

## **Industry-Funded Monitoring Omnibus Amendment Action Plan**

**Council:** New England and Mid-Atlantic Fishery Management Councils

**Fishery:** Northeast Multispecies; Atlantic Sea Scallop; Deep-Sea Red Crab; Summer Flounder, Scup, and Black Sea Bass; Atlantic Herring; Monkfish; Small-Mesh Multispecies; Spiny Dogfish; Northeast Skate Complex; Atlantic Mackerel, Squid, and Butterfish; Surfclam and Ocean Quahog; Atlantic Bluefish; Tilefish Fishery Management Plans (FMPs) (allows frameworking future actions for all plans, and includes specific Atlantic herring and Atlantic mackerel requirements)

**Title of Action:** Industry-Funded Monitoring (IFM) 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 FMPs to implement industry-funded monitoring programs and target monitoring coverage levels.

### **Objectives of Action:**

The purpose of this action is to consider measures that would allow the Councils to implement industry-funded monitoring coverage in New England and Mid-Atlantic Fishery Management Plans (FMPs). 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. This amendment also considers (1) standard cost responsibilities associated with industry-funded monitoring for NMFS and the fishing industry, (2) a process for FMP-specific industry-funded monitoring to be implemented via a future framework adjustment action, (3) standard administrative requirements for industry-funded monitoring service providers, and (4) a process to prioritize available Federal funding for industry-funded monitoring across FMPs. This action is needed to allow Councils to implement industry-funded monitoring programs for the Greater Atlantic Region, and prioritize the allocation of Federal funding across those programs when available funding falls short of the total need. This omnibus amendment is would ensure consistency for industry-funded monitoring programs across New England and Mid-Atlantic FMPs.

Additionally, this amendment has a second purpose, to consider monitoring coverage targets for the Atlantic Herring FMP and the Atlantic Mackerel, Squid, Butterfish (MSB) FMP. Additional monitoring is necessary to improve the accuracy of catch (landings and discard) estimates and estimate the catch of incidental species for which catch caps apply (i.e., the river herring/shad and haddock catch caps). The effectiveness and affordability of the industry-funded monitoring program is of primary importance when considering monitoring coverage targets for these fisheries. This action is needed to allow the Councils to monitor catch in these fisheries at their desired levels.

### **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 – Lowest Coverage ratio-based prioritization processes. The amount of funding would be allocated to each FMP related to the extra coverage needed and total fleet activity. Alternative 2.4 would favor coverage for the FMPs that don’t need much additional coverage to meet targets and the most active FMPs with IFM programs.
5. Omnibus Alternative 2.5 – Highest Coverage ratio-based prioritization processes. The amount of funding would be allocated to each FMP related to the extra coverage needed and total fleet activity. Alternative 2.5 would favor coverage for the FMPs that need more coverage to meet targets and the least active FMPs with IFM programs.

Omnibus Alternative 2.6 (Optional) – Monitoring Set-Aside. This alternative would provide structure to develop future monitoring set-aside programs through a framework action. Such a program would generally consist of reserving a portion of the annual catch limit for a fishery to assist vessels in funding vessel/non-governmental costs for additional monitoring coverage beyond SBRM coverage.

### 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 (Alternatives 2.1-2.6).

- a. Sub-Option 1 – Waiver Allowed. Allows waivers to be issued if coverage is unavailable due to funding or logistics. Not selecting this sub-option means coverage targets selected in 2.1-2.6 would require fishing effort to be reduced to match available coverage.
- b. Sub-Option 2 – Wing Vessel Exemption. Exempts wing vessels from coverage targets, provided the vessel does not carry fish.
- c. Sub-Option 3 – 2 Year Sunset. Requires coverage targets to expire 2 years after implementation.
- d. Sub-Option 4 – 2 Year Re-evaluation. Requires coverage targets to be re-evaluated 2 years after implementation.
- e. Sub-Option 5 – 25 mt Trip Exemption. Exempt trips that land less than 25 mt of herring from coverage targets.

*Coverage target alternatives:*

1. Herring Alternative 2.1 – 100% NEFOP-level observer coverage target on Herring Category A and B Vessels.
2. Herring Alternative 2.2 – 25%, 50%, 75%, or 100% At-sea monitor coverage target on Herring Category A and B Vessels.
3. Herring Alternative 2.3 – Combination coverage on Herring Category A and B Vessels and Midwater Trawl Fleet. This alternative includes 100% electronic monitoring and portside data collection coverage target on the Midwater Trawl Fleet and 25%, 50%, 75%, or 100% at-sea monitor coverage target for all other Herring Category A and B Vessels (purse seine and bottom trawl).
4. Herring Alternative 2.4 – Electronic monitoring and portside data collection coverage on Midwater Trawl Fleet. No additional coverage would be required for all other Herring Category A and B Vessels (purse seine and bottom trawl).
5. Herring Alternative 2.5 – 100% NEFOP-level observer coverage on Midwater Trawl Fleet fishing in Groundfish Closed Areas (sub-options do not apply).
6. Herring Alternative 2.6 – Combination Coverage on Midwater Trawl Fleet in Groundfish Closed Areas. This alternative would apply the coverage targets in Herring Alternatives 2.2-2.4 to the Midwater Trawl Fleet fishing in the Groundfish Closed Areas.

### 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 (Alternatives 2.1-2.4).

- a. Sub-Option 1 – Waiver Allowed. Allows waivers to be issued if coverage is unavailable due to funding or logistics. Not selecting this sub-option means coverage targets selected in 2.1-2.4 would require fishing effort to be reduced to match available coverage.
- b. Sub-Option 2 – Wing Vessel Exemption. Exempts wing vessels from coverage targets, provided the vessel does not carry fish.
- c. Sub-Option 3 – 2 Year Sunset. Requires coverage targets to expire 2 years after implementation.
- d. Sub-Option 4 – 2 Year Re-evaluation. Requires coverage targets to be re-evaluated 2 years after implementation.
- e. Sub-Option 5 – 25 mt Trip Exemption. Exempt trips that land less than 25 mt of mackerel from coverage targets.

### *Coverage target alternatives\*:*

1. Mackerel Alternative 2.1 – 100% NEFOP-level observer coverage target on limited access Midwater Trawl and Tier 1 small mesh bottom trawl (SMBT) vessels; 50% coverage on Tier 2 SMBT vessels; and 25% coverage on Tier 3 SMBT vessels.
2. Mackerel Alternative 2.2 – 25%, 50%, 75%, or 100% At-sea monitor coverage target on limited access Midwater Trawl and Tier 1 SMBT vessels. No additional coverage would be required for Tier 2 or Tier 3 SMBT vessels.
3. Mackerel Alternative 2.3 – Combination coverage on Midwater Trawl and Tier 1 SMBT vessels. This alternative includes 100% electronic monitoring and portside data collection coverage target on limited access Midwater Trawl vessels and 25%, 50%, 75%, or 100% at-sea monitor coverage target for Tier 1 SMBT vessels. No additional coverage would be required for Tier 2 or Tier 3 SMBT vessels.
4. Mackerel Alternative 2.4 – Electronic monitoring and portside data collection coverage on Midwater Trawl vessels. No additional coverage would be required for Tier 1, Tier 2, or Tier 3 SMBT vessels.

\*Mackerel Alternatives 2.1-2.4 would only apply to trips by vessels with limited access mackerel permits that land greater than 20,000 lb of mackerel.

**Applicable Laws/Issues:**

**NEPA Analysis (EIS/EA/CE/SIR):** This action is expected to require an Environmental Assessment.

**Endangered Species Act/Marine Mammal Protection Act**

*Type of ESA Consultation Expected (Informal/Formal):* This action is expected to have an informal ESA consultation.

**Other Applicable Laws and Regulatory Requirements:** Typical issues and analysis are expected at this time.

**IFM Amendment PDT/ FMAT Membership and Other Individuals:**

	Organization	Name	Responsibility
Plan Development Team	NMFS GARFO Sustainable Fisheries Division	Carly Bari	Chair PDT; Project Manager; lead development of measures and preparation of NEPA document; lead rulemaking and implementation.
	NMFS GARFO Sustainable Fisheries Division	Carrie Nordeen	Project Manager; lead development of measures and preparation of NEPA document; lead rulemaking and implementation.
	NEFMC	Maria Jacob	Collaborate on developing measures; prepare NEFMC communications about action; assist in preparation of NEPA document.
	MAFMC	Jason Didden	Collaborate on developing measures; prepare MAFMC communications about action; assist in preparation of NEPA document.
	NEFMC	Dr. Jamie Cournane	Collaborate on developing measures.
	NMFS GARFO Analysis & Program Support Division	Brant McAfee	Consult on development of measures; provide expertise on developing monitoring performance standards.
	NMFS GARFO NEPA	Katherine Richardson	Consult on development of measures and analysis to meet NEPA requirements; prepare cumulative effects analysis.
	NMFS GCNE	Mitch MacDonald	Consult on legal issues.
	NMFS NEFSC Social Science Branch	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 Population Dynamics Branch	Kiersten Curti	Prepare analysis for and consult on development of measures and biological impact analysis.	
Other Individuals	NMFS GARFO Sustainable Fisheries Division	Daniel Luers	Support development of measures and preparation of NEPA document; support rulemaking and implementation.
	NMFS NEFSC Population Dynamics Branch	Susan Wigley	Prepare analysis for and consult on development of measures; provide expertise on SBRM and performance standards.

	Organization	Name	Responsibility
Other Individuals	NMFS NEFSC Population Dynamics Branch	Michael Palmer	Prepare analysis for and consult on development of measures; provide expertise on haddock bycatch issues.
	NMFS GCNE	Kevin Collins	Consult on legal issues.
	NMFS GCNE Enforcement	Britta Heinrichson and Joseph Heckwolf	Consult on enforcement issues.
	NMFS GARFO Sustainable Fisheries Division	Brett Alger	Consult on electronic monitoring alternative development and implementation.
	NMFS GARFO Analysis & Program Support Division	Barry Clifford	Consult on electronic monitoring alternative development and implementation.
	NMFS GARFO Protected Resources Division	Danielle Palmer	Consult on protected species impacts; review document for compliance with ESA/MMPA.
	NMFS GARFO Habitat Conservation Division	David Stevenson	Consult on EFH/habitat impacts.

#### NMFS Industry-Funded Monitoring Amendment Implementation Team Membership:

Organization	Name	Responsibility
NMFS GARFO Sustainable Fisheries Division	Carly Bari	Implementation Team Chair; primary GARFO contact for IFM Amendment.
NMFS GARFO Sustainable Fisheries Division	Carrie Nordeen	Project manager and GARFO contact for IFM Amendment.
NMFS GARFO Sustainable Fisheries Division	Daniel Luers	Coordinate implementation components.
NMFS GARFO Sustainable Fisheries Division	Brett Alger	Consult on electronic monitoring implementation.
NMFS GARFO Analysis & Program Support Division	Barry Clifford	Consult on electronic monitoring implementation.
NMFS GARFO Analysis & Program Support Division	Brant McAfee	Consult on monitoring performance standards, quota monitoring applications, and portside data utility.
NMFS NEFSC Observer Program	Amy Martins	Provide expertise on observer program administration.
NMFS NEFSC Fishery Monitoring and Analysis	Wendy Gabriel	Provide expertise on observer program administration and quota monitoring applications.

**Implementation Team Issues:**

TBD – to be developed by Implementation Team Chair

*Enforcement:*

TBD

*Information Resource Management (IRM):*

TBD

*Statistics:*

TBD

*Observer Coverage:*

TBD

*Administrative issues/costs:*

TBD

*Regulatory clarification/simplification:*

TBD

*Data Requirements:*

TBD

*VMS:*

TBD

*Protected Resources:*

TBD

*Plan for How to Measure the Effectiveness of the Action:*

TBD

*Other:*

TBD

## Worksheet 1: IFM PDT/FMAT Resources and Work Schedule

PDT/FMAT Work Task/ Issue to Address	Specific Needs	Primary IFM PDT/FMAT Participation	Start	End	Duration
Council Discussion Document	Create Council discussion document for preferred omnibus alternative selection	Bari, Nordeen	January 2016	January 2016	1 week
Data Request	CV analysis comparison, median RTO analysis	McAfee, Kitts	December 2015	February 2016	2 months
Introduction, purpose and need	Update and revise	Bari, Nordeen	January 2016	March 2016	2 months
Update EA	Update and revise document to include recent changes	Bari, Nordeen	January 2016	March 2016	2 months
Draft EA Review	Review of draft document by PDT/FMAT	IFM PDT/FMAT	March 2016	March 2016	2 weeks
Draft EA	Incorporate comments to prepare for public comment	Bari, Nordeen	March 2016	March 2016	1 week
Council Discussion Document	Create Council discussion document for preferred coverage target alternative selection	Bari, Nordeen	March 2016	March 2016	4 weeks
Alternatives	Finalize alternatives and identify preferred	Bari, Nordeen	April 2016	April 2016	1 week
Council Decision Document	Create Council decision document for final action	Jacob, Didden	May 2016	June 2016	1 month
Affected Environment	Update the Affected Environment	Bari, Nordeen, Palmer	May 2016	July 2016	2 months
Impacts Analysis	Update Biological Impacts section	Bari, Nordeen, Richardson	May 2016	July 2016	2 months
Impacts Analysis	Update Protected Resources section	Bari, Nordeen, Richardson, Palmer	May 2016	July 2016	2 months
Impacts Analysis	Update Habitat Impacts section	Bari, Nordeen, Richardson, Stevenson	May 2016	July 2016	2 months
Impacts Analysis	Update Socio-economics Impacts section	Kitts, Bari, Nordeen, Richardson	May 2016	July 2016	2 months
Applicable Laws	Complete applicable laws section	Bari, Nordeen	May 2016	July 2016	2 months
Cumulative Impacts	Update cumulative impacts analysis	Bari, Nordeen	May 2016	July 2016	2 months
Final EA Review	Review of full document by PDT/FMAT	IFM PDT/FMAT	July 2016	August 2016	2 weeks
Final EA Review	Review of full document by NMFS staff	GARFO and NEFSC staff	July 2016	August 2016	3 weeks
Finalize EA	GARFO staff incorporates all comments	Bari, Nordeen	August 2016	August 2016	1 week

## Worksheet 2: Timeline for Development of Industry-Funded Monitoring Amendment

2016 Workplan for Industry-Funded Monitoring Omnibus Amendment	
JAN 11	NEFMC briefing book deadline
<b>JAN 27</b>	<b>NEFMC – Selects preferred Omnibus Alternatives</b> using Omnibus Alternative Discussion Document
JAN 25	MAFMC briefing book deadline
<b>FEB 9-11</b>	<b>MAFMC – Selects preferred Omnibus Alternatives</b> using Omnibus Alternative Discussion Document
MAR	Herring Committee meeting using Coverage Target Alternative Discussion Document
MAR 9-23	PDT/FMAT review of Mackerel Coverage Target Alternative Discussion Document and draft EA
MAR 16-30	PDT/FMAT review of Herring Coverage Target Alternative Discussion Document
MAR 30	MAFMC briefing book deadline
<b>APR 12-14</b>	<b>MAFMC – Approves draft EA and selects preferred Mackerel Coverage Target Alternatives</b> using Coverage Target Alternative Discussion Document (possible public hearing)
APR 4	NEFMC briefing book deadline
<b>APR 19-21</b>	<b>NEFMC – Approves draft EA and selects preferred Herring Coverage Target Alternatives</b> using Coverage Target Alternative Discussion Document (possible public hearing)
APR 25-29	Draft EA is finalized (incorporating preferred alternatives)
MAY 1-30	30-day public comment period
MAY	Public hearings (if they are not held in conjunction with April Council meetings)
MAY 30	MAFMC briefing book deadline
JUN 1-8	PDT/FMAT summarizes public comments and responses
JUN 6	NEFMC briefing book deadline
JUN 10	PDT/FMAT provide public comments and responses as briefing book supplemental
<b>JUN 14-16</b>	<b>MAFMC – Takes final action on IFM Amendment</b>
<b>JUN 21-23</b>	<b>NEFMC – Takes final action on IFM Amendment</b>
AUG	EA finalized and Proposed Rule drafted
SEP	Proposed Rule publishes with 30-day comment period
SEP 30	Comment period ends
NOV	Final Rule publishes
DEC	Final Rule effective



### Worksheet 3: Detailed Implementation Timeline

PROJECT PHASE	STARTING	ENDING
1. Council Meetings to select final measures	6.14.2016	6.23.2016
2. GARFO staff finalizes document	6.24.2016	8.1.2016
3. Proposed Rule submitted to NMFS Headquarters	8.18.2016	8.18.2016
4. Proposed Rule publishes in Federal Register	9.1.2016	9.1.2016
5. Proposed Rule public comment period (30 days)	9.1.2016	9.30.2016
6. Final Rule submitted to NMFS Headquarters	10.18.2016	10.18.2016
7. Final Rule publishes in Federal Register	11.1.2016	11.1.2016
8. Approved measures effective	12.1.2016	12.1.2016
9. Implementation of measures	TBD	TBD

#### Action Plan Versions:

Version	Date	Author	Change Description
1	January 9, 2014	Hooper	Initial version
2	June 27, 2014	Hooper	Minor updates to initial version
3	July 10, 2014	Hooper	Updated using the Council template. Updated scope and alternatives. Updated PDT membership, work schedule, and timelines.
4	April 10, 2015	Szumylo	Updated scope and alternatives. Updated PDT membership, work schedule, and timeline.
5	January 15, 2016	Bari	Updated using the revised Council template. Updated alternatives. Updated PDT membership, work schedule, and timeline.