



New England Fishery Management Council

50 WATER STREET | NEWBURYPORT, MASSACHUSETTS 01950 | PHONE 978 465 0492 | FAX 978 465 3116

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

MEETING SUMMARY

Observer Policy Committee

Sheraton Colonial Hotel, Wakefield, MA

December 17, 2014

The Observer Policy Committee met on December 17, 2014 in Wakefield, MA to: review progress regarding development of NMFS-led Omnibus Industry-Funded Monitoring (IFM) Amendment, which will establish provisions for industry-funded monitoring across all Council-managed fisheries; and to discuss the details of the Omnibus IFM Amendment alternatives and develop related Committee recommendations.

MEETING ATTENDANCE: Terry Stockwell (Chairman), Pete Kendall, Mary Beth Tooley, Terry Alexander, Mike Sissenwine, Jeff Kaelin, Peter Christopher, Wendy Gabriel, Gerry O'Neill, Peter Hughes, Rick Usher, Bruce Lambert, Doug Brander (13 of 14 Committee members present, Paul Parker absent); Lori Steele (NEFMC staff); Carrie Nordeen, Aja Szumylo (NMFS GARFO staff); Mitch MacDonald (NOAA General Counsel); several members of the public in the audience.

In addition, several individuals listened to the Committee meeting online via GoToMeeting.

KEY OUTCOMES

The Observer Committee reviewed the details of the Omnibus IFM Amendment alternatives and addressed specific issues raised by GARFO staff in their presentation regarding the omnibus IFM alternatives.

- The Observer Committee passed a motion to recommend that the requirement for a college degree be eliminated in the proposed IFM requirements for IFM service providers. With the intent of reducing industry-borne costs, the Committee passed a second motion to eliminate two additional elements of the proposed service provider requirements.
- The Observer Committee requested additional information regarding several issues for its next meeting, including: NMFS National Minimum Eligibility Standards for observers; observer training requirements and debriefing procedures; and U.S. Department of Labor guidelines for observers.
- When reviewing the proposed weighting scheme for the prioritization alternatives in the IFM amendment, the Observer Committee identified two additional criteria to include when evaluating the IFM programs: (1) commercial/recreational importance of fishery (separate from what was identified in the Draft IFM Discussion Document as *ecosystem importance*,

the name of which should be changed to *importance*); and (2) socio-economics and the ability of the industry to pay for the monitoring program.

- The Observer Committee agreed to meet again on January 22, 2015, to review the completed Draft Environmental Assessment for the Omnibus IFM Amendment and to develop recommendations regarding the selection of *Preferred Alternatives* for the Council to consider at its January 2015 meeting.

Detailed minutes of the December 17, 2014 Observer Committee meeting are provided below.

PRESENTATION: OMNIBUS INDUSTRY-FUNDED MONITORING AMENDMENT– MANAGEMENT ALTERNATIVES UNDER CONSIDERATION (GARFO STAFF)

Carrie Nordeen and Aja Szumylo (NMFS GARFO/SFD staff) presented the Observer Committee with an overview of an updated IFM Amendment Discussion Document including a description of the management alternatives under consideration. Their presentation identified specific “decision points” for the Observer Committee to consider at this meeting. The Committee agreed to stop during the presentation and address each decision point thoroughly before moving on to the next one. A few Committee members also asked clarifying questions and provided some general comments:

- Mr. Kaelin felt that the document currently does not include adequate information about costs associated with monitoring programs; he also suggested that the current observer coverage rates for the sea scallop and groundfish fishery be added to the document, in addition to those for the herring and mackerel fisheries.
- Several Observer Committee members asked clarifying questions regarding the sea scallop set-aside program that funds some of the observer days for that fishery. Mr. Christopher and GARFO staff explained some of the details and noted that nothing in the IFM amendment prevents similar set-asides from being established in other fisheries, provided the harvest of set-aside could generate funds sufficient for observer coverage.
- The Committee discussed the details of the November 13, 2014 correspondence from GARFO, which addresses several issues raised in motions from the August 19, 2014 Observer Committee meeting. GARFO staff summarized the responses provided by NMFS in the November 13 letter.
- The Observer Committee members had a lengthy discussion regarding the division of cost responsibilities proposed in the omnibus IFM amendment. Ms. Tooley noted that current cost estimates are based on current contracts between NMFS and service providers; she felt that some training costs are high, and she hoped that these could be different under IFM. She also expressed concern with including “other costs TBD” under the industry cost responsibilities.
- Representatives from service providers on the Observer Committee submitted some general information about costs. Mr. Usher summarized his company’s costs, which average about \$640 per sea day; these include at-sea labor and overtime, project management and administrative costs, fringe benefits (required), data processing, insurance requirements, and some extra training. Mr. Brander added that the training costs include debriefing, periodic safety training, and an annual refresher training course. Mr. Lambert noted that MRAG costs are similar to those stated by Mr. Usher for AIS.

- Mr. Stockwell expressed concern about the ability of the industry to actually cover its cost responsibilities and encouraged GARFO staff to include more discussion of this issue in the IFM Amendment document.

Decision Point 1: Does the Committee agree with the list of details necessary to include in the framework adjustment process? Does the Committee have any additions to this list?

The Observer Committee generally agreed that the framework adjustment process and provisions proposed in the IFM amendment seem adequate to allow for the incorporation of additional IFM programs in the future. Mr. Kaelin expressed concern that the framework adjustment process may not provide adequate time/opportunity to develop a IFM program and consider the potential impacts, but the Committee acknowledged that the framework adjustment process would simply be one option, and that an amendment could be developed instead if it is deemed more appropriate to do so.

Decision Point 2: Does the Committee agree with the outlined service provider standards for at-sea and dockside observers? Does the Committee agree with continuing the requirement that observers have a college degree? Does the Committee have any specific additions related to dockside observer provider standards?

There was considerable discussion about the proposed service provider requirements for at-sea and/or dockside IFM programs. The Draft IFM Amendment proposes to establish standards for IFM service providers that are consistent with those recently adopted for at-sea observers in the omnibus SBRM amendment. **GARFO staff confirmed that the provisions for at-sea and dockside service providers proposed in the IFM amendment would not affect/revise the existing provisions for groundfish at-sea monitors (ASM).** This will be clarified in the IFM Amendment document.

Dr. Gabriel and Dr. Sissenwine expressed concern about removing the requirement for a college degree. Dr. Gabriel summarized recent findings from a comparison of at-sea monitors (groundfish) to observers (NEFOP), which show increased rates of completion, performance, species identification accuracy, and retention rates with observers who possess a college degree. She noted that this results in increased data quality, which ultimately can reduce the costs associated with the monitoring program. Ms. Tooley expressed concern about some of the debriefing and training costs and requested more information about these at a future meeting; she also noted that ASM requirements were intended, in part, to reduce the costs of the ASM program, but it does not appear that this has actually occurred. Mr. Brander noted that the current standards from the Department of Labor allow for the college degree requirement to be waived in some cases; he expressed support for maintaining these standards. Mr. Paquette expressed support for eliminating the requirement for a college degree and identified individuals who serve in the military as one group who may not meet the educational requirement but should be eligible to work for a service provider.

1. MOTION: ALEXANDER/KENDALL

To eliminate the requirement for a college degree in the proposed IFM requirements for service providers

Discussion on the Motion: No further discussion.

MOTION #1 carried 8-3-1.

2. MOTION: TOOLEY/ALEXANDER

For Service Provider requirements established in the IFM Amendment :

1. An observer provider approved in another region will be approved in the Northeast based on review of the application on file and any updates as needed.
2. Remove the requirement to not deploy an observer on the same vessel for more than 2 consecutive multi-day trips or for more than twice in a given month
3. Dockside monitors would not be required to complete Red Cross CPR/First Aid certification.

Discussion on the Motion: Ms. Tooley stated that her intent with respect to the motion is to reduce some of the costs that may accrue from the service provider requirements; these costs will be borne by the industry.

MOTION #2 PERFECTED:

For Service Provider requirements established in the IFM Amendment :

1. An observer provider approved in another region *may* be approved in the Northeast based on review of the application on file and any updates as needed.
2. Remove the requirement to not deploy an observer on the same vessel for more than 2 consecutive multi-day trips or for more than twice in a given month
3. Dockside monitors would not be required to complete Red Cross CPR/First Aid certification.

Further Discussion on the Motion: Mr. Kendall expressed concern about item #2 in the motion. Dr. Sissenwine expressed concern about the motion in general and the direction in which the Committee is heading. In particular, he expressed concerns about changing the standards and requirements for IFM with the expectation that the data quality and outcome would not be affected. He noted that the observer program evolved from a very specific purpose and is now trying to meet a number of differing needs, including compliance with regulations and public perception. He stated that in a world with increasing expectations for higher observer coverage and increased monitoring in all fisheries, there needs to be a serious reconsideration of the approach that is applied to achieve differing objectives. He noted that depending on the objectives, some programs may not need to cost as much as other programs. Several Committee members agreed, and several also expressed concern with the specificity of the motion. Mr. Lambert expressed concern about bullet #3.

2A. MOTION TO AMEND: KAELIN/ALEXANDER

To eliminate #3 in the main motion

Discussion on the Motion to Amend: No further discussion.

MOTION TO AMEND #2A carried 12-0-0.

MAIN MOTION, AS AMENDED #2A VOTED:

For Service Provider requirements established in the IFM Amendment :

1. An observer provider approved in another region *may* be approved in the Northeast based on review of the application on file and any updates as needed.
2. Remove the requirement to not deploy an observer on the same vessel for more than 2 consecutive multi-day trips or for more than twice in a given month

MAIN MOTION 2A, AS AMENDED, CARRIED 8-3-1.

Ms. Steele noted that the Councils can still consider different service provider requirements for any at-sea or dockside IFM programs that it establishes in the future, through the management action that establishes the programs (amendment or framework adjustment).

Ms. Tooley requested that additional information regarding the following issues be provided for the next Observer Committee meeting, and the Observer Committee supported this request without objection:

- NMFS National Minimum Eligibility Standards for observers;
- Observer training requirements and debriefing procedures; and
- U.S. Department of Labor guidelines for observers.

Decision Point 3: For Alternative 2.1 (NMFS-led process) and Alternative 2.2 (Council-led process), does the Committee agree that the best forum to develop the Council's recommended prioritization is a joint Committee/Council meeting?

The Committee generally agreed that a collaborative approach, possibly through a joint Committee, seems to be the most reasonable approach and noted that the details of this process would be revisited at a future meeting.

Decision Point 4: Does the Committee think that the list of 5 criteria to evaluate industry-funded monitoring programs is comprehensive? Are there any suggested additions to this list?

Ms. Szumylo briefed the Observer Committee on the weighting criteria for the proposed prioritization process (NMFS-led or Council-led). In general, the Committee felt that the weighting system proposed in these alternatives is cumbersome and overly-complicated. Several Committee members felt that the proposed weighting scheme included too much detail for the amendment and that many of these details could be developed during the prioritization process, if adopted by the Councils.

The Observer Committee identified two additional criteria to include when evaluating the IFM programs: (1) commercial/recreational importance of fishery (separate from what was identified in the Discussion Document as *ecosystem importance*, the name of which should be changed to *importance*); and (2) socio-economics and the ability of the industry to pay for the monitoring program. Ms. Szumylo agreed to revisit and streamline the proposed weighting scheme for further discussion at a future meeting.

Decision Point 5: Does the Committee agree that the highest ranked industry-funded monitoring program should receive full funding priority, with remaining funding allocated sequentially until funding is completely allocated? Are there other ideas about how to allocate funding once the different IFM programs are ranked?

The Committee reviewed the formulaic alternatives under consideration for prioritizing industry-funded monitoring programs. A few clarifying questions were asked, but there were not many comments regarding these alternatives at this time. The Committee agreed that the document should consider both applications of the coverage-ratio-based option (i.e., one option that prioritizes based on the highest ratio and one option that prioritizes based on the lowest ratio). The Committee agreed to revisit these alternatives at its next meeting.

Decision Point 6: What is the Committee's preference regarding the timing of the discretionary prioritization programs?

The Committee reviewed the options under consideration for timing of the discretionary prioritization alternatives. In general, there was support for Options 2 and 3. The Committee agreed to revisit this issue at its next meeting.

The Observer Committee agreed to meet again on January 22, 2015, to review the completed Draft Environmental Assessment for the Omnibus IFM Amendment and to develop recommendations regarding the selection of ***Preferred Alternatives*** for the Council to consider at its January 2015 meeting.