

Action Plan

Council: New England and Mid-Atlantic Fishery Management Councils

Fishery: Northeast multispecies, Atlantic sea scallop, deep sea red crab, summer flounder/scup/black sea bass, Atlantic herring, monkfish, small mesh multispecies, spiny dogfish, Northeast skate complex, Atlantic mackerel/squid/butterfish, surfclams/ocean quahogs, bluefish, tilefish

Title of Action: Omnibus Amendment to Address Industry-funded Monitoring Programs

Scope: This action would create a standard framework for industry-funded monitoring programs for all federally managed fisheries in the Greater Atlantic Region. This action would also further amends the Atlantic Mackerel, Squid, and Butterfish FMP and Atlantic Herring FMP to implement industry-funded monitoring programs and target coverage levels.

Problem Statement/Objective of Action: The New England and Mid-Atlantic Councils are interested in implementing additional observer coverage or other types of data collection in some FMPs to assess the amount and type of bycatch, to monitor quotas, or provide information for management. However, Federal funding to provide shoreside support for industry-funded monitoring programs is limited, preventing approval of new programs when funding is not available. The purpose of this action is to consider measures that would allow the Councils the flexibility to implement industry-funded monitoring coverage in New England and Mid-Atlantic FMPs when Federal funding is limited. This amendment would allow industry funding to be used in conjunction with available Federal funding to pay for additional monitoring to meet FMP-specific coverage targets. Another purpose of this amendment is to establish standard administrative requirements for monitoring providers and vessels. This is needed to improve consistency across FMPs for regulated entities.

This amendment is also needed to enhance the monitoring of the Atlantic herring and Atlantic mackerel fisheries to monitor bycatch at-sea of river herring, shad, haddock, and other species by the Atlantic herring fishery and to quantify the scope of river herring and shad bycatch in the Atlantic mackerel fishery.

Likely Range of Alternatives:

Omnibus Alternatives

Alternative 1: No action. No standard framework for industry-funded monitoring programs, including a definition of cost-responsibilities. Industry-funded monitoring programs would be evaluated on a case-by-case basis by NMFS.

Alternative 2: Standard framework for industry-funded monitoring program, including a definition of cost responsibilities for industry and NMFS, provider standards, and a regional prioritization process.

Alternative 2.1 - NMFS-led prioritization process. NMFS prepare analysis and prioritization in consultation with the Councils.

Alternative 2.2 – Council-led prioritization process. Council PDT/FMAT prepares analysis and recommended priorities to NMFS.

Alternative 2.3 – Proportional prioritization process. Shortfalls in Federal funding to support industry-funded monitoring would be distributed proportionally among all industry-funded monitoring programs.

Alternative 2.4 – Cost-based prioritization process. The cheapest monitoring programs would be funded first.

Alternative 2.5 – Coverage ratio-based prioritization process. The amount of funding would be allocated to each FMP by sequentially eliminating coverage in fleets that have the highest ratio of projected coverage days needed in the coming year to days fished from the previous year.

Atlantic Mackerel Alternatives

Industry-funded observer coverage options are summarized in tables on next pages 3-4.

Provisions would include a sunset date for coverage targets.

Atlantic Herring Alternatives

Industry-funded observer coverage options are summarized in tables on next pages 3-4.

Provisions would include a sunset date for coverage targets.

Additional alternatives may be developed.

| Atlantic Mackerel Coverage Options | Target Coverage Level | Vessels/fleet where coverage could apply | Consequence (necessity of reaching target) | Other notes |
|---|---|--|--|---|
| Alternative M1: No action | SBRM (6.5% mackerel catches observed 2006-2010) | Gear and area <ul style="list-style-type: none"> • MWT • SMBT • Mid-Atlantic and New England | Waivers provided when observer not available | |
| Alternative M2.1: Amendment 14 Council preferred with waivers | <ul style="list-style-type: none"> • 100% limited access MWT trips and Tier 1 SMBT trips • 50% Tier 2 SMBT trips • 25% Tier 3 SMBT trips | Permit and gear combined <ul style="list-style-type: none"> • Limited access mackerel trips • MWT • SMBT | Waivers provided when observer not available | |
| Alternative M2.2: Amendment 14 Council preferred without waivers | <ul style="list-style-type: none"> • 100% limited access MWT trips and Tier 1 SMBT trips • 50% Tier 2 SMBT trips • 25% Tier 3 SMBT trips | Permit and gear combined <ul style="list-style-type: none"> • Limited access mackerel trips • MWT • SMBT | Vessels cannot fish without an observer for 100% option. Waivers provided to achieve 50% and 25% options.*** | Council may choose to focus only on the 100% coverage options (i.e., exclude Tiers 2 and 3) |
| Alternative M2.3: Confidence interval-based coverage targets with waivers | Coverage to result in a certain confidence interval around the RH/S catch cap estimate (e.g., X% certainty that the RH/S catch cap estimate is within +/-Y% of the real number) | Permit, gear and area <ul style="list-style-type: none"> • Limited access mackerel trips • MWT • SMBT • MA and NE | Waivers provided when observer not available | Aligns with H4 for herring |
| Alternative M2.4: Confidence interval-based coverage targets without waivers | Coverage to result in a certain confidence interval around the RH/S catch cap estimate (e.g., X% certainty that the RH/S catch cap estimate is within +/-Y% of the real number) | Permit, gear and area <ul style="list-style-type: none"> • Limited access mackerel trips • MWT • SMBT • MA and NE | Vessels cannot fish unless adequate coverage exists to maintain the CI for the RH/S cap*** | Aligns with H5 for herring |

| Atlantic Herring Coverage Options | Target Coverage Level | Vessels/fleet where coverage could apply | Consequence (necessity of reaching target) | Other notes |
|---|---|--|--|-----------------------------|
| Alternative H1: No action | SBRM coverage | Gear and area <ul style="list-style-type: none"> • MWT • SMBT • Purse Seine | Waivers provided when observer not available | |
| Alternative H2.1: Amendment 5 Council preferred with waivers | 100% coverage on Category A and B vessels | Permit and gear combined <ul style="list-style-type: none"> • Category A and B trips • MWT • SMBT • Purse Seine | Waivers provided when observer not available | |
| Alternative H2.2: Amendment 5 Council preferred without waivers | 100% Category A and B | Permit and gear combined <ul style="list-style-type: none"> • Limited access herring trips • MWT • SMBT • Purse Seine | Vessels cannot fish without and an observer*** | |
| Alternative H2.3: Confidence interval-based coverage targets with waivers | Coverage to result in a certain confidence interval around the RH/S catch cap estimate (e.g., X% certainty that the RH/S catch cap estimate is within +/-Y% of the real number) | Permit, gear and area <ul style="list-style-type: none"> • Limited access herring trips • MWT in NE and MA • SMBT in MA • | Waivers provided when observer not available | Aligns with M4 for mackerel |
| Alternative H2.4: Confidence interval-based coverage targets without waivers | Coverage to result in a certain confidence interval around the RH/S catch cap estimate (e.g., X% certainty that the RH/S catch cap estimate is within +/-Y% of the real number) | Permit, gear and area <ul style="list-style-type: none"> • Limited access herring trips • MWT in NE and MA • SMBT in MA | Vessels cannot fish unless adequate coverage exists to maintain the CI for the RH/S cap*** | Aligns with M5 for mackerel |

Type of NEPA Analysis Expected (CE/EA/EIS): EA

Applicable laws/issues:

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|--|---|
| Magnuson-Stevens Act | Yes |
| Administrative Procedures Act | Yes |
| Regulatory Flexibility Act | Yes |
| Paperwork Reduction Act | Yes |
| Coastal Zone Management Act | Yes |
| Endangered Species Act | Yes; an informal consultation is expected |
| Marine Mammal Protection Act | Yes |
| E.O. 12866 (Regulatory Planning and Review) | Yes |
| E.O. 12630 (Takings) | No |
| E.O. 13132 (Federalism) | No |
| Essential Fish Habitat | Yes |
| Information Quality Act | Yes |

Plan Development Team (PDT)/ Fishery Management Action Team (FMAT):

PDT Chair/ GARFO Project Manager: Melissa Hooper
NEFMC Project Manager: Lori Steele
MAFMC Project Manager: Jason Didden
NEFSC Project Manager: Wendy Gabriel?

PDT/FMAT Members and Other Individuals Consulted:

| | Organization | Name | Role |
|--------------------|---------------|----------------|--|
| PDT Members | NEFMC Staff | Lori Steele | Collaborate on developing measures; prepare NEFMC communications about action; assist in preparation of NEPA document. |
| | MAFMC Staff | Jason Didden | Collaborate on developing measures; prepare MAFMC communications about action; assist in preparation of NEPA document. |
| | NMFS NERO SFD | Melissa Hooper | Chair PDT; project management; lead development of measures and preparation of NEPA document. |

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|------------------------------|--|----------------------|---|
| | NMFS GARFO SFD | Aja Szumylo | Collaborate on developing measures; lead rulemaking and implementation. |
| | NMFS GARFO SFD | Carrie Nordeen | Collaborate on developing measures; prepare NEPA document. |
| | NMFS GARFO APS | Michael Lanning | Consult on development of measures; provide expertise on developing monitoring performance standards. |
| | NMFS NERO NEPA | Katherine Richardson | Consult on development of measures and analysis to meet NEPA requirements; prepare cumulative effects analysis. |
| | NE General Counsel | Mitch MacDonald | Consult on legal issues. |
| | NMFS NEFSC SSB | Drew Kitts | Consult on development of measures; prepare economic and social impact analyses. |
| | NMFS NEFSC Observer Program | Amy Martins | Consult on development of measures; provide expertise on observer program administration and costs. |
| | NMFS NEFSC Fishery Monitoring and Analysis | Wendy Gabriel | Consult on development of measures; provide expertise on observer program administration and costs. |
| | NMFS NEFSC PopDy | Kiersten Curti | Prepare analysis for and consult on development of measures and biological impact analyses. |
| Individuals Consulted | NMFS NEFSC PopDy | Kiersten Curti | Prepare analysis for and consult on development of measures and biological impact analyses. |
| | NMFS NEFSC PopDy | Susan Wigley | Prepare analysis for and consult on development of measures; provide expertise on SBRM and performance standards. |

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| | NMFS NEFSC PopDy | Michael Palmer | Prepare analysis for and consult on development of measures; provide expertise on haddock bycatch issues. |
| | NMFS NEFSC PopDy | Paul Rago | Consult on development of measures; provide expertise on performance standards. |
| | NE General Counsel | Kevin Collins | Consult on legal issues. |
| | NE Enforcement | ? | Consult on enforcement issues. |
| | NMFS GARFO PRD | ? | Consult on protected species impacts; review document for compliance with ESA/MMPA. |
| | NMFS GARFO HCD | David Stevenson | Consult on EFH/habitat impacts. |

Action Timeline:

| Action | Current Timeline | Fallback Timeline |
|--|-----------------------------|-----------------------------|
| Councils initiate amendment | September/October 2013 | September/October 2013 |
| PDT/FMAT develops range of alternatives | December 2013/ January 2014 | December 2013/ January 2014 |
| Councils approve range of alternatives | January/February 2014 | January/February 2014 |
| PDT/FMAT/Councils develop alternatives, draft EA | February-October 2014 | February-December 2014 |
| Councils review draft document and select preferred alternatives | November/December 2014 | January/February 2015 |
| 30-day comment period on draft amendment | December 2014-January 2015 | February-March 2015 |
| Councils take final action | January/February 2015 | April 2015 |
| EA finalized, proposed rule drafted | March 2015 | June 2015 |
| Proposed rule publishes with 30-day comment period | April 2015 | July 2015 |
| Comment period ends, final rule drafted | May 2015 | August 2015 |
| Final rule publishes | June 2015 | September 2015 |
| Final rule effective | July 2015 | October 2015 |