



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

NOV 26 2019

New England Fishery Management Council
50 Water Street, Mill 2
Newburyport, MA 01950

Dear Tom:

At its June 2019 meeting, the New England Fishery Management Council raised questions about the approval of electronic monitoring (EM) for sectors. To address the Council's questions and discussion, this letter outlines our plan to include an EM program option that will meet sector monitoring requirements beginning in fishing year 2021-2022 sector operations plans.

Amendment 16 to the Northeast multispecies Fishery Management Plan (FMP) established a sector requirement for an independent third-party monitoring program to verify area fished, as well as catch and discards by species and gear type for the purposes of catch accounting. Groundfish sectors are required to include an at-sea monitoring (ASM) program in their proposed operations plan as part of the sector operations plan approval process. We review and approve or disapprove each sector's operations plan and associated ASM program. We provide sectors with a guidance document to assist them in this process. The guidance document lays out sector operations plan requirements, including the requirements and standards of the ASM program. Sectors may choose to adopt the NOAA-designed ASM program in their operations plans or sectors may propose a program of their own design to meet the stated goals and objectives.

The regulations at 50 CFR 648.87(b)(1)(v)(B), which describe the sector monitoring requirement, state that "*Electronic monitoring may be used in place of actual observers if the technology is deemed sufficient by NMFS for a specific trip type based on gear type and area fished, in a manner consistent with the Administrative Procedure Act.*" Since 2016, we have worked with industry and nongovernmental organizations to develop EM and evaluate its use for meeting sector monitoring requirements. Sectors will have the option to submit an EM plan for our consideration in lieu of, or in addition to, an ASM plan as part of the fishing year 2021-2022 sector operations plan approval process.

We are developing a revised sector operations plan guidance document that will include information on EM, which we will distribute in advance of the fishing year 2021-2022 sector operations plan approval process. The guidance document will include information on the EM data and design elements necessary to meet sector monitoring requirements for specific trip types based on gear and area fished. We also intend to include a NOAA-designed EM program based on the audit-model EM program. We are not ready to propose a maximized retention EM (MREM) program at this time because we are still testing MREM with program partners.



However, some sectors may want to pursue MREM, and this does not preclude them from proposing an MREM program as part of their fishing year 2021-2022 sector operations plans.

Under an example NOAA-designed audit-model EM program currently being considered, vessels would turn their cameras on for all sector trips. Vessels would follow catch handling protocols at sea and report their discards on an electronic vessel trip report (eVTR). Video from a subset of those trips would be reviewed to verify the accuracy of eVTR-reported discards. As with some other fisheries, the operational audit-model EM program for groundfish would include a minimum rate of video review that would apply to each vessel in a sector that will be determined consistent with applicable regulatory requirements. This approach incentivizes accurate reporting by keeping video review costs low for vessels that maintain good reporting performance. Vessels that do not maintain good reporting performance may require higher levels of video review at their own expense. We intend to phase-in implementation of a minimum video review rate that is consistent with the regulations. During years 1 and 2, vessels would operate under a higher fixed rate, and a lower minimum video review rate and performance-based auditing would be implemented in year 3. We will also organize industry workshops in year 1 to provide participants with training on catch handling and reporting requirements. This should allow industry time to become familiar with their EM systems, vessel monitoring plans, and program requirements, and will improve participants' likelihood of success with EM.

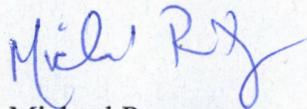
The NOAA-designed audit-model EM program is expected to audit less than 100 percent of all sector trips, consistent with Amendment 16 monitoring requirements. The program may be modified in the future to comply with any new requirements that may be established in Amendment 23 to the Northeast multispecies FMP or another action. However, 100-percent review may be required for individual EM vessels that routinely fail to meet the requirements of the program. As an example, in a NOAA-designed audit-model EM program, the year 1 video review rate for participating vessels may be fixed at 50 percent of trips. This level of review would allow us to provide frequent feedback to vessels on their catch handling and reporting. In year 2, the video review rate for vessels that maintain good reporting in year 1 could be fixed at 30 percent of trips; the video review rate would remain at 50 percent of trips for vessels that did not meet an established reporting threshold and require more feedback. In year 3, all vessels would start the year at a minimum video review rate of 15 percent of trips. In year 3 and beyond, further review, up to 100 percent of a vessel's trips, may be required based on vessel reporting performance.

We expect the incentive of lower costs from lower audit rates will provide cost-effective monitoring to industry. In addition, subject to available funding, the industry's review costs would be reimbursable by NOAA's National Marine Fisheries Service in years 1 and 2. In year 3 and beyond, we expect that only the minimum video review rate would be reimbursable if funds were available, and industry would be responsible for the cost of any additional video review. Estimated industry costs of various video review rates have been developed by the Northeast Fisheries Science Center and are described in the Amendment 23 draft environmental impact statement cost analysis.

Groundfish sectors that wish to use cameras to meet their monitoring requirements for fishing year 2021-2022 may choose to either adopt the NOAA-designed audit-model EM program or submit a proposed EM program that meets the requirements described in the sector operations plan guidance documents. We will work with sector managers through an iterative process to refine the proposed EM programs as necessary. We intend to propose a basis for deeming EM acceptable for catch accounting, as well as any proposed sector EM programs, as part of the fishing year 2021-2022 sector operations plan rulemaking process.

If you have any further questions, please contact Claire Fitz-Gerald at (978) 281-9255.

Sincerely,



Michael Pentony
Regional Administrator