</b> No action planned					
<b>Red Crab</b>						
39	<b>Red Crab</b> Initiate development of information for setting red crab specifications					
<b>Habitat</b>						
40	<b>Habitat</b> Develop an action to revise Habitat Management Areas on Northern Edge of Georges Bank		Y		Y	2015 Priorities; OHA2 follow-up
41	<b>Habitat</b> Participate in -ROSA activities; collaborate with RODA and other offshore wind partners on fisheries issues	Ongoing				
42	<b>Habitat</b> Develop Council policies on additional non-fishing activities (offshore energy policies adopted 2018)	Ongoing	Y			2018 priorities
43	<b>Habitat</b> -Develop a plan for how the Council can engage with NMFS on aquaculture planning and development (including coordination on establishment of Aquaculture Opportunity Areas)				Y	EO 13921
44	<b>Habitat:Staff</b> Habitat impacts (NEPA analyses) of management actions	Ongoing	Y	Y		
45	<b>Habitat:Staff</b> SBNMS Advisory Council and ASMFC habitat committee	Ongoing				

Number	Priority/Task Title	Status	Multi_Year	Legal/Regulatory Requirement?	EO Response	Source
46	<b>Habitat:Staff</b> Develop habitat and fishery related comments on non-fishing activities, particularly wind power, in consultation with other agencies, (including NMFS, BOEM, and MAFMC). This includes addressing offshore energy development issues.	Ongoing				
47	<b>Habitat:Staff</b> Co-chair Northeast Regional Habitat Assessment Inshore Work Team	Ongoing	Y			
<b>Research</b>						
47	<b>Research</b> Continue implementation of RSA Program review recommendations for the sea scallop, monkfish, and herring FMPs:					Executive Committee implementation recommendations for RSA Program review
48	<b>Research</b> Complete annual update to research priorities					Council Policy
49	<b>Research:Staff</b> Support S-K program	Ongoing				
<b>SSC</b>						
50	<b>SSC</b> Support Council activities such as <u>recommending ABCs</u> and making recommendations in the FMP development process	Ongoing		Y		
51	<b>SSC</b> Understand and resolve poor assessment model performance (primarily groundfish assessments)		Y			
52	<b>SSC</b> Consult with Council on development of ABC control rules for Northeast Multispecies stocks					August 2019 SSC meeting
<b>Enforcement, Safety, VMS</b>						
53	<b>Enforcement, Safety, VMS</b> Continue to support enforcement, safety and VMS issues.	Ongoing				
<b>Whiting</b>						
53	<b>Whiting</b> Approve and submit 2021-2023 Specifications Package	Ongoing		Y		2020 priority; Action delayed by management track assessment scheduling
54	<b>Whiting</b> Analyze causes of bycatch in the whiting fishery; Identify potential measures to reduce bycatch	Ongoing				Continue previous PDT analysis; 2020 priority
55	<b>Whiting</b> Consider modifying annual monitoring report requirement to match assessment/specifications cycle					
56	<b>Whiting:Staff</b> <u>PDT receives annual monitoring report from Regional Office and advise Council whether management adjustments are needed</u>	Ongoing		Y		

Number	Priority/Task Title	Status	Multi_Year	Legal/Regulatory Requirement?	EO Response	Source
<b>Skates</b>						
57	<b>Skates</b> Prepare an amendment to consider limited access in the skate fishery (may expand scope as recommended by Skate Committee 9/2020)	Ongoing	Y		Y	2016 Priorities
58	<b>Skates:Staff</b> <u>Prepare skate monitoring report</u>			Y		
59	<b>Skates</b> Prepare specifications for 2022-2023			Y		
60	<b>Skates:Staff</b> Support management track assessment					
<b>EBFM</b>						
60	<b>EBFM</b> Conduct information and educational workshops on EBFM, focusing on potential application to Georges Bank eFEP	Ongoing	Y		Y	2020 priority; expect completion early in 2021
61	<b>EBFM</b> Conduct initial stakeholder-engaged management strategy evaluation workshops and work with the NEFSC (or others) to develop operating models to evaluate management procedures and strategies for potential application to a Georges Bank Ecosystem Production Unit.	Ongoing	Y			
62	<b>EBFM:Staff</b> Support EBFM activities (WGNARS, SOE, etc.)					
<b>Observer Committee</b>						
63	<b>Observer Committee</b> Appropriate observer protocols					September 2018 Council Meeting
64	<b>Observer Committee</b> Study issue of full retention/no discards.		Y			September 2017 Council meeting
<b>Risk Policy Working Group</b>						
65	<b>Risk Policy Working Group</b> Review implementation of Council Risk Policy					
<b>Trawl Survey AP</b>						
66	<b>Trawl Survey AP</b> Address issues identified in AP charter	Ongoing	Y			2015 Priorities
<b>Inter-organization Activities</b>						
67	<b>Inter-organization Activities</b> CCC Working Group participation (EM, Legislative, CMOD)					
68	<b>Inter-organization Activities</b> NRCC Working Group Participation	Ongoing	Y			NRCC
69	<b>Inter-organization Activities</b> International Fisheries Management TMGC/TRAC/Steering Committee ICCAT HMS Advisory Panel/HMS FMP NAFO Commissioner	Ongoing		Y		
70	<b>Inter-organization Activities</b> Participate in NRCC Scenario Planning Exercise to develop governance approach for addressing climate change issues		Y			
71	<b>Inter-organization Activities</b> Participate in NROC Ocean Policy Committee and data portal activities	Ongoing				

Number	Priority/Task Title	Status	Multi_Year	Legal/Regulatory Requirement?	EO Response	Source
	<b>Other</b>					
72	<b>Other</b> Review and implement Program Review recommendations	Ongoing	Y			
73	<b>Other:staff</b> Support Regional Fishery Dependent Data Initiative (FDDI)	Ongoing	Y			NRCC
74	<b>Other:staff</b> Protected Species issues, including actions as necessary to review Biological Opinion and implement NARW recovery plan	Ongoing	Y			
75	<b>Other</b> Participate on Large Whale and Harbor Porpoise Take Reduction Teams	Ongoing	Y			
76	<b>Other</b> Adopt additional measures for fisheries if required by Northern Right Whale Biological Opinion		Y			September 2018 Council Meeting
77	<b>Other</b> Preliminary work on Aquaculture FMP, including consultations with GARFO on EO provisions		Y		Y	GARFO/NRCC initiative
78	<b>Other</b> Dialogue meeting between Council, industry, and scientists to improve communications and cooperation					September 2018 Council Meeting
79	<b>Other</b> Establish federal policy that imports of seafood, including HMS products, should meet or exceed the same standards of harvest, for example in terms of the gear used and impacts on protected species, and sustainability as fish landed in the U.S.				Y	Monkfish Committee Setpmembr 2020
80	<b>Other</b> Consider examining length and horsepower restrictions on efficiency and whether permit-splitting may also be a tool to address these efficiency concerns.				Y	Monkfish Committee September 2021

## Guidance for Councils Response to E.O. 13921 Section 4

In response to [Executive Order 13921](#), a formal request was sent to the Regional Fishery Management Councils for a prioritized list of recommended actions “to reduce burdens on domestic fishing and to increase production within sustainable fisheries” by November 2, 2020, as required under Section 4 of the order. To provide further details and instructions for submissions, this document spells out guidance for Councils in formatting their responses.

Examples have been provided in the attached template table *EO13921 Recommended Actions Template* to provide a framework for responding to the request. Please develop your prioritized list and send a copy of the completed table (one response per Council) by email to [Kelly Denit](#) and copy [Morgan Corey](#), Office of Sustainable Fisheries. To facilitate tracking recommended actions, please provide the following information in your response:

Indicate the **priority number** relative to other proposed actions in order of preference, with 1 being the highest priority, and assign a unique priority number to each proposed action (i.e., only one action assigned to priority 1, 2, 3, etc.). If possible, consider bundling actions by FMP or by fishery before prioritizing.

Classify the recommended action(s) type as a Regulation, Order, Guidance, or Other Similar Agency Action using the dropdown list.

Identify the relevant Code of Federal Regulations (CFR) Citation under Title 50, if applicable (CFR information [here](#)).

Describe the recommended action, including current regulation implications and issues that could be addressed by taking the action(s).

Explain **how** the recommended action(s) reduces burdens on domestic fishing and/or increases production within sustainable fisheries. Be as specific as possible (qualitative information is enough) to detail the anticipated effects (social, economic, biological) of taking the action(s).

Outline a proposal for initiating each recommended action, including the current status of discussions, steps to be taken, expected timeline for Council discussion and decisions.

EXAMPLE EO RESPONSE FORMAT

Council(s)	Priority Number	Action type (e.g. Changes to Regulations, Orders, Guidance Documents, Other Similar Agency Actions)	Relevant CFR Citation under Title 50 (if applicable)	Description of recommended action(s)	Rationale of how the recommended action(s) reduces burdens on domestic fishing and increases production within sustainable fisheries	Proposal for initiating each recommended action(s) within 1 year of the date of this order (i.e., by May 7, 2021)
Example - XFMC	1	Regulation	50 CFR 622	<p>This regulation would modify provisions for Fish A vessels transiting through cold weather closed areas with Fish A on board in federal waters. The proposed action would allow trawl doors in the rack (cradle), nets in the rigging and tied down, and trawl net on the deck during transit. Currently, Fish A vessels transiting cold weather closed areas with Fish A on board are required to stow a trawl net with a mesh size of less than 4 inches below deck. Fishermen have requested a change to these transit provisions as vessel design changes have limited access to below deck storage, the need to disassemble the trawl gear prior to stowing nets below deck in rough conditions is a safety at sea concern, and some fishermen have avoided transiting the closed areas entirely.</p>	<p>Because of safety at sea concerns caused by shoals in state waters off State B, federally permitted Fish A vessels from states north of State B that operate off of State B during cold weather closures, but have been unable to store fishing gear according to the current transit regulations, have been forced to land their catch in State B rather than at their homeport. The proposed changes would make it easier for these vessels to comply with the gear stowage requirements and, as a result, more easily return to their homeport with Fish A on board. Also, the proposed changes were recommended by the Council's Law Enforcement Advisory Panel, who indicated these changes would make it easier for enforcement officers to see if Fish A fishermen are complying with the transit provisions. As such, the burden on law enforcement officers would also be effectively reduced.</p>	<p>Rulemaking requested by Gulf Council at their June meeting. Proposed rule anticipated to publish by October 2020.</p>