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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*

DATE: January 23, 2019
TO: Council
FROM: Thomas A. Nies, Executive Director
SUBJECT: Summary of January 16, 2019 Executive Committee Meeting

Attendance: The Executive Committee met in Wakefield, MA. Executive Committee members attending were Mr. Quinn, Mr. Stockwell, Mr. Grout, Mr. Alexander, and Mr. Reid. Also attending from the Council staff were Mr. Nies and Mr. Kellogg, and from the public, Mr. Lapointe. Mr. Pentony and Dr. Hare were unable to attend because of the federal shutdown. The committee discussed the agenda items below.

1. Executive Director's Report

Budget Overview - The Council has sufficient funds to operate through April and possibly longer should the current government shutdown continue beyond January. This is due to a cumulative surplus in the current five-year budget cycle and partial receipt of 2019 funding. Even if the shutdown ends soon the Council probably would not receive more funding until May or June, but it would have adequate funds for the rest of the year. The Council expects to be able to continue providing the states the same level of funding as in 2018.

The current surplus was accumulated primarily in 2015 and 2016. In the last two years expenditures have nearly matched receipts. Mr. Nies explained that he anticipated using much of the surplus to support a management strategy evaluation (MSE) for EBFM in 2018 and 2019 but it is unlikely that the Council will complete EBFM development in the current year. The Councils are permitted to carry grant funds forward within a five year grant period (2015-2019). In the past the Council has been able to get one-year extensions for expending funds in part because the variability in when funds are received makes planning difficult.

Council funding has been essentially flat for the last four years. Funding for 2019 is uncertain. In the current draft appropriations bill reports, the Senate proposed increasing Council funding while the House did not. In addition to the basic administrative grant, NMFS provides additional funding that has remained relatively flat over the last five years.

This summer the Council staff will prepare a 5-year budget for the next grant cycle.

2. Timelines

Mr. Kellogg reviewed updates to the Council action timelines. New draft timelines were added for Scallop Amendment 21, which will address NGOM management issues, an action to rebuild southern red hake, Monkfish Specifications for 2020-2022, and Red Crab Specifications for 2020-2022. A timeline has yet to be developed for Multispecies Framework 59 which would set specifications for all groundfish stocks including EGB cod and haddock for 2020-2021. No

delays were anticipated in preparing the submission documents for Scallop Framework 30, Multispecies Framework 59, Herring Amendment 8, Skate Framework 6 and the Deep-Sea Coral Habitat Amendment. The review and implementation of the actions could be delayed by the federal government shutdown. Similarly, updated timeline for actions still under development such as Multispecies Amendment 23, Herring Specifications for 2020-2021, EBFM and Skate Amendment 5 and new actions would have to be adjusted for any future delays caused by the shutdown. Other uncertainties in the timelines were whether the milestones would be reached on time for the EBFM and Groundfish monitoring amendments.

3. Draft Allocation Review Trigger Policy

Mr. Nies explained that the Council will need to communicate the allocation review triggers for its FMPs to NOAA/NMFS by July 2019. The Council discussed allocation review triggers at the June and September 2018 meetings and Council members expressed a wide range of opinions about them. As a result, Mr. Nies prepared a draft policy, including a summary of relevant guidance and a table of the specific 16 NEFMC allocations the Council would be required to review. He recommended an approach that used three criteria for triggers:

- 1) Catch share programs: These allocations will be reviewed as part of the review of catch share or LAPP programs.
- 2) Time-based: The primary trigger criteria for review of all non-catch share allocations will be at eight to ten years after initial implementation. This range of years is selected so that the allocation review can be coordinated with other competing Council priorities and the availability of data. When allocations are created in a management action, the Council may specify a more frequent review period.
- 3) Public interest: The secondary trigger for review will be public interest as developed through the existing Council input process. A key element of this process is the annual setting of priorities. Public interest in an allocation review will be considered as part of this process.

After some discussion, the committee decided that it should recommend the draft policy to the Council for consideration and approval.

4. Addressing Recreational Management Issues

In preparation for the Recreational Issues agenda item at the January Council meeting, Mr. Nies provided a review of how the Council had identified and handled recreational fishing management priorities since 2010. He noted that the Council Program Review recommended that the Council more fully address the concerns of recreational fishermen and the Council has addressed some concerns in the past, but not others. Additionally, there have been several suggestions that the Council establish a separate committee to develop recreational management measures. In the committee's discussion the recreational issues were broadly categorized as:

- 1) Adjusting specific recreational management measures (e.g. GOM cod trip limits, seasons etc.).
- 2) Lack of faith in MRIP estimates.
- 3) Broader recreational management issues (eVTRs, P/C limited entry, etc.)
- 4) General fishery management issues, such as habitat and forage fish issues, etc.

The Committee discussed various ways to address these issues. In the case of issues specific to the recreational fishery (such as P/C limited entry), it may be beneficial to assign that task to a separate Committee. The Committee also discussed designating specific Committee or AP seats for recreational interests - something that is generally done but not formally adopted. These and other ideas will be discussed at the Council meeting.

5. Draft NEFMC letter on financial disclosure proposed rule

Mr. Nies explained that comments on the proposed rule for Council member financial disclosures and recusals were due on March 9, 2019 and the last chance for the Council to develop comments at a Council meeting would be in January. The Committee reviewed the three issues identified in the draft letter: 1) the need to know the duration request for NMFS to review a determination that a Council member should recuse him/herself; 2) that Council members who receive significant financial support from a lobbying or advocacy organization should report that arrangement and potentially be subject to recusals; and 3) the basis for a determination that a close causal relationship exists between a Council decision and a benefit to a Council member's financial interest needs to be clarified. After discussion the committee recommended that the Council submit the draft letter as comments on the proposed rule.

6. Council Meeting Planning

As the result of work not completed during the federal government shutdown, the committee made several minor adjustments to the to the January 2019 Council meeting agenda.

7. Closed session

The Executive Committee determined SSC re-appointments and new appointments pending consultation with the Council to be completed at the January meeting.