



New England Fishery Management Council

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MEMORANDUM

DATE: November 19, 2019
TO: Groundfish Committee
FROM: Groundfish Plan Development Team
SUBJECT: **Draft Amendment 23/Groundfish Monitoring Alternatives – refining alternatives and outstanding issues**

The Groundfish Plan Development Team (PDT) met in-person on November 5, 2019 in Gloucester, MA. Related to Amendment 23 the PDT discussed: 1) possible updates to the draft alternatives for Amendment 23 (A23)/Groundfish Monitoring; 2) possible inclusion of vessel specific coverage levels in A23; 3) pros and cons of decoupling NEFOP/ASM coverage; and 4) next steps and timeline for the draft Environmental Impact Statement (DEIS) for A23.

Overview

This memorandum summarizes PDT discussion topics 1 and 4 above: possible updates to the draft alternatives for A23 and next steps for the DEIS timeline. The PDT has several recommendations for updates to the draft A23 alternatives (Section 4.0 of the DEIS). The AP and Committee have already reviewed and approved updates to Sections 1.0 through 3.0 at the October 30, 2019 meeting related to clarifying the goals of this action and overall format of the document.

As the PDT continues to develop analyses for the DEIS a handful of questions came up about the alternatives. The PDT has developed a summary table of the alternatives attached to this memo, and identified a handful of issues the AP and Committee should clarify about the existing range of alternatives.

The issues to clarify are:

1. If additional sector monitoring tools (e.g., electronic monitoring audit model) are approved in this action, what happens to the existing Regional Administrator authority to deem electronic monitoring technology sufficient for a specific trip type based on gear type and area fished? Is the intent to leave that authority in place, or would that be eliminated? A23 includes an alternative to add consideration of additional tools to the list of frameworkable items (Section 4.1.5).
2. Should the sector monitoring review process be more specific (e.g. specify measurable metrics or standards), or should it remain general?
3. Should A23 include discrete alternatives specifying which landing weight will be when dealer and dockside reports differ and the process for reconciling such differences, or should that process and designation of which report is the record just be specified in the

overall alternative? The PDT also recommends the language be updated to clarify that differences in species reporting is also part of this issue.

4. Should the sub-options for lower coverage levels of 20% by port or vessel landings be linked to who funds monitoring (dealer or vessel), or does Committee want to maintain full flexibility to select either or both options regardless of who is responsible for funding, as currently drafted?
5. The PDT has reviewed a few sections that should be clarified - mostly in Sections: 4.1.2 (Sector Monitoring Tools); and 4.6 (Remove monitoring requirements for certain vessels fishing under certain conditions) - are these revisions consistent with intent (specific clarifications within sections noted in table attached)?

The Committee does not necessarily need to make any motions related to the updates recommended in the DEIS; the PDT is primarily looking for feedback from the AP and Committee to confirm these clarifications are consistent with the intent of the alternatives.

Timeline and Next Steps

The PDT discussed a general timeline and next steps for completing the DEIS. Staff explained they would follow up with the PDT on specific deadlines for completing and reviewing impacts analysis, with a need to plan around upcoming deadlines for Framework 59 impacts analysis. The table below summarizes the major milestones ahead.

Date	Meeting	Purpose of meeting (A23 issues only)
11/5	PDT meeting	Identify and provide input on outstanding issues with alternatives, review vessel specific analysis
<i>11/12</i>	<i>NEFSC Target Date for completing analyses for A23</i>	
11/25	AP/Committee	Clarify any outstanding issues
12/4	Council	Possible addition of vessel level coverage? Clarify any outstanding issues
Mid Jan	PDT meeting/call?	Finalize DEIS analyses
Mid Jan	AP/Committee (1 or 2 days)	Review draft analyses and select preferred alternatives
1/28	Council	Review draft analyses and select preferred alternatives; approve DEIS for public hearings

Attachment 1 - Amendment 23: PDT Recommendations for Updates and Outstanding Issues

Recommendations for structure of A23 Alternatives (Section 4.0)

1. Change title of 4.1 and elevate alternatives so fewer sub-headings
2. Break out sector monitoring standard and sector monitoring tools into 2 sections – so tools options do not appear in document twice
3. Insert short-hand names to accompany option numbers for all sections

Outstanding Issues Groundfish Committee should discuss and clarify at November 25 Meeting (See Table on following pages for details).

These modifications are refinements and likely do not need motions – the PDT is looking for feedback and confirmation that draft alternatives are consistent with Committee intent.

1. Section 4.1.2 - If the Council selects one or more of the sector monitoring tool options in this action what happens to the existing Regional Administrator authority to deem electronic monitoring technology sufficient for a specific trip type based on gear type and area fished? Is the intent to leave that authority in place, or would that be eliminated if these options are selected in A23?
2. Section 4.1.4.2 – The sector monitoring coverage review process is not very specific in terms of who and what would be analyzed. The PDT has provided some additional text the Committee can consider. Is the intent that the details of the review be general and flexible, or does the Council want to include more specifics (e.g., measurable metrics or standards) about the review process now?
3. Section 4.2.2.3 – The PDT recommends that this section be folded into the overall dockside monitoring program alternative in Section 4.2.1.2. The issue of reconciling discrepancies between dealer and DSM reports has been discussed with the Enforcement Committee, the PDT and within the Regional Office. All groups prefer that the dealer record remain the official record, with the ability to compare to DSM (Option B). Therefore, it is not necessary to consider Option A (use whichever record is higher), and the DSM alternative can be clarified to specify what should be done if there is a discrepancy. The PDT recommends removing Options A and B and the overall section, and folding this section into the overall DSM alternative. The PDT also recommends the language be updated to clarify that differences in species reporting is also part of this issue, not just differences in weights reported. DSM records should also be used to compare and verify species reported.
4. Section 4.2.2.4 – Options for lower coverage levels (20%) in small, remote ports and for small vessels. Should the sub-options for lower DSM coverage levels be linked to funding responsibility alternatives? Ports with dealers, and volume with vessels? If the Committee wants maximum flexibility leave the alternatives as they are; if ports are linked with dealer pays and volume linked with vessel pays the number of alternatives is lower and the analyses are simplified.
5. The PDT has attempted to clarify several alternatives, mostly in Sections: 4.1.2 (Sector Monitoring Tools); and 4.6 (Remove monitoring requirements for certain vessels fishing under certain conditions). The Committee should review these suggestions, and confirm the alternatives are drafted as intended.

Amendment 23 Alternatives (November 2019)

Alt. Number	Alternatives	Description	Questions / Issues to clarify
4.1	Commercial Groundfish Monitoring Program (Sectors only)		
4.1.1	Sector monitoring standard (coverage level)		
4.1.1.1	Sector Monitoring Standard Option 1 (No Action)	Minimum coverage levels must meet CV precision standard specified in SBRM using fishery performance criteria, and other factors can be considered	
4.1.1.2	Sector Monitoring Standard Option 2 (Fixed total at-sea monitoring coverage level based on <u>% of trips</u>)	Fixed total would be identified for deploying human observers at-sea. Sectors would achieve the standard through use of human observers or options for substitute sector monitoring tools (Section 4.1.2)	
	Sub-option 2A – 25%		
	Sub-option 2B – 50%		
	Sub-option 2C – 75%		
	Sub-option 2D – 100%		
4.1.1.3	Sector Monitoring Standard Option 3 (Fixed total at-sea monitoring coverage level based on <u>% of catch</u>)	Fixed total would be identified for deploying human observers at-sea. Sectors would achieve the standard through use of human observers or options for substitute sector monitoring tools (Section 4.1.2)	
	Sub-option 3A – 25%		
	Sub-option 3B – 50%		
	Sub-option 3C – 75%		
	Sub-option 3D – 100%		
4.1.2	Sector monitoring tools (options for meeting monitoring standards)		<i>ISSUE #1 – Clarify intent of existing RA authority to approve EM programs if these options are adopted.</i>
4.1.2.1	Sector Monitoring Tools Option 1 – EM in place of ASM	Sectors could choose EM to monitor catch in place of ASM (but not to replace NEFOP observers). EM would only be required to run on trips selected for coverage under the selected coverage rate. Vessels would be required to submit VMP that would document installation of EM system and plans for operation	

4.1.2.2	Sector Monitoring Tools Option 2 – Audit model EM	Approve the use of audit model EM in place of ASM (but not to replace NEFOP observers). EM runs 100% of trips and subset of hauls or trips reviewed to verify VTR reported discards. Video review rate would be selected (by who and when?) and could be reduced through evaluation by NMFS. Vessels would be required to submit VMP that would document installation of EM system and plans for operation.	
4.1.2.3	Sector Monitoring Tools Option 3 – Maximized retention EM	Approve the use of maximized retention EM in place of ASM (but not to replace NEFOP observers). EM runs 100% of trips and verifies that all allocated, non-prohibited GF are landed, paired with dockside monitoring to sample catch. Vessels would be required to land all GF of all sizes, no discarding of non-prohibited fish. Vessels would be required to submit VMP that would document installation of EM system and plans for operation.	
4.1.3	Total Monitoring Coverage Level Timing	Has varied over time, but ASM coverage level usually available before SBRM analysis used to determine NEFOP levels. Regulations require sectors submit prelim rosters by Dec 1.	
4.1.3.1	Coverage Level Timing Option 1 (No Action)	Announced when necessary analyses are available.	
4.1.3.2	Coverage Level Timing Option 2 – Knowing total monitoring coverage level at a time certain	3 weeks prior to annual sector enrollment deadline – this option would only apply to current CV method for target coverage levels (4.1.1.1).	
4.1.4	Review process for sector monitoring coverage		
4.1.4.1	Coverage Review Process Option 1 (No Action)	No official schedule – sector monitoring coverage rates would be reviewed periodically as part of the goals and objectives of the sector monitoring program	
4.1.4.2	Coverage Review Process Option 2 – Establish a review process for monitoring coverage rates	Once 2 years of fishing year data is available. Metrics would be developed and indicators for how well program has improved accuracy while minimizing costs. Who is responsible for what would be determined when Council selects final action.	<i>ISSUE #2 – How specific do people want this review? What metrics are most important to include? Is updated text sufficient?</i>

4.1.5	Add “new sector monitoring tools” to list of frameworkable items	Council would be able to consider adding new sector monitoring tools that meet or exceed monitoring standards by framework action.	
4.2	Commercial Groundfish Monitoring Program Revisions (Sectors and Common Pool)		
4.2.1	Dockside monitoring program (DSM) (Sectors and Common Pool)		
4.2.1.1	DSM Option 1 (No Action)	No current requirement, but a sector can develop as part of its operations plan, and NMFS can approve.	
4.2.1.2	DSM Option 2 – Mandatory DSM for entire commercial GF fishery	Mandatory DSM for entire GF fishery (sectors and common pool) at 100% of all trips.	
4.2.2	Dockside monitoring program structure and design		
4.2.2.1	DSM funding responsibility		
4.2.2.1.1	DSM Funding Responsibility Option A – Dealer responsibility		
4.2.2.1.2	DSM Funding Responsibility Option B – Vessel responsibility		
4.2.2.2	DSM program administration		
4.2.2.2.1	DSM Administration Option A – Individual contracts with DSM providers		
4.2.2.2.2	DSM Administration Option B – NMFS administered, single DSM provider		
4.2.2.3	Reconciling discrepancies between dealer reports and DSM reports		<i>ISSUE #3 – PDT Recommendation to fold this section in with overall DSM alternative (4.2.1.2) instead of subsection with alternatives. Does the Committee agree?</i>
4.2.2.3.1	Reconciling discrepancies between reports Option A – Whichever record is higher is official record		
4.2.2.3.2	Reconciling discrepancies between reports Option B – Dealer reports remain official record, with comparison to DSM		
4.2.2.4	Options for lower coverage levels in small, remote ports and for small vessels with low landings (20% coverage compared to 100%)		

4.2.2.4.1	Lower coverage levels (20%) for small remote ports Option A – Ports with GF landings in 5 th percentile of total landings volume	DSM would be randomly assigned to these ports at a lower coverage level, 20%. Periodic re-evaluation of what constitutes small port would occur after 2 years of data available, every 3 years after that.	<i>ISSUE #4 – Should these options be linked with funding options (4.2.2.1)? If vessels (dealers) pay should lower coverage levels be linked with vessel (port)? Or does the Cmte want flexibility to mix and match?</i>
4.2.2.4.2	Lower coverage levels (20%) for small vessels Option B – Vessels with GF landings in 5 th percentile of total landings volume	Vessels with less than 55,000 pounds annual average (2012-2018) or dealers that have vessels with less than 50,000 pounds would have lower coverage, 20%.	
4.2.2.5	Options for DSM safety and liability associated with fish hold inspections		
4.2.2.5.1	Fish hold inspection Option A – DSM fish hold inspections required	Would be allowed access for inspection, they must have insurance, they can refuse but must document reason.	
4.2.2.5.2	Fish hold inspection Option B – Alternative methods for inspecting fish holds (cameras)	Cameras can be used to verify all retained catch is offloaded.	
4.2.2.5.3	Fish hold inspection Option C – No fish hold inspection required, captain signs affidavit	Captain certify all catch has been removed, subject to penalties	<i>Is this redundant with current reporting requirements?</i>
4.3	Sector Reporting		
4.3.1	Sector Reporting Option 1 (No Action)	Weekly reporting of landings and discards and year end reports.	
4.3.2	Sector Reporting Option 2 – Grant RA authority to streamline sector reporting requirements	RA could revise reporting requirements if specific details are deemed sufficient by the RA.	
4.4	Funding/Operational provisions of groundfish monitoring program (Sectors and Common Pool)		
4.4.1	Funding Provisions Option 1 (No Action)	Industry is required to fund at-sea monitoring costs. If a fixed rate of target coverage is required, then vessels would be required to reduce fishing effort to match available level of monitoring that can be covered by available funding for NMFS shoreside costs.	
4.4.2	Funding Provisions Option 2 – Provisions for an increase or decrease in funding for the GF monitoring program		

4.4.2.1	Funding Provisions Sub-option 2A - Additional NMFS funding for increased monitoring if funds available (Sectors Only)	At-sea monitoring could be set at higher coverage levels that required if NMFS gets additional funds. Could be done on a limited basis to evaluate bias.	
4.2.2.2	Funding Provisions Sub-option 2B – waivers for monitoring requirements allowed (Sectors and Common Pool)	Vessels could be issued waivers to exempt them from IFM requirements, for either a trip or the fishing year, if coverage was unavailable due to insufficient funding for NMFS shoreside costs for the specified target coverage level.	
4.5	Management uncertainty buffers for the commercial groundfish fishery (Sectors only)		
4.5.1	Management Uncertainty Buffer Option 1 (No Action)	5% of the ABC by default, and for stocks with less uncertainty it is set at 3% (no state water catch), for stocks with more it is set at 7% (zero possession and discard only stocks)	
4.5.2	Management Uncertainty Buffer Option 2 – Elimination of management uncertainty buffer for Sector ACLs with 100% monitoring of all sector trips	Revise the management uncertainty buffer for the sector ACL for each allocated groundfish stock to be zero, if the option for 100 percent at-sea monitoring is selected.	<i>Note – this used to be called “option 3” but Option 2 moved to CNR – so this is now Option 2.</i>
4.6	Remove commercial groundfish monitoring program requirements for certain vessels fishing under certain conditions		
4.6.1	Removal of monitoring requirements Option 1 (No Action)	Sector vessels fishing exclusively with extra-large mesh gillnets greater than 10 inches and in the SNE/MA or inshore GB BSA are not subject to <u>ASM</u>	<i>Note – the term exemption is no longer used here to avoid confusion with exempted fisheries etc.</i>
4.6.2	Removal of monitoring requirements Option 2 – Vessels fishing exclusively west of <u>72 30 W</u> would not be subject to monitoring requirements on trips in that area		
4.6.2.1	Removal of monitoring requirements Option 2A (Sectors only)	Sector vessels fishing exclusively west of 72 30 W would not be subject to <u>ASM</u>	
4.6.2.2	Removal of monitoring requirements Option 2B (Sectors and Common Pool)	Vessels fishing exclusively west of 72 30 W would not be subject to <u>DSM</u>	
4.6.3	Removal of monitoring requirements Option 3 – Vessels fishing exclusively west of <u>71 30 W</u> would not be subject to monitoring requirements on trips in that area		

4.6.3.1	Removal of monitoring requirements Option 3A (Sectors only)	Sector vessels fishing exclusively west of 71 30 W would not be subject to <u>ASM</u>	
4.6.3.2	Removal of monitoring requirements Option 3B (Sectors and Common Pool)	Vessels fishing exclusively west of 72 30 W would not be subject to <u>DSM</u>	
4.6.4	Review process for vessels removed from commercial groundfish monitoring program requirements		
4.6.4.1	Vessels removed from monitoring requirements do not have formal review process (No Action)	Currently there is no formal review process to verify that the catch composition from vessels fishing on trips not subject to monitoring requirements have little to no groundfish.	
4.6.4.2	Implement a review process for vessels removed from commercial groundfish monitoring program requirements	After two years of fishing data is available, and every three years after that, the PDT would review catch composition from vessels fishing on trips not subject to monitoring requirements to verify that the catch composition has little to no groundfish.	