

# Industry-funded Monitoring Omnibus Amendment

## Draft 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 (allows frameworking future actions for all plans, and includes specific herring and mackerel requirements)

**Title of Action:** Industry-funded Monitoring Omnibus Amendment

**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 amend the Atlantic Mackerel, Squid, and Butterfish and Atlantic Herring Fishery Management Plans (FMPs) 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 incidental catch/discards, 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 incidental catch 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 incidental catch in the Atlantic mackerel fishery.

### **Likely Range of Alternatives:**

#### Omnibus Alternatives

Omnibus Alternative 1 – No standardized structure for industry-funded monitoring programs (No Action)

- No standard definition of cost responsibilities between industry and NMFS;
- No standardized framework adjustment process to implement future industry-funded monitoring programs in other FMPs;
- No standardized observer service provider requirements; and

- No process for prioritizing available federal funding across industry-funded monitoring programs.

Omnibus Alternative 2 – Standardized structure for industry-funded monitoring programs.

- Standard definition for cost responsibilities between industry and NMFS;
- Standard framework adjustment process to implement future industry-funded monitoring programs in other FMPs;
- Standard observer service provider requirements; and
- Process for prioritizing available federal funding across industry-funded monitoring programs.

Omnibus Alternatives 2.1 – 2.5 are variations on the prioritization process in Omnibus Alternative 2, and consider specific options for what to do when Federal funding is not sufficient to cover NMFS’s costs to support the Council’s desired coverage level for a given FMP.

1. Omnibus Alternative 2.1– NMFS-led prioritization process. NMFS prepare analysis and prioritization in consultation with the Councils.
2. Omnibus Alternative 2.2 – Council-led prioritization process. Council PDT/FMAT prepares analysis and recommended priorities to NMFS.
3. Omnibus 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.
4. Omnibus Alternatives 2.4 and 2.5 – Coverage ratio-based prioritization processes. The amount of funding would be allocated to each FMP by sequentially eliminating coverage in fleets that have either the highest (2.4) or lowest (2.5) ratio of projected coverage days needed in the coming year to actual days absent from port.

### Herring Alternatives

Herring Alternative 1: No coverage target specified for industry-funded monitoring programs (No action)

Herring Alternative 2: Coverage target specified for industry-funded monitoring programs. The coverage alternatives below include options to either allow waivers, which would allow vessels to fish if monitoring coverage were not available due to logistics or funding, or to not allow waivers, which would limit effort to match the specified coverage target if monitoring coverage were not available due to logistics or funding.

#### *Permit-based alternatives:*

- 100% NEFOP-equivalent coverage target on Herring Category A and B Vessels
- 100% At-sea monitor coverage target on Herring Category A and B Vessels
- 75% At-sea monitor coverage target on Herring Category A and B Vessels
- 50% At-sea monitor coverage target on Herring Category A and B Vessels

#### *Fleet-based alternatives:*

- NEFOP-equivalent Percentage Coverage on Midwater Trawl Fleet to achieve a 30% CV on river herring and shad catch (2013 estimate is 51-61% coverage necessary)
- 100% Coverage on Midwater Trawl Fleet Fishing in Groundfish Closed Areas

*Other alternatives:*

- Allow a wing vessel to be exempt from monitoring coverage. These vessels would be prohibited from carrying fish.

Mackerel Alternatives

Mackerel Alternative 1: No coverage target specified for industry-funded monitoring programs (No action)

Mackerel Alternative 2: Coverage target specified for industry-funded monitoring programs. The coverage alternatives below include options to either allow waivers, which would allow vessels to fish if monitoring coverage were not available due to logistics or funding, or to not allow waivers, which would limit effort to match the specified coverage target if monitoring coverage were not available due to logistics or funding.

*Permit-based alternatives:*

- 100% NEFOP-equivalent coverage on limited access midwater trawl & Tier 1 small-mesh bottom trawl (SMBT); 50% coverage on Tier 2 SMBT; 25% on Tier 3 SMBT
- 100% At-sea monitor (with river herring and shad sampling) coverage target on limited access midwater trawl and Tier 1 SMBT mackerel vessels
- 75% At-sea monitor (with river herring and shad sampling) coverage target on limited access midwater trawl and Tier 1 SMBT mackerel vessels
- 50% At-sea monitor (with river herring and shad sampling) coverage target on limited access midwater trawl and Tier 1 SMBT mackerel vessels

*Fleet-based alternatives:*

- NEFOP-equivalent Percentage Coverage on Midwater Trawl Fleet to achieve a 30% CV on river herring and shad catch (2013 estimate is 51-61% coverage necessary)

*Other alternatives:*

- Allow a wing vessel to be exempt from monitoring coverage. These vessels would be prohibited from carrying fish.

Additional alternatives may be developed.

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

**Applicable laws/issues:**

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:** Aja Szumylo

**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	Aja Szumylo	Chair PDT; project management; lead development of measures and preparation of NEPA document.
	NMFS GARFO SFD	Carly Bari	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. Voting member of the NEFMC Observer Policy Committee
	NMFS NEFSC PopDy	Kiersten Curti	Prepare analysis for and consult on development of measures and biological impact analyses.
<b>Individuals Consulted</b>	NMFS NEFSC PopDy	Susan Wigley	Prepare analysis for and consult on development of measures; provide expertise on SBRM and performance standards.
	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	Britta Heinrickson and Joseph Heckwolf	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:**

The fallback timeline will become the current timeline if the Councils decide to add alternatives for industry-funded portside and electronic monitoring programs for the herring and mackerel fisheries.

<b>Current Timeline</b>	<b>Fallback Timeline</b>	<b>Meeting/Deadline</b>	<b>Action</b>
<b>March 3, 2015</b>		PDT/FMAT Meeting, Gloucester	
<b>Early April 2015</b>		PDT/FMAT Meeting, Virtual?	
<b>April 16, 2015</b>		Observer Policy Committee Meeting	
<b>Early May 2015</b>		PDT/FMAT Meeting, Virtual?	
<b>May 27, 2015</b>	<b>September 11, 2015</b>	MAFMC Briefing book deadline	Revised EA complete for release
<b>June 8, 2015</b>		Joint Herring/Observer Policy Committee Meeting	
<b>June 9 – 11, 2015</b>	<b>October 6 – 8, 2015</b>	MAFMC Meeting	MAFMC selects preferred alternatives
<b>June 16 – 18, 2015</b>	<b>September 29 – October 1, 2015</b>	NEFMC Meeting	NEFMC selects preferred alternatives
<b>July/August 2015</b>	<b>October/November 2015</b>		30-day comment period on draft EA
<b>September 29 – October 1, 2015</b>	<b>January 2016</b>	NEFMC Meeting	NEFMC takes final action
<b>October 6 – 8, 2015</b>	<b>February 2016</b>	MAFMC Meeting	MAFMC takes final action
<b>Late October/Early November 2015</b>	<b>March 2016</b>		EA finalized, proposed rule drafted
<b>November 2015</b>	<b>April 2016</b>		Proposed rule publishes with 30-day comment period
<b>December 2015</b>	<b>May 2016</b>		Comment period ends, final rule drafted
<b>January 2016</b>	<b>June 2016</b>		Final rule publishes
<b>February 2016</b>	<b>July 2016</b>		Final rule effective