



New England Fishery Management Council

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

June 20, 2018

Mr. Alan Risenhoover
Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Alan:

The New England Fishery Management Council (Council) reviewed the “Draft NMFS Procedural Directive on Cost Allocation in Electronic Monitoring (EM) Programs for Federally Managed U.S. Fisheries” and has the following comments. Please consider them while finalizing this directive.

First, additional information regarding what happens to a monitoring program in the event that NMFS has insufficient funding to cover its costs should be included in the guidance.

Second, it is difficult to comment on cost sharing between the industry and NMFS without a broader policy framework on cost sharing. Without such a framework, one possible implication of the Draft Directive is that the industry could be required to share the cost of the Northeast Fishery Observer Program (NEFOP) if that program modernizes (as we hope it will) such that it uses EM whenever appropriate. At present, NEFOP is entirely funded by NMFS to fulfill scientific needs and to meet National Standard 9 requirements on bycatch. In this regard, it seems logical that cost sharing between industry and NMFS should primarily be based on the purpose of the activity that generates the cost, and not the type of activity.

Third, cost sharing between the industry and NMFS is a major policy issue that requires careful consideration of Congressional intent and an inclusive dialog with stakeholders. Specifically, with respect to the Draft Directive, more information on how the types of cost break down between NMFS and the fishing industry would be useful. While not directly related to this request for comments, the Council thinks it’s important to highlight that costs associated with video storage are of high concern, and therefore, details on the administrative costs of video storage would be useful. Also, guidance regarding maximum video storage times for both data that the industry might be required to retain as well as for data that NOAA/NMFS retains would better inform the range of possible cost estimates for industry and NOAA.

Finally, the Council recognizes that a number of details regarding electronic monitoring on a national level are still being developed. The Council is particularly concerned with privacy and

enforcement issues in addition to the costs of such a program, which include both allocations and affordability. Broader guidance on monitoring could alleviate some of these concerns.

If you have any questions about our Council 's comments, please contact me.

Sincerely,

A handwritten signature in dark ink, reading "Thomas A. Nies". The signature is written in a cursive style with a large, stylized 'T' and 'N'.

Thomas A. Nies
Executive Director