The Council Report summarizes major actions approved at NEFMC meetings or highlights items of interest.

At its Jan. 26-28 meeting in Portsmouth, NH, the Council approved actions related to the development of several fishery management plans. The issues involved:

- A witch flounder ABC
- At-Sea Monitoring
- Small Mesh Multispecies
- The Omnibus Industry-Funded Monitoring Amendment
- Amendment 8 to the Atlantic Herring FMP

Groundfish

**Witch Flounder ABC Set for 2016-2018**

Acting on the advice and recommendations of its Scientific and Statistical Committee the Council moved ahead with a 460 metric ton (mt) ABC for witch flounder, or grey sole, at its January meeting.

Responding to an initial SSC recommendation of 394 mt in December, and based on the reaction of the fishing industry and a number of Council members who cited widespread economic harm with the new limit, the Council queried the SSC about recommending an additional alternative. Stating it would accept a temporary increased risk to stock rebuilding, the Council requested that the SSC consider an ABC within a range up to the overfishing level or OFL.

The SSC revised its recommendation to an ABC with an upper limit of 500 mt, accompanied by an increasing OFL, for the next three fishing years (2016-2018), based on the following:

- The revised ABC incorporates the 2015 catch estimate for witch flounder.
- The Groundfish Plan Development Team (PDT) recommended retaining some buffer between OFL and ABC.
- Economic benefits appear to be modest, but differences in biological risk also appear to be modest, with important uncertainties underlying both models that might underestimate outcomes.
- The recommendation allows the Council to select lower value if it determines costs do not outweigh benefits.
- A constant ABC is consistent with approach for overfished stocks.
- The ABC will be revisited following a benchmark stock assessment in late fall/early winter 2016.

The Council ultimately recommended a 460 mt ABC for witch flounder for fishing years 2016-2018, 40 mt lower that the SSC’s upper limit for the ABC, to reduce the risk of overfishing while providing some economic relief for the fishing industry.
**Groundfish — continued**

**At-Sea Monitoring Work A Priority** During the Groundfish Committee’s Report at the January meeting the Council also approved a problem statement that relates to the at-sea monitoring program (ASM) and the development of alternatives by the Groundfish Plan Development Team. The motion was unanimously approved and reads as follows:

“When ASM requirements were established in Amendment 16, the expectation was that increased catch limits – resulting from stock rebuilding – would enable the industry to afford the cost of monitoring. Since 2010, annual catch limits for many stocks have declined sharply, along with groundfish revenues, and the size of the fleet. The affordability of the ASM program for groundfish sectors is in question.

The current configuration of the ASM program may lead to significant economic impacts (i.e., economic losses) to the groundfish fishery and negative social impacts (i.e., those that reduce resiliency and increase vulnerabilities of fishing communities). Therefore, the Council requests analysis of the following by the PDT prior to the April Council meeting to assess whether:

1. [Sampling methods] are the most appropriate to verify area fished, catch, and discards by species and gear type for the sector system, and;
2. ASM provides the sector fishery, recognizing the heterogeneity within the fleet (trip length, homeport, etc.) the maximum flexibility to meet ASM goals and objectives.”

It determined that work on ASM would be the PDT’s highest priority in 2016 while recognizing the possibility that not all of tasks would be completed by the next Council meeting.

**Small Mesh Multispecies**

**Development of Amendment 22 alternatives Begins** The Council reviewed scoping hearing and written comments on Amendment 22 to the Northeast Multispecies (Groundfish) FMP. In its initial stages of development, the action is intended to establish a limited access program for silver and offshore hake, aka whiting and red hake. Limiting access is meant to prevent new entrants from increasing the catch of ‘choke’ species with low annual catch limits. During the scoping period, the NEFMC received nearly 100 oral comments and 12 written comments on the proposed amendment.

The range of measures the Council approved for further development include single and multi-level (or tiered) qualification criteria with and without different criteria for the northern and southern management areas. Vessels qualifying for a limited access permit would be able to fish for whiting and red hake with possession limits that reflect recent activity by vessels in the tier and management area.

The Council also approved the development of alternatives that may add to or modify the boundaries and/or seasons of the exemption areas where vessels with small-mesh trawls may fish for whiting, red hake, and other species. The existing November 28, 2012 control date was re-affirmed as the basis for determining limiting future access.

Development of measures to improve bycatch monitoring and reduction was also discussed and referred to the Small-Mesh Multispecies Committee for consideration in the amendment or in a future action.
Industry-Funded Monitoring

**Preferred Omnibus Alternatives Identified** The Council approved preferred alternatives for the omnibus elements of an Industry-Funded Monitoring (IFM) Amendment for public review at hearings this spring.

In development since 2014 with NOAA Fisheries in the lead and participation and support from the New England and Mid-Atlantic Councils, the Omnibus IFM Amendment proposes to establish a standardized administrative structure that could apply to any new industry-funded monitoring programs. The amendment also would include monitoring coverage targets for the herring and mackerel fisheries.

Future IFM programs would be developed on an FMP-specific basis through future framework adjustments to each plan. Industry funding would be used in conjunction with, not instead of, federal funding to pay for additional monitoring to meet FMP-specific coverage targets that would be determined by each Council.

NOAA and the Councils are not looking at a one-size-fits-all set of requirements for IFM. Instead, each Council would determine which fisheries, if any, need additional monitoring. If adopted, the IFM Amendment would not affect the existing sea scallop and groundfish IFM programs.

The amendment includes proposals to a) apportion the costs of any additional monitoring between NOAA Fisheries and fishermen based on the availability of federal funding; b) establish standardized service provider requirements with flexibility to modify some elements; and c) allow Councils to establish a "monitoring set-aside" mechanism to fund additional monitoring in individual FMPs.

The amendment also proposes to establish a prioritization process to determine how funding would be allocated among IFM programs when there is a federal budget shortfall to pay for total administrative cost for IFM programs.

The preferred omnibus alternatives approved by the Council in January refer to Alternative 2 of the IFM Discussion Document found here [http://s3.amazonaws.com/nefmc.org/1_Discussion-Document-and-Appendix-1-3_01.12.16.pdf](http://s3.amazonaws.com/nefmc.org/1_Discussion-Document-and-Appendix-1-3_01.12.16.pdf), beginning on page 7, including:

1. Omnibus Alternative 2.2 (Council-led Prioritization Process for IFM programs); the NEFMC added that this process could be modified through a future framework adjustment; and
2. Omnibus Alternative 2.6 (Monitoring Set-Aside Provision) which also could be modified via a framework adjustment.

The NEFMC is scheduled to review and select preferred alternatives for the herring and mackerel components to the IFM Amendment in April, while the Mid-Atlantic Council will take its first crack at selecting preferred omnibus alternatives on February 9-11 in New Bern, NC.

NEFMC-Approved Guiding Principles for Data Collection Programs Established to Estimate Fishery Catch

- Identify a clear purpose and need, and articulate objectives for industry-funded monitoring programs to ensure appropriate design criteria;
- Ensure affordability especially for fisheries on the economic margins, but also give the necessary consideration to conservation and sustainability;
- Recognize that an affordable robust program is likely to need a mix of data collection using people as well as technology; and
- Incentivize reliable self-reporting
Atlantic Herring

Committee Recommendations Approved Following the Herring Advisory Panel and Committee meetings earlier in the month, the Council took up recommendations at the January meeting that were recently vetted by these groups. The focus was Amendment 8 to the Atlantic Herring Fishery Management Plan, an action that will establish a long-term harvest strategy, or control rule, that is intended to guide how future acceptable biological catches, or ABC’s, will be set and that explicitly accounts for the role of Atlantic herring in the ecosystem. The amendment also will address the issue of possible localized depletion.

Following a review and encouragement by its Scientific and Statistical Committee, the Council adopted the use of a Management Strategy Evaluation (MSE) approach to developing the amendment’s ABC control rule. MSE is a collaborative decision-making process to aid in the development of alternatives. It involves greater upfront public involvement in identifying potential objectives and technical analyses on how potential alternatives perform relative to the objectives. It is a tool increasingly used by NMFS and Councils to support decision-making, though new to New England.

An expanded explanation published by a researcher with New England experience stated: “Unlike many bio-economic models, MSE is specifically designed to realistically account for error and uncertainty in data and model structures and to provide explicit quantitative management advice that can be directly applied by fishery managers to set catch or effort limits. MSEs also generally assess performance based on multiple objectives rather than focusing solely on optimal economic performance.” (Holland, D. S. (2010), “Management Strategy Evaluation and Management Procedures: Tools for Rebuilding and Sustaining Fisheries”, OECD Food, Agriculture and Fisheries Working Papers, No. 25, OECD Publishing)

In an 8/7/1 vote, the Council directed the Herring Committee to discuss five specific examples of alternatives suggested in scoping comments for Amendment 8. All were potential area closures that would limit when and how close to shore midwater trawl vessels could operate. The Herring Committee will continue developing the range of amendment alternatives through early spring.

The Council also asked the Herring and Groundfish Committees to examine the potential of allowing the herring midwater trawl fleet operating on Georges Bank to catch up to 50% above their current 1% haddock catch cap as a buffer to avoid a fishery closure, while still retaining the 1% cap. A large area closure is in place until May 1, 2016 as an accountability measure because the 1% cap was exceeded in 2015. Further consideration will include the economics of the herring fishery and the large biomass of Georges haddock. Work on this issue will not begin until after the April Council meeting.

And finally, the Council agreed to recommend the use of state portside data to monitor the current river herring/shad and haddock catch caps. Many believe this method will enhance the accuracy of the bycatch estimates for the herring fishery.
AGENDA
Westin Jekyll Island
110 Ocean Way
Jekyll Island, Georgia 31527
Phone: 1-888-627-8316 or 912-635-4545 and Fax: 912-319-2838
March 7-11, 2016

{Except for advertised (scheduled) public hearings and public comment sessions, the times indicated on the agenda may be adjusted as necessary to accommodate the completion of agenda items. Interested parties should be aware that meetings may start earlier or later than indicated.}

Monday, March 7

CONCURRENT SESSIONS: MONDAY AFTERNOON

1:30 P.M. to 5:00 P.M.

Law Enforcement Advisory Panel/Col. Chisolm Frampton (TAB 1)
1. Overview of Developing and Recently Implemented Amendments
2. Snapper Grouper Amendment 33 and Dolphin Wahoo Amendment 7 (new fillet regulations for fish from The Bahamas) – ACTION
3. Snapper Grouper Amendment 37 (Hogfish) – ACTION
4. Proposed changes to for-hire reporting requirements (headboat and charter) and current requirements for dealers & commercial vessels – ACTION

1:30 P.M. to 2:30 P.M.

Protected Resources Committee/Dr. Wilson Laney (TAB 2)
1. Update on Protected Resources – ACTION
2. Right Whale Critical Habitat Final Rule – ACTION
3. ESA/MSA Integration Agreement: Review & Approval – ACTION
4. Update on ASMFC/USFWS Protected Resources Issues – ACTION

2:30 P.M. to 5:00 P.M.

Joint Dolphin Wahoo/ Snapper Grouper Committee/Anna Beckwith and Dr. Michelle Duval (TAB 3)
1. Status of Commercial and Recreational Catches versus ACLs for Dolphin and Wahoo – ACTION
2. Status of actions under formal review/NMFS SERO
   • Amendment 7 (fillets)
   • Amendment 8 (allocation & accountability measures)
   • Regulatory Amendment 1 (trip limit)
   • Control Date (6/30/15)
3. DW Amendment 10/SG Amendment 44 (Allocations for Dolphin and Yellowtail Snapper) – ACTION
Tuesday, March 8

CONCURRENT SESSIONS: TUESDAY MORNING

8:30 A.M. to 12:00 Noon
Law Enforcement Advisory Panel cont./Col. Chisolm Frampton (TAB 1)
5. Size and bag limit compliance in the South Atlantic Region – ACTION
6. Enforceability of Marine Protected Areas (MPAs) and Spawning Special Management Zones (SMZ): Evaluation for System Management Plans – ACTION
7. Turtle Excluder Devices (TED) compliance in shrimp fishery – ACTION
8. Election of LEAP Chair and Vice-Chair – ACTION

8:30 A.M. to 10:00 A.M.
Advisory Panel Selection Committee/Chester Brewer (TAB 4)
(PARTIALLY CLOSED SESSION)
1. Review Applicants and Develop Recommendations – ACTION
2. NGO seats on species Advisory Panels – ACTION
3. Term Limits – ACTION
4. Other policy issues – ACTION

10:00 A.M. to 12:00 Noon
SEDAR Committee/Dr. Michelle Duval (TAB 5) (PARTIALLY CLOSED SESSION)
1. Blueline tilefish stock ID workshop participants (CLOSED) – ACTION
2. Blueline tilefish assessment schedule – ACTION
3. SEDAR projects update – ACTION

12:00 Noon to 1:30 P.M.
Lunch

Tuesday, March 8

COMMITTEE MEETINGS

1:30 P.M. to 2:30 P.M.
Law Enforcement Committee/Mel Bell (TAB 6)
1. Review Law Enforcement Advisory Panel Recommendations – ACTION

2:30 P.M. to 5:00 P.M.
Snapper Grouper Committee/Dr. Michelle Duval (TAB 7)
1. Status of commercial and recreational catches versus quotas for species under ACLs/NMFS SERO – ACTION
2. Status of actions under formal review/NMFS SERO
   • Amendment 33 (fillets)
   • Amendment 34 (comprehensive accountability measures)
   • Amendment 35 (species removal and golden tilefish endorsements)
   • Regulatory Amendment 25 (Blueline, Yellowtail, & Black Sea Bass)
   • Regulatory Amendment 16 (Black Sea Bass Traps)
3. Black sea bass pot selectivity study results/Dr. Paul Rudershausen
   • Discuss and take action as appropriate – ACTION
4. SSC Report/Dr. Luiz Barbieri
5. Overview of Snapper Grouper Amendment 37 (hogfish)
   • Consider public hearing comments, discuss and modify document as appropriate, select preferred alternatives, and approve all actions – ACTION
Wednesday, March 9

8:30 A.M. to 12:00 Noon

Committee Meetings

8:30 A.M. to 12:00 Noon

Snapper Grouper Committee cont./Dr. Michelle Duval (TAB 7)

6. Overview of Snapper Grouper Amendment 41 (mutton snapper)
   • Consider scoping comments, discuss, modify document as appropriate, and provide guidance to staff – ACTION

7. Overview of Oculina Review Report
   • Discuss and modify document as appropriate, and approve – ACTION

8. Overview of System Management Plan for Amendment 14 MPAs
   • Review, modify document as necessary, and approve – ACTION

9. Overview of Snapper Grouper Amendment 36 (Spawning SMZs) and System Management Plan for Spawning SMZs
   • Review, modify document as necessary, and approve for formal review – ACTION

12:00 Noon to 1:30 P.M.

Lunch

1:30 P.M. to 5:30 P.M.

Snapper Grouper Committee cont./Dr. Michelle Duval (TAB 7)

10. Overview of Items to be considered in Snapper Grouper Amendment 43 (Red Snapper)
    • Discuss and provide guidance to staff – ACTION

11. Overview of Fisheries Seasonality/Retention Regulatory Amendment
    • Results of ranking of alternatives
    • Discuss and provide direction to staff – ACTION

5:30 P.M.

Public comment will first be accepted on items before the Council for final action:

• Snapper Grouper Amendment 36 (Spawning SMZs)
• MPA System Management Plan
• Oculina Review Report
• ESA/MSA Integration Agreement
• CMP Amendment 26 (King Mackerel ACLs/Boundary/Management Measures)

Public comment will then be accepted regarding any of the other items on the Council agenda. The Council Chair, based on the number of individuals wishing to comment, will determine the amount of time provided to each commenter.
Thursday, March 10  
8:30 A.M. to 10:00 A.M.  COMMITTEE MEETINGS  
Mackerel Committee/Ben Hartig (TAB 8) 
1. Status of recreational and commercial catches vs. ACLs/NMFS SERO – ACTION  
2. Gulf Council Meeting Report  
3. Mackerel AP Report/Ira Laks, AP Chair  
4. Overview of CMP Amendment 26 decision document  
   • Consider public hearing comments, modify document as appropriate, select preferred alternatives and approve Amendment 26 for formal Secretarial review – ACTION  
5. Overview of Atlantic Cobia Landings and Adjustment to Recreational Season Length/NMFS SERO  
   • Presentation on 2016 Recreational Season for Atlantic Cobia/Mike Larkin, SERO  
   • Options Paper for Framework Amendment  
   • Discuss and provide guidance to staff – ACTION  

10:00 A.M. to 12:00 Noon  Data Collection Committee/Mel Bell (TAB 9) 
1. Report on Bycatch Monitoring/NMFS SERO  
   • Discuss and provide guidance to staff – ACTION  
2. Update on Commercial Logbook Pilot Study  
   • Presentation on the status of the commercial electronic logbook pilot project/Dr. Bonnie Ponwith, SEFSC  
   • Discuss and take action as appropriate – ACTION  
3. Overview of Implementation Plan for commercial logbook electronic reporting  
   • Status of eTrips/Mike Cahall, ACCSP  
   • Discuss and provide guidance to staff – ACTION  
4. Overview of the South Atlantic For-Hire Reporting Amendment  
   • SC electronic logbook demonstration  
   • Review public hearing input, discuss and modify document as appropriate, and approve all actions – ACTION  

12:00 Noon to 1:30 P.M.  Lunch  

1:30 P.M. to 2:30 P.M.  Data Collection Committee cont./Mel Bell (TAB 9) 
5. Citizen Science Workshop Update  
   • Overview of draft Citizen Science Program Blueprint  
   • Discuss and take action as appropriate – ACTION  

2:30 P.M. to 3:30 P.M.  Executive Finance Committee/Dr. Michelle Duval (TAB 10) 
1. Status of CY 2015 budget expenditures  
2. Draft Activity Schedule – ACTION  
3. Status of CY 2016 budget  
4. Council Follow-up and priorities – ACTION  
5. Discuss standards and procedures for participating in Council webinar meetings – ACTION  
6. CCC Meeting Report – ACTION  
7. Address other issues as appropriate – ACTION  

3:30 P.M. to 3:45 P.M.  Break
Thursday, March 10

3:45 - 4:00  **COUNCIL SESSION (TAB 11)**
Call to Order, Adoption of Agenda and Approval of December 2015 Minutes/Dr. Michelle Duval

4:00 - 5:00  Snapper Grouper Committee Report/Dr. Michelle Duval (TAB 6)
• Approve/Disapprove Amendment 36 for formal Secretarial review – **ACTION**
• Approve/Disapprove System Management Plan for MPAs – **ACTION**
• Consider other Committee recommendations and take action as appropriate – **ACTION**

Friday, March 11

8:30 A.M. to 12:00 Noon **COUNCIL SESSION (TAB 11)**

8:30 - 9:00  Mackerel Committee Report/Ben Hartig (TAB 8)
• Approve/Disapprove Amendment 26 for formal review – **ACTION**
• Consider other Committee recommendations and take action as appropriate – **ACTION**

9:00 - 9:10  Law Enforcement Committee Report/Mel Bell (TAB 6)
• Consider Committee recommendations and take action as appropriate – **ACTION**

9:10 - 9:30  Joint Dolphin Wahoo/Snapper Grouper Committee Report/Anna Beckwith and Dr. Michelle Duval (TAB 3)
• Consider Committee recommendations and take action as appropriate – **ACTION**

9:30 -9:40  Protected Resources Committee Report/Dr. Wilson Laney (TAB 2)
• Approve/Disapprove ESA/MSA Integration Agreement
• Consider other Committee recommendations and take action as appropriate – **ACTION**

9:40 - 9:50  SEDAR Committee Report/Dr. Michelle Duval (TAB 5)
• Consider Committee recommendations and take action as appropriate – **ACTION**

9:50 - 10:00 Data Collection Committee Report/Mel Bell (TAB 9)
• Consider Committee recommendations and take action as appropriate – **ACTION**
### Friday, March 11

**8:30 A.M. to 12:00 Noon**

**COUNCIL SESSION (TAB 11)**

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<tr>
<th>Time</th>
<th>Session</th>
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<tr>
<td>10:00 - 10:10</td>
<td>AP Selection Committee Report/Chester Brewer (TAB 4)</td>
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<td>- Consider Committee recommendations and take action as appropriate – <strong>ACTION</strong></td>
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<td>10:10 - 10:30</td>
<td>Executive Finance Committee Report/Dr. Michelle Duval (TAB 13)</td>
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<td>- Approve Council Follow-Up and Priorities – <strong>ACTION</strong></td>
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<td>- Approve Activity Schedule – <strong>ACTION</strong></td>
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<td>- Consider other Committee recommendations and take action as appropriate – <strong>ACTION</strong></td>
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<td>10:30 - 10:45</td>
<td>Monitor National Marine Sanctuary/David W. Alberg, Superintendent (Attachment 1)</td>
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<td>10:45 - 10:55</td>
<td>SERO Report/Dr. Roy Crabtree (Attachment 2)</td>
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<td>10:55 - 11:10</td>
<td>Review Experimental Fishing Permit requests as appropriate (Attachment 3)  - <strong>ACTION</strong></td>
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<td>11:10 - 11:20</td>
<td>SEFSC Report/Dr. Bonnie Ponwith (Attachment 4)</td>
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<td>11:20 - 11:40</td>
<td>Agency and Liaison Reports and additional information (Attachment 5)</td>
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<td>11:40 – 12:00</td>
<td>Other Business and Upcoming Meetings (Attachment 6)</td>
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<td>- Spiny Lobster Review Panel &amp; Advisory Panel Meeting (Kari)</td>
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<td>12:00 Noon</td>
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March 11, 2016 Council Agenda
To: Mr. Greg DiDominico  
Executive Director  
Garden State Seafood Association  
gregdidominico@gmail.com

From: Beth Kerttula  
Director, National Ocean Council  
ekerttula@ostp.eop.gov

VIA EMAIL

February 18, 2016

Dear Mr. DiDominico:

Below please find our response to the questions you sent us about regional planning and the National Ocean Policy. Thank you for your interest and your patience. Please let me know if you have any questions.

Sincerely,

Beth Kerttula

Director, National Ocean Council  
Executive Office of the President  
722 Jackson Place  
Washington DC 20503

Office: (202)456-3267  
Cell: (907)209-5104  
Fax: (202)456-6546
I) What does “pre application consultation” mean? What is the administrative process that will need to be conducted?

“Pre-application consultation” is a coordination and information sharing mechanism that agencies use under existing authorities and practices. Broadly, it means any coordination among agencies and/or between agencies and a project proponent that may occur before formal review of an action, such as a NEPA review, permit application, etc. Consultation is typically initiated by the lead agency, such as BOEM for wind energy and sand and gravel leasing, USCG/MARAD for an offshore liquefied natural gas terminal, or USACE for a beach nourishment project. However, for fishery management actions consultation is conducted jointly by the Fishery Management Council and NOAA’s National Marine Fisheries Service [NOAA Fisheries].

Among other things, pre-application consultation clarifies applicable authorities and consequent required information, initially identifies potential adverse impacts to resources and human activities, identifies what data are available and what is missing and needed, and identifies potentially affected stakeholders that need to be consulted as both a source of information and as parties with existing interests in the use of ocean resources. The nature and process of consultation varies, depending on the scope of the proposed activity, applicable authorities, available agency resources, the extent of information the agencies or a proponent would need to address, and established agency practices.

In the context of regional plans and depending on the scope and complexity of the proposal (or application), the lead agency (or state) may invoke or encourage pre-application consultation. This early coordination is being included as a best practice in the Northeast Ocean Plan, and may also be included in other regional plans. At a minimum, this would require the project proponent (or applicant) to schedule and participate in a meeting with the lead agency. Its purpose would be to identify environmental conditions and constraints, reach a better understanding of stakeholder concerns and the regulatory framework, discuss alternatives to the proposal that yield better outcomes, and facilitate coordination with Federal, state, tribal and local government agencies. Regional plans, which contain authoritative and current data and information products, would be key to improving efficiency and transparency in the pre-application assessment of a proposed action. The plans would not alter existing mandates and responsibilities; instead their purpose is to offer more consistency going forward in following this best practice.
2) **Will state permitted activities including those reviewed and granted [under] the Coastal Zone Management Act have to be consistent with National Ocean Policy/Council and RPB?**

3) **Will federally permitted activities have to be consistent with NOP Council and or RPB?**

These two questions concern the intersection of Federal administrative process with the regional planning efforts called for in the National Ocean Policy.

A regional ocean plan, with the authoritative data and information products contained therein, is intended to facilitate dialog among stakeholders and promote transparency in decision making. By their concurrence, Federal agencies would agree to use the plan to inform and guide their actions in the region consistent with their existing missions and authorities. Regional plans are not regulatory, and concurrence does not create new authorities, legal obligations, regulations, or missions. All activities will continue to be managed under existing authorities.

Agencies involved in the National Ocean Council administer a range of statutes and authorized programs that provide a basis for implementing regional ocean plans. The process and decision-making that the National Ocean Policy envisions for regional ocean planning will be carried out consistent with and under the authority of existing statutes. The RPB is not a regulatory body and has no independent legal authority to regulate Federal, state, or tribal entities.

4) **Will Fishery Management Plans or FMP amendments or Frameworks and quotas written and recommended by regional fishery management councils and approved and implemented by NOAA/ NMFS have to be consistent with NOP/RPB?**

Regional ocean plans would not contain quotas, regulatory standards or other similar provisions; therefore, they would not be used to enforce compliance with a plan. The intent is that the data and information in a regional ocean plan would be used by Federal, state, tribal and local decision makers to better coordinate and make decisions: decisions must, however, be based on the legal requirements of current statutes and regulatory mandates. Once a Federal agency concurs with a regional ocean plan, it must implement it, but that can only be done under already existing statutes and regulations.

5) **Will NOAA Ecosystem Based Management policy have to comply with NOP?**

NOAA Fisheries' draft Ecosystem-based Fishery Management policy was available for review at >https://www.st.nmfs.noaa.gov/ecosystems/ebfm/creating-an-ebfm-management-policy< until Dec 16th. Let us know if you cannot access the website and need a copy of the plan.

NOAA Fisheries developed the draft Ecosystem-based Fishery Management (EBFM) policy to outline a set of principles to guide NOAA Fisheries actions and decisions over the long-term. NOAA Fisheries must address its multiple mandates concurrently and, to do that, is
implementing its living marine resource stewardship responsibilities in an ecosystem context. NOAA Fisheries has adopted the EBFM policy to more efficiently and effectively fulfill its mandates and promote consideration of not only cumulative effects, but also tradeoffs across various management regimes and human uses, as well as the impacts of these management decisions on human systems. The NOAA Fisheries draft EBFM policy is consistent with the intent of National Ocean Policy (NOP). The NOP does not alter NOAA Fisheries' responsibilities with respect to existing statutes and regulations.