

DECISION DOCUMENT

for

Industry-Funded Monitoring Omnibus Amendment

**An Omnibus Amendment to the
Fishery Management Plans of the
Mid-Atlantic and
New England Fishery Management Councils**

**New England Fishery Management Council
Portsmouth, New Hampshire
January 24-26, 2017**

The following decision tables in this document appear in the same order as the sections in the Draft Industry-Funded Monitoring Omnibus Amendment.

ONMIBUS ALTERNATIVES	
Objective: The omnibus alternatives would standardize the process to allow industry funding to be used in conjunction with available Federal funding to pay for additional monitoring (in addition to SBRM coverage) to meet FMP-specific coverage targets.	
<i>Council selects one alternative (Omnibus Alternative 1 or Omnibus Alternative 2). If Council selects Alternative 2, then it should also select one of the Omnibus Alternatives 2.1 through 2.5 (prioritization process) and it may also select Omnibus Alternative 2.6 (monitoring set-aside).</i>	
Alternatives/Options Under Consideration	Description
Omnibus Alternative 1	No Action
Omnibus Alternative 2	Standardized process to allow industry funding to be used, in conjunction with Federal funding, to pay for fishery monitoring (in addition to SBRM coverage) to meet FMP-specific coverage targets. Omnibus Alternative 2 includes the following components: <ul style="list-style-type: none"> • Standard cost responsibilities for industry and NMFS; • Process for additional FMP-specific IFM programs to be implemented via a future framework adjustment action; and • Standard administrative requirements for IFM service providers.
Omnibus Alternatives 2.1 - 2.5 <i>(Alternative 2.2 is a Council Preferred Alternative)</i>	<p>Prioritization Process Alternatives (choose one): These options would establish a prioritization process to allocate Federal funding across new IFM programs, when Federal funding is not sufficient to meet all coverage targets. If there is no available Federal funding, there would be no additional monitoring to meet FMP-specific coverage targets.</p> <p>Alternative 2.1 - NMFS-led Deliberative Prioritization Process. NMFS prepares analysis and prioritization in consultation with the Councils. May require future rulemaking to establish a specific prioritization approach that would apply to all FMPs.</p> <p>Alternative 2.2 - Council-led Deliberative Prioritization Process. Council prepares analysis and recommends priorities to NMFS. May require future rulemaking to establish a specific prioritization approach that would apply to all FMPs</p> <p>Alternative 2.3 - Proportional prioritization process. Shortfalls in Federal funding would be distributed proportionally among all new IFM programs. Does not require future rulemaking, because this approach is formulaic.</p> <p>Alternative 2.4 - Coverage ratio-based prioritization process. The amount of funding would be allocated to each FMP by prioritizing coverage in fisheries that have the lowest coverage needs relative to fleet activity. This alternative would favor coverage for the FMPs that do not need much additional monitoring to meet coverage targets and have the most active fleets.</p> <p>Alternative 2.5 - Coverage ratio-based prioritization process. The amount of funding would be allocated to each FMP by prioritizing coverage in fisheries that have the highest coverage needs relative to fleet activity. This alternative would favor coverage for the FMPs that need more additional monitoring to meet coverage targets and have the least active fleets.</p>
Omnibus Alternative 2.6 <i>(Council Preliminary Preferred Alternative)</i>	Monitoring Set-Aside Option - This option would allow the development of a monitoring set-aside program via a future framework to each FMP. No monitoring set-asides would be created through this action.

Omnibus Alternative Prioritization Tradeoffs		
	Pros	Cons
Discretionary Alternatives: Omnibus Alternative 2.1 and 2.2	More discretion over funding priorities	Complex, and requires additional workload to prioritize
	Takes objectives and context into account	Timeline > 1 year
	Could result in funding of most important programs first	Requires rulemaking
Formulaic Alternatives: Omnibus Alternatives 2.3-2.5	Shorter timeline	No discretion
	Adaptive to budget changes and timing	Blunt instrument - 2.4. and 2.5 may not align with management priorities.

NEFMC Motions on Omnibus Alternatives (January 2016):

The Council adopts the following guiding principles for Industry Funded Monitoring (IFM) programs implemented by GARFO. Data collection programs for the estimation of fishery catch should:

- Be fit for purpose-the reason, or clear need, for data collection should be identified to ensure objective design criteria.
- Be affordable-the cost of data collection programs should not diminish net benefits to the nation, nor threaten the continued existence of our fisheries. However, essential data collection is needed to assure conservation and sustainability, and is reason to seek less data intensive ways to assess and manage fisheries on the economic margins.
- Should apply modern technology-data collection should prioritize the utilization of modern technology to the extent possible to meet our data collections needs, while recognizing an affordable robust program is likely to need a mix of data collection by people and technology. Incentivize reliable self-reporting. **Motion carried 15/1/1.**

The Council recommends the removal of the IFM service provider requirement to not deploy the same observer on the same vessel for more than two consecutive multi-day trips or for more than twice in a given month. **Motion carried 12/2/3.**

The Council select Alternative 2 (Standardized cost responsibilities and standardized administrative requirements for industry-funded monitoring service providers) as the preliminary preferred alternative for the IFM amendment. **Motion carried 10/5/2.**

The Council select Alternative 2.6 (allow FMPs to establish a monitoring set aside via a framework) as the preliminary preferred alternative for the IFM Amendment. **Motion carried 16/1/0.**

The prioritization process in the IFM Amendment could be modified via a Framework Adjustment. **Motion carried 16/1/0.**

The Council select Alternative 2.2 (Council-led Prioritization Process) as the preliminary preferred alternative for the IFM Amendment. **Motion carried 14/1/2.**

NEFMC Motions on Omnibus Alternatives (June 2016):

The Council recommends using an equal weighting approach under Omnibus Alternative 2.2 (Council-Led Prioritization Process) for new IFM programs. **Motion carried 9/7/1.**

Omnibus Alternatives	Indirect Impacts on Biological Resources	Indirect Impacts on Fishery-Related Businesses and Communities
Alternative 1: No Industry-Funded Monitoring Programs (No Action)	Potential low negative impact related to allocating funding to industry-funded monitoring programs on a case-by-case basis (rather than aligning to Council priorities)	Potential low negative impact related to continued uncertainty about true discard rates (could lead to overly cautious management)
Alternative 2: Industry-Funded Monitoring Programs (Action Alternative)	Negligible impact related to standardized cost responsibilities and process for future industry-funded programs implemented via framework Potential low positive impact related to standardized service provider requirements and process to prioritize additional monitoring	Potential low positive impact related to standardized cost responsibilities and process for future industry-funded programs implemented via framework Potential low positive impact related to establishing service provider requirements and process to prioritize additional monitoring
Alternative 2.1: NMFS-Led Prioritization Process	Potential low positive impact because all industry-funded programs are considered; compared to other prioritization processes allows an evaluation of program need/design when assigning priority	Potential low positive impact because all industry-funded programs are considered; compared to other prioritization processes allows an evaluation of program need/design when assigning priority
Alternative 2.2: Council-Led Prioritization Process (Preferred Alternative)		
Alternative 2.3: Proportional Prioritization Process	Potential low positive impact related to information collection because process considers all industry-funded programs	Potential low positive impact related to information collection because process considers all industry-funded programs
Alternative 2.4 and 2.5: Coverage Ratio-Based Prioritization Processes	Does not allow for prioritization based on program need/design	Does not allow for prioritization based on program need/design
Alternative 2.6 Monitoring Set-Aside	Negligible impact related to standardized process for monitoring set-asides implemented via framework	Negligible impact related to standardized process for monitoring set-asides implemented via framework
<i>Impacts to physical environment were not discussed in this table because they are negligible. These alternatives will not alter fishing behavior, or directly impact fishing regulations (gears used or areas fished).</i>		

HERRING ALTERNATIVES	
Objective: The herring coverage target alternatives would address: (1) accurate estimates of catch, including retained and discarded catch; (2) accurate estimates of incidental catch for which catch caps apply (i.e., river herring, and shad); and (3) affordable monitoring for the herring fishery.	
<i>Council selects one alternative (Herring Alternative 1 or Herring Alternative 2). If Council selects Alternative 2, then it should also select one of the Herring Alternatives 2.1 through 2.4 or 2.7 (coverage targets) and consider selecting either Herring Alternative 2.5 or 2.6 (coverage targets in GF Closed Areas). Additionally, there are 5 non-compulsory sub-options for consideration as well, which may be selected for any of the coverage target alternatives.</i>	
Alternatives/Options Under Consideration	Description
Herring Alternative 1	No Action
Herring Alternative 2	Coverage target for IFM programs
Herring Alternatives 2.1 - 2.4 and 2.7	<p>Herring Coverage Target Alternatives (choose one):</p> <p>Herring Alternative 2.1 – Would apply 100% NEFOP-level observer coverage on Category A and B vessels.</p> <p>Herring Alternative 2.2 – Would apply at-sea monitoring coverage (ASM) on Category A and B vessels. Choose an ASM coverage target (25%, 50%, 75%, or 100%).</p> <p>Herring Alternative 2.3 – Would apply a combination of monitoring coverage based on gear type and permit category:</p> <ul style="list-style-type: none"> • Would apply ASM coverage on Category A and B vessels using purse seine and small mesh bottom trawl gear. Choose an ASM coverage target (25%, 50%, 75%, or 100%). • Would apply electronic monitoring (EM) and portside sampling coverage on midwater trawl vessels. Choose an EM and portside sampling coverage target (50% or 100%). <p>Herring Alternative 2.4 – Would apply EM and portside sampling coverage on midwater trawl vessels. Choose an EM and portside sampling coverage target (50% or 100%).</p> <p>Herring Alternative 2.7 – Would allow Category A and B vessels to select monitoring type.</p> <ul style="list-style-type: none"> • Initially, would apply ASM coverage on Category A and B vessels. Choose an ASM coverage target (25%, 50%, 75%, or 100%). • When the Council determines EM and portside sampling are an acceptable alternative for ASM, then Category A and B vessels would be able to choose ASM or EM and portside sampling coverage. Choose an EM and portside sampling coverage target (25%, 50%, 75%, or 100%).
Herring Alternatives 2.5 and 2.6	<p>Herring Coverage Target Alternatives (choose one):</p> <p>Herring Alternative 2.5 – Would apply 100% NEFOP-level observer coverage midwater trawl vessels fishing in Groundfish Closed Areas. May be selected in addition to Herring Alternatives 2.1-2.4 or 2.7. Sub-options 1 – 5 do not apply to this alternative.</p> <p>Herring Alternative 2.6 – Would apply the coverage target selected in Herring Alternatives 2.1 – 2.4 and 2.7 to midwater trawl vessels fishing in Groundfish Closed Areas. Must be selected in conjunction with Herring Alternatives 2.1 -2.4 or 2.7.</p>
Herring Sub-Options 1 - 5	<p>Sub-Options are all optional (may choose one or more sub-options):</p> <p>Sub-Option 1 – Would allow vessels to be issued waivers to exempt them from IFM requirements, for either a trip or the fishing year, if coverage was unavailable due to funding or logistics. If not selected, fishing effort would be reduced to match the available level of monitoring.</p> <p>Sub-Option 2 – Would exempt a wing vessel pair trawling with another midwater trawl vessel from IFM requirements, provided the vessel does not carry fish.</p> <p>Sub-Option 3 – Would require IFM requirements to expire 2 years after implementation.</p> <p>Sub-Option 4 – Would require Council to reevaluate IFM requirements 2 years after implementation.</p> <p>Sub-Option 5 – Would exempt vessels that land less than 25 metric tons of herring from IFM requirements.</p>

NEFMC Motions on Herring Alternatives (April 2016):

The Council extend the slippage restrictions (unless safety, mechanical failure, or dogfish) and slippage reporting requirements (affidavit, VMS) to herring trips selected for at-sea monitoring coverage and electronic monitoring/portside sampling coverage. **Motion carried 15/2/0.** *The intent of the motion is that consequence measures would apply to trips selected for at-sea monitor coverage and electronic monitoring coverage.*

The Council adopt using the "combined" coverage target approach for the at-sea monitoring alternatives in the IFM Amendment and the "additive" approach for the electronic monitoring/portside sampling alternatives. **Motion carried 17/0/0.**

The Council refine the sampling protocol for at-sea monitors: (1) ASMs should collect information on retained catch (kept and incidental) and discarded catch; (2) ASMs should not collect biological samples (scales, otoliths, samples from marine mammals, sea birds, and sea turtles); (3) ASMs should collect length information; and (4) ASMs should be trained in the high-volume fishery. **Motion carried 17/0/0.**

The Council recommend the following changes be incorporated into the IFM Amendment/draft EA: (1) describe which ports are not suitable for portside sampling, and analyze the impacts of potentially precluding landings; (2) describe that the Council would provide input on any consideration regarding deviations from the Council-selected coverage targets; and (3) improve biological impact analysis to include other quantitative and qualitative analysis (e.g., how past monitoring has affected the CV, coverage levels), include analysis of haddock bycatch outside the groundfish closed areas (for bycatch rate comparison inside the groundfish closed areas). **Motion carried 16/1/0.**

NEFMC Motion on Herring Alternatives (June 2016):

To extend comment period to 45 days to accommodate stakeholders and public.

The Council recommends creating a subset of alternatives that would allow additional biological information to be collected (kept and discarded catch) by at-sea monitors. **Motion carried 12/4/1.**

The Council recommends slippage consequences apply for ASM and NEFOP-level observer coverage alternatives, but not apply for electronic monitoring alternatives, to be further reviewed after completion of the EM pilot project, and clarify that slippage consequences could be modified through a framework document. **Motion failed 7/10/0.**

The Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]: Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose by gear type an ASM coverage target of 25%, 50%, 75%, or 100%.
- After satisfactory completion of the EM Pilot Project such that the Council decides that EM/Portside Monitoring is an acceptable alternative to ASM for specific fishing methods, vessels using those methods can choose to continue with ASM or use EM/portside monitoring.
 - Vessels be limited to choosing one monitoring type per fishing year;
 - Vessels declare their preferred monitoring type six months in advance of the fishing year; and
 - After consulting with NMFS, the Councils establish a minimum participation threshold for each of their choice.

Motion carried 16/0/1.

The Council approve the IFM Draft Environmental Assessment as amended (including updated impacts analysis) for public hearings.

Motion carried 15/1/1.

Move that the Council recommends that the agency provide an update on the progress of the EM pilot project at the September 2016 Council meeting. **The Council agreed by consensus.**

NEFMC Considerations:

In its July memo, the PDT/FMAT identified issues with calculating combined coverage targets (i.e., SBRM coverage + IFM coverage = combined coverage target) for NEFOP-level observer and ASM coverage. PDT/FMAT would be evaluating how to calculate combined coverage targets as part of implementation. In summary, combined coverage targets would be calculated by NMFS, in consultation with Council staff.

NEFMC may want to specify that it would send its determination on whether EM/Portside monitoring is an acceptable alternative to ASM to NMFS in a letter.

Herring Alternatives	Impacts on Biological Resources	Impacts on Fishery-Related Businesses and Communities
Alternative 1: No Coverage Target Specified For IFM Programs (No Action)	Low positive impact associated with observer coverage allocated by SBRM	Low positive impact associated with observer coverage allocated by SBRM
Alternative 2: Coverage Target Specified For IFM Programs	<p>Low positive impact associated with additional monitoring to reduce uncertainty around catch estimates</p> <p>Positive impact if fishing effort is limited and reproductive potential is increased</p>	<p>Negative impact associated with potential reduction in return to owner (RTO)</p> <p>Negative impact if fishing effort is limited by monitoring availability and mackerel harvest is limited</p>
Alternative 2.1: NEFOP-Level Coverage on Category A and B Vessels		Negative impact associated with potential 44.7%-5.8% reduction in RTO
Alternative 2.2: ASM Coverage Category A and B Vessels		Negative impact associated with potential 38.9%-1.4% reduction in RTO
Alternative 2.3: Combination Coverage on Category A and B Vessels and Midwater Trawl Fleet		Negative impact associated with potential 38.5%-1.4% reduction in RTO
Alternative 2.4: EM and Portside Coverage on Midwater Trawl Fleet		Negative impact associated with potential 29.1%-2.4% reduction in RTO
Alternative 2.5: 100% NEFOP-Level Coverage on Midwater Trawl Fleet in Groundfish Closed Areas		Negative impact associated with potential 5.4%-1.0% reduction in RTO
Herring Alternative 2.6: Combination Coverage on Midwater Trawl Fleet in Groundfish Closed Areas		Negative impact associated with potential 44.7%-0.8% reduction in RTO
Herring Alternative 2.7: ASM Coverage on Category A and B Vessels, then Vessels may choose either ASM or EM/Portside Coverage		Negative impact associated with potential 42.3%-0.8% reduction in RTO
<p><i>Impacts to physical environment were not discussed in this table because they are negligible. These alternatives will not alter fishing behavior, or directly impact fishing regulations (gears used or areas fished).</i></p>		

