

MEMORANDUM

DATE: March 17, 2017

TO: New England Fishery Management Council (NEFMC)
Mid-Atlantic Fishery Management Council (MAFMC)

FROM: Industry-Funded Monitoring Plan Development Team (PDT)/Fishery Management Action Team (FMAT)

SUBJECT: Proposed Clarifications to the action proposed by the NEFMC in the Industry-Funded Monitoring (IFM) Omnibus Amendment

This document summarizes the proposed action in the IFM Amendment and proposes clarifications to the proposed action for the NEFMC's consideration at its April 2017 meeting. The proposed clarifications are recommended by the PDT/FMAT to address details of the proposed action that need further development. All proposed clarifications are highlighted.

Proposed Action for All NEFMC FMPs

1. Omnibus Alternative 2, standardized structure for new IFM programs that would apply to all NEFMC FMPs, includes the following components: (1) Standard cost responsibilities associated with IFM for NMFS and the fishing industry, (2) a process for FMP-specific IFM to be revised via a future framework adjustment action, (3) standard administrative requirements for IFM service providers, and (4) a process for FMP-specific monitoring set-aside programs to be implemented via a future framework adjustment action.
 - A. Previous Clarification - New IFM programs would be implemented via an amendment.
 - B. Previous Clarification - NEFOP-level observers and at-sea monitors may be deployed on the same vessel for more than two consecutive multi-day trips or more than twice in a given month.
2. Omnibus Alternative 2.2, Council-led prioritization process to allocate available Federal funding,
 - A. Previous Clarification - Equal weighting approach would be used to prioritize available Federal funding.
 - B. Previous Clarification - Weighting approach would be readjusted on an as-needed basis.
3. Omnibus Alternative 2.6, ability to develop monitoring set-asides in a future framework.

Proposed Action for Herring Fishery

1. Herring Alternative 2, establishing an industry-funded monitoring coverage target in the herring fishery,
 - A. Previous Clarification - Requirements for industry-funded observer and at-sea monitors include a High Volume Fishery Certification for the herring fishery.
 - B. Issue - Alternative includes two types of monitoring programs, but does not specify how available Federal funding would be prioritized between the monitoring types.
Proposed Clarification - Available Federal funding would be prioritized to ASM and EM/PS coverage on Category A and B vessels (Herring Alternative 2.7) and then to NEFOP-level observer coverage on midwater trawl vessels fishing in Groundfish Closed Areas (Alternative 2.5) to maximize coverage on the most vessels.

- C. Issue - Alternative does not specify how combined coverage targets would be calculated. Proposed Clarification - Combined coverage targets would be calculated by NMFS, in consultation with Council staff.
- D. Issue - If monitoring requirements for the herring and mackerel fisheries do not match, alternative does not specify the coverage target for vessels on trips declared into both the herring and mackerel fisheries. Proposed Clarification - If coverage targets do not match for the herring and mackerel fisheries, then the higher coverage target would apply on trips declared in both the herring and mackerel fisheries.
2. Herring Alternative 2.5, 100% observer coverage on midwater trawl vessels in Groundfish Closed Areas,
- A. Issue - Herring Amendment 5 stated that if Groundfish Closed Areas are modified and/or eliminated in the future, access by midwater trawl vessels will be considered accordingly in the related groundfish action. The Habitat Amendment proposes to make changes Groundfish Closed Areas, such as eliminating areas, boundary changes, and seasonality. Proposed Clarification - This alternative would require 100% observer coverage aboard midwater trawl vessels fishing in the Groundfish Closed Areas, as modified by the Habitat Amendment.
3. Herring Alternative 2.7, initially 50% at-sea monitoring (ASM) coverage on Category A and B vessels, if NEFMC determines that electronic monitoring (EM) and portside sampling (PS) coverage are an adequate substitute for ASM, then vessels may choose either 50% ASM or 50% EM/PS coverage. Once vessels are able to choose between ASM and EM/PS sampling, vessels would be required to: 1) Choose one monitoring type per fishing year and 2) declare their preferred monitoring type six months in advance of the fishing year. After consulting with NMFS, the Councils will establish a minimum participation threshold for each monitoring type for a fishing year.
- A. Issue - Alternative specifies coverage on Category A and B vessels using midwater trawl, purse seine, and small mesh bottom trawl. NMFS EM project is only evaluating EM aboard midwater trawl vessels. Proposed Clarification - Initially, the NEFMC will only be evaluating if EM/PS is an adequate substitute for ASM coverage aboard Category A and B vessels using midwater trawl gear. In the future, the NEFMC may determine that EM/PS is an adequate substitute for ASM coverage aboard purse seine or bottom trawl vessels.
- B. Issue - Alternative does not specify a process for NEFMC to evaluate if EM/PS is an adequate substitute for ASM. Proposed Clarification - Similar to a vessel's ability to choose ASM or EM in Groundfish Amendment 16, this alternative would specify the following language: EM may be used in place of ASM in the herring fishery if the technology is deemed sufficient by the NEFMC. The Regional Administrator, in consultation with the NEFMC, may approve the use of EM systems for the herring fishery in a manner consistent with the Administrative Procedure Act, with final measures published in the *Federal Register*. A vessel electing to use EM in lieu of ASM must develop a vessel monitoring plan to implement EM requirements that is satisfactory to, and approved by, NMFS for monitoring catch, discards and slippage events. The vessel monitoring plan must meet the EM operational standards. The EM/PS program shall be reviewed and approved by the Regional Administrator as part of a vessel's monitoring plan on a yearly basis in a manner consistent with the Administrative Procedure Act.

- C. Issue - Alternative does not specify the process for establishing a minimum participation threshold for a monitoring type.
Proposed Clarification - Clarification is still being developed. Clarification may specify the minimum participation level for a monitoring type would depend on 1) the minimum number of vessels required for NMFS to operate that monitoring program and/or 2) the minimum number of vessels required to generate an adequate catch cap estimate. Further clarification will be provided at the April 2017 NEFMC meeting.
- 4. Sub-Option 1, issue waivers if coverage is unavailable due to funding or logistics,
 - A. Issue - Sub-Option does not specify the types of coverage to which it applies.
Proposed Clarification - Sub-Option 1 would allow IFM coverage waivers to be issued on a trip-by-trip basis to vessels using ASM and EM/PS coverage.
- 5. Sub-Option 2, exempt wing vessels not carrying fish,
 - A. Issue - Alternative does not specify process to exempt wing vessels not carrying fish.
Proposed Clarification - Sub-Option 2 would allow an exemption to IFM coverage requirements on a trip-by-trip basis to wing vessels not carrying fish. Vessels would notify NMFS via the pre-trip notification system (PTNS) in advance of the wing vessel trip and NMFS would issue a waiver for IFM coverage requirements on that trip. If the vessel carried herring on that trip, the vessel would be out of compliance with IFM coverage requirements.
- 6. Sub-Option 4, require Council to reconsider IFM requirements 2 years after implementation,
- 7. Sub-Option 5, exempt vessels landing less than 25 mt of herring,
 - A. Issue - Alternative does not specify a process to exempt vessels landing less than 25 mt of herring.
Proposed Clarification - Sub-Option 5 would allow an exemption to IFM coverage requirements on a trip-by-trip basis to vessels landing less than 25 mt of herring. Vessels would notify NMFS via the PTNS in advance of the trip on which they intend to land less than 25 mt of herring and NMFS would issue a waiver for IFM coverage requirements on that trip. If the vessel landed more than 25 mt of herring on that trip, the vessel would be out of compliance with IFM coverage requirements.