

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:

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.

	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.

	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