

Background Document: Observer Policy Committee Meeting Motions on IFM Amendment

This document identifies all Observer Policy Committee meeting motions that passed during deliberations on the development of the Industry-Funded Monitoring (IFM) Amendment. This document mainly identifies the motions related to the omnibus components of the IFM Amendment. Each meeting date contains a hyperlink to access the appropriate meeting summary.

August 19, 2014 Observer Committee Meeting Motions

1. Motion #1 (Tooley/Parker): To recommend that Alternative 2.1.2.4, Cost-Based Prioritization, be eliminated (considered but rejected). **Motion passed unanimously.**
 - Discussion: Observer Committee members acknowledged that this motion is consistent with comments made by the FMAT/PDT (August 5, 2014) regarding this option, although the FMAT/PDT did not formally recommend that it be eliminated from consideration at this time. The Committee felt that the cost-based prioritization proposed in this option lacks rationale and would likely not support the goals/objectives of IFM monitoring programs established by the Council.
2. Motion #2 (Kaelin/Hughes): To Amend Section 2.1.2, Omnibus Alternative 2, to include language to require consideration of waivers with coverage targets in industry-funded monitoring programs. **Perfected motion passed unanimously.**
 - Discussion: This language could be added under the discussion of general requirements for monitoring programs under Alternative 2.
3. Motion #3 (Parker/Kaelin): To include for analysis in the omnibus amendment an alternative that would allow for the direct contracting between a vessel/fishing business and a NMFS approved at-sea monitoring and/or electronic monitoring provider to meet the coverage levels identified by the Council and help achieve the catch monitoring goals of the FMP. **Motion passed 10/0/1.**
 - Discussion: Mr. Parker stated that his rationale is to craft an alternative that improves the opportunity for the industry to seek pricing efficiency for monitoring services. He suggested that NMFS reassess its current assumptions regarding which cost responsibilities may be covered by the government and by the industry to determine if a more efficient structure exists than the one currently proposed in the IFM Amendment. Other Committee members expressed support for further consideration of this issue. Mr. Parker suggested that a more specific rationale should be provided regarding the legal constraints that are preventing this approach. He encouraged further debate of the legal interpretation of the applicable laws.
4. Motion #4 (Kendall/Hughes): To request that the Council ask the Agency to develop a mechanism to accept outside funding for monitoring purposes. **Motion passed 9/0/2.**
 - Discussion: The Committee acknowledged that this motion directly relates to the previous motion and that outside funding sources may extend beyond the fishing industry.

5. Motion #5 (Kaelin/Hughes): To request the Council ask the Agency and the FMAT/PDT to review the proposed division of cost responsibilities (p. 6 of Discussion Document) with the goal being a 50-50 IFM cost-sharing outcome. **Motion passed 8/0/3.**
- Discussion: Mr. Kaelin expressed support for achieving a 50-50 split between costs for which the government and industry are responsible. Mr. Parker expressed support for the intent of the motion and concern about restricting the outcome to a 50-50 split. Mr. Kendall agreed and expressed similar concern.

December 17, 2014 Observer Committee Meeting Motions

6. Motion #6 (Alexander/Kendall): To eliminate the requirement for a college degree in the proposed IFM requirements for service providers. **Motion passed 8/3/1.**
- Discussion: To help reduce monitoring costs. Dr. Gabriel and Dr. Sissenwine expressed concern about removing the requirement for a college degree.
7. Motion #7 (Kaelin/Alexander): For Service Provider requirements established in the IFM Amendment :
- An observer provider approved in another region *may* be approved in the Northeast based on review of the application on file and any updates as needed.
 - Remove the requirement to not deploy an observer on the same vessel for more than 2 consecutive multi-day trips or for more than twice in a given month

Main motion as amended passed 8/3/1.

- Discussion: To reduce some of the costs that may accrue from the service provider requirements; these costs will be borne by the industry. Mr. Kendall expressed concern with removing the requirement to not deploy an observer on the same vessel for more than 2 consecutive multi-day trips or for more than twice in a given month. Dr. Sissenwine expressed concern about the motion in general and the direction in which the Committee is heading. In particular, he expressed concerns about changing the standards and requirements for IFM with the expectation that the data quality and outcome would not be affected. He noted that the observer program evolved from a very specific purpose and is now trying to meet a number of differing needs, including compliance with regulations and public perception. He stated that in a world with increasing expectations for higher observer coverage and increased monitoring in all fisheries, there needs to be a serious reconsideration of the approach that is applied to achieve differing objectives. He noted that depending on the objectives, some programs may not need to cost as much as other programs.

January 22, 2015 Observer Committee Meeting Motions

8. Motion #8 (Tooley/Hughes): To include in the omnibus amendment alternatives available for all FMPs for portside monitoring and electronic monitoring, and that the analysis in the document would support future framework adjustments, and to also include a portside sampling/EM program in the options for herring and mackerel coverage. **Motion passed 11-0-2.**

- Discussion: GARFO staff advised the Committee that these options would require coverage targets similar to the observer coverage options in the Draft IFM document.
- **Motion was substituted then passed at the January 28-29, 2015 Council Meeting:** Mr. Terry Alexander moved to substitute and Mr. Grout seconded: that the following option be included in Section 2.2.2, herring Alternative 2, p. 48 of the Omnibus IFM Amendment: To require third-party at-sea monitoring on category A/B herring vessels, designed to meet the following objective: to document all fish not retained on board the vessel for any reason, including detailed accounting of full and partial slippage events. When the IFM amendment is implemented (year 1), the third party at-sea monitor coverage level for category A/B herring vessels under this option will be (sub-Options) (a) 100%, (b) 75%, (c) 50% of all trips (on trips without a NEFOP observer) (sub-Options) with/without waivers when the vessel is declared into the herring fishery. This option includes portside sampling and electronic monitoring (EM), to be phased-in through the framework adjustment process. The third party at-sea monitor coverage target specified in this amendment will be adjusted as portside sampling/EM programs are implemented. Initially, the service provider standards under this option will be the same as those for the groundfish at-sea monitoring program, but these standards will be modified for portside sampling EM in the implementing action.

The main motion as substituted passed unanimously 16/0/0.

9. Motion #9 (Tooley/Alexander): That the draft omnibus IFM amendment needs more development and additional analysis, and should be reviewed by the Observer Committee and both Councils at a future meeting prior to going out for public comment. **Motion passed 11-0-2.**

- **Motion also passed at the January 28-29, 2015 Council Meeting; The motion passed unanimously (16/0/0).**

September 28, 2015 Observer Committee Meeting Motions

10. Motion #22 (Tooley/Alexander): That the Councils split the omnibus elements of the IFM amendment from the herring/mackerel coverage target options, and further refine the omnibus elements for another review in December, at which time the omnibus elements would be reviewed/approved for public comment. **Motion passed 11/0/1.**

- **Motion failed at the September 29-October 1, 2015 Council Meeting; The motion failed (0/17/0).**
11. Motion #23 (Kaelin/Kendell): Move to include/develop the monitoring set-aside options in the omnibus amendment. **Motion 2 passed 11/0/1**
- **Motion passed at the September 29-October 1, 2015 Council Meeting; The motion passed unanimously (17/0/0).**
12. Motion #24 (Kendell/Tooley): That the Council remand the herring coverage target options (now as a separate management action) back to the Herring Committee for a clear purpose/need and additional discussion regarding data usage. Also, that the Council direct the Herring PDT to work with the NEFSC and other technical bodies to provide a thorough technical review of an industry-funded monitoring program for the herring fishery including observer/at-sea monitoring, portside sampling, and EM, in order to determine appropriate coverage levels based on the purpose/need identified by the Committee. **Motion passed 11/0/1**
- **Council did not support splitting the amendment. Therefore, the Council voted against it so that deliberations on this motion was not necessary.**

December 17, 2015 Observer Committee Meeting Motions

13. Motion #25 (Tooley/Kaelin): The Observer Policy Committee recommends that the Council select Omnibus Alternative 2 (Standardized Structure for IFM Programs) as their preliminary preferred alternative for the IFM Amendment. **Motion passed 12/0/0.**
14. Motion #26 (Tooley/Hughes): The Observer Policy Committee recommends that the Council select Omnibus Alternative 2.6 (Monitoring Set Aside) as their preliminary preferred alternative for the Industry-Funded Monitoring Amendment.
Motion passed 12/0/0.
15. Motion #27 as friendly amended (Tooley/O'Neil): The Observer Policy Committee recommends that the Council adopt the following guiding principles for Industry Funded Monitoring Programs implemented by GARFO:
- Data collection programs for the estimation of fishery discards should:
- Be fit for purpose - The reason, or clear need, for data collection should be identified to ensure objective design criteria.
 - 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.
 - 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 passed 10/0/2.**