



Mid-Atlantic Fishery Management Council
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MEMORANDUM

Date: 11/30/16
To: Chris Moore
From: Jason Didden *JDD*
Subject: Industry-Funded Monitoring (IFM) Amendment

Following this cover page, please find a decision document and public comment summary for the Industry-Funded Monitoring (IFM) Amendment. NMFS staff has the lead on this action and organized the creation of the IFM documents (i.e. they did most of the work). They were supported by the IFM Joint Plan Development Team/Fishery Management Action Team (PDT/FMAT), which consists of technical staff from NMFS and both the New England and Mid-Atlantic Fishery Management Councils.

On the December 2016 Council meeting page (<http://www.mafmc.org/briefing/december-2016>), please also find attached:

- Public Hearing Document
- Full Draft Environmental Assessment
- Excel comment summary
- All written comments received by NOAA
- Public comments submitted to the Council
- Public Hearing Comments

DECISION DOCUMENT

for

Industry-Funded Monitoring Omnibus Amendment

**An Omnibus Amendment to the
Fishery Management Plans of the
Mid-Atlantic and
New England Fishery Management Councils**

**Mid-Atlantic Fishery Management Council
Baltimore, Maryland
December 12-15, 2016**

The following decision tables in this document appear in the same order as the sections in the Draft Industry-Funded Monitoring Omnibus Amendment.

ONMIBUS ALTERNATIVES

Objective: The omnibus alternatives would standardize the process to allow industry funding to be used in conjunction with available Federal funding to pay for additional monitoring (in addition to SBRM coverage) to meet FMP-specific coverage targets.

Council selects one alternative (Omnibus Alternative 1 or Omnibus Alternative 2). If Council selects Alternative 2, then it should also select one of the Omnibus Alternatives 2.1 through 2.5 (prioritization process) and it may also select Omnibus Alternative 2.6 (monitoring set-aside).

Alternatives/Options Under Consideration	Description
Omnibus Alternative 1	No Action
Omnibus Alternative 2	<p>Standardized process to allow industry funding to be used, in conjunction with Federal funding, to pay for fishery monitoring (in addition to SBRM coverage) to meet FMP-specific coverage targets.</p> <p>Omnibus Alternative 2 includes the following components:</p> <ul style="list-style-type: none"> • Standard cost responsibilities for industry and NMFS; • Process for additional FMP-specific IFM programs to be implemented via a future framework adjustment action; and • Standard administrative requirements for IFM service providers.
<p align="center">Omnibus Alternatives 2.1 - 2.5</p> <p align="center"><i>(Alternative 2.2 is a Council Preferred Alternative)</i></p>	<p>Prioritization Process Alternatives (choose one):</p> <p>These options would establish a prioritization process to allocate Federal funding across new IFM programs, when Federal funding is not sufficient to meet all coverage targets. If there is no available Federal funding, there would be no additional monitoring to meet FMP-specific coverage targets.</p> <p>Alternative 2.1 - NMFS-led Deliberative Prioritization Process. NMFS prepares analysis and prioritization in consultation with the Councils. May require future rulemaking to establish a specific prioritization approach that would apply to all FMPs.</p> <p>Alternative 2.2 - Council-led Deliberative Prioritization Process. Council prepares analysis and recommends priorities to NMFS. May require future rulemaking to establish a specific prioritization approach that would apply to all FMPs</p> <p>Alternative 2.3 - Proportional prioritization process. Shortfalls in Federal funding would be distributed proportionally among all new IFM programs. Does not require future rulemaking, because this approach is formulaic.</p> <p>Alternative 2.4 - Coverage ratio-based prioritization process. The amount of funding would be allocated to each FMP by prioritizing coverage in fisheries that have the lowest coverage needs relative to fleet activity. This alternative would favor coverage for the FMPs that do not need much additional monitoring to meet coverage targets and have the most active fleets.</p> <p>Alternative 2.5 - Coverage ratio-based prioritization process. The amount of funding would be allocated to each FMP by prioritizing coverage in fisheries that have the highest coverage needs relative to fleet activity. This alternative would favor coverage for the FMPs that need more additional monitoring to meet coverage targets and have the least active fleets.</p>
<p>Omnibus Alternative 2.6</p> <p><i>(Council Preliminary Preferred Alternative)</i></p>	<p>Monitoring Set-Aside Option - This option would allow the development of a monitoring set-aside program via a future framework to each FMP. No monitoring set-asides would be created through this action.</p>

Omnibus Alternative Prioritization Tradeoffs		
	Pros	Cons
Discretionary Alternatives: Omnibus Alternative 2.1 and 2.2	More discretion over funding priorities	Complex, and requires additional workload to prioritize
	Takes objectives and context into account	Timeline > 1 year
	Could result in funding of most important programs first	Requires rulemaking
Formulaic Alternatives: Omnibus Alternatives 2.3-2.5	Shorter timeline	No discretion
	Adaptive to budget changes and timing	Blunt instrument - 2.4. and 2.5 may not align with management priorities.

MAFMC Motions on Omnibus Alternatives (February 2016):
<p>I move that the Council select Alternative 2 (Standardized Structure for IFM Programs) as the preliminary preferred alternative for the IFM Amendment. Motion carried 17/0/0.</p> <p>I move that the Council adopt the following guiding principles for IFM programs implemented by GARFO. Data collection programs for the estimation of fishery catch should be:</p> <ul style="list-style-type: none"> • Be fit for purpose - the reason, or clear need, for data collection should be identified to ensure objective design criteria. • Be 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. • Should apply modern technology - data collection should prioritize the utilization of modern technology to the extent possible to meet 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 carried 17/0/0. <p>I move that the Council recommend the removal of the IFM service provider requirement to not deploy the same observer on the same vessel for more than 2 consecutive multi-day trips or for more than twice in a given month. Motion carried 17/0/0.</p> <p>I move that the Council select Alternative 2.6 (Monitoring Set-Aside) as the preliminary preferred alternative for the IFM Amendment. Motion carried 17/0/0.</p> <p>I move that the Council select Alternative 2.2 (Council-led Prioritization) as a preferred alternative for the IFM Amendment, and clarify that the overall prioritization process could be modified by a framework. Motion carried 17/0/0.</p>
MAFMC Motions on Omnibus Alternatives (June 2016):
<p>Move for new IFM programs to use an equal weighing scheme for funding prioritization. Motion carried 19/0/0.</p>

Omnibus Alternatives	Indirect Impacts on Biological Resources	Indirect Impacts on Fishery-Related Businesses and Communities
Alternative 1: No Industry-Funded Monitoring Programs (No Action)	Potential low negative impact related to allocating funding to industry-funded monitoring programs on a case-by-case basis (rather than aligning to Council priorities)	Potential low negative impact related to continued uncertainty about true discard rates (could lead to overly cautious management)
Alternative 2: Industry-Funded Monitoring Programs (Action Alternative)	Negligible impact related to standardized cost responsibilities and process for future industry-funded programs implemented via framework Potential low positive impact related to standardized service provider requirements and process to prioritize additional monitoring	Potential low positive impact related to standardized cost responsibilities and process for future industry-funded programs implemented via framework Potential low positive impact related to establishing service provider requirements and process to prioritize additional monitoring
Alternative 2.1: NMFS-Led Prioritization Process	Potential low positive impact because all industry-funded programs are considered; compared to other prioritization processes allows an evaluation of program need/design when assigning priority	Potential low positive impact because all industry-funded programs are considered; compared to other prioritization processes allows an evaluation of program need/design when assigning priority
Alternative 2.2: Council-Led Prioritization Process (Preferred Alternative)		
Alternative 2.3: Proportional Prioritization Process	Potential low positive impact related to information collection because process considers all industry-funded programs	Potential low positive impact related to information collection because process considers all industry-funded programs
Alternative 2.4 and 2.5: Coverage Ratio-Based Prioritization Processes	Does not allow for prioritization based on program need/design	Does not allow for prioritization based on program need/design
Alternative 2.6 Monitoring Set-Aside	Negligible impact related to standardized process for monitoring set-asides implemented via framework	Negligible impact related to standardized process for monitoring set-asides implemented via framework
<i>Impacts to physical environment were not discussed in this table because they are negligible. These alternatives will not alter fishing behavior, or directly impact fishing regulations (gears used or areas fished).</i>		

MACKEREL ALTERNATIVES	
Objective: The mackerel coverage target alternatives would address: (1) accurate estimates of catch, including retained and discarded catch; (2) accurate estimates of incidental catch for which catch caps apply (i.e., river herring, and shad); and (3) effective and affordable monitoring for the mackerel fishery.	
<i>Council selects one alternative (Mackerel Alternative 1 or Mackerel Alternative 2). If Council selects Alternative 2, then it should also select one of the Mackerel Alternatives 2.1 through 2.5 (coverage targets). Additionally, there are 5 non-compulsory sub-options for consideration as well, which may be selected for any of the coverage target alternatives.</i>	
Alternatives/Options Under Consideration	Description
Mackerel Alternative 1	No Action
Mackerel Alternative 2	Coverage target for IFM programs
Mackerel Alternatives 2.1 - 2.5	<p>Mackerel Coverage Target Alternatives (choose one):</p> <p>Mackerel Alternative 2.1 – Would apply 100 % NEFOP-level observer coverage on MWT and Tier 1 SMBT vessels, 50% NEFOP-level observer coverage on Tier 2 SMBT vessels, and 25% NEFOP-level observer coverage on Tier 3 SMBT vessels.</p> <p>Mackerel Alternative 2.2 – Would apply at-sea monitoring coverage (ASM) on MWT and Tier 1 SMBT vessels. Choose an ASM coverage target (25%, 50%, 75%, or 100%).</p> <p>Mackerel Alternative 2.3 – Would apply a combination of monitoring coverage based on gear type and permit category:</p> <ul style="list-style-type: none"> • Would apply electronic monitoring (EM) and portside sampling coverage on MWT vessels. Choose an EM and portside sampling coverage target (50% or 100%). • Would apply ASM coverage on Tier 1 SMBT vessels. Choose an ASM coverage target (25%, 50%, 75%, or 100%). <p>Mackerel Alternative 2.4 – Would apply EM and portside sampling coverage on MWT vessels. Choose an EM and portside sampling coverage target (50% or 100%).</p> <p>Mackerel Alternative 2.5 – Would allow MWT vessels to select monitoring type.</p> <ul style="list-style-type: none"> • Initially, would apply ASM coverage on MWT vessels. Choose an ASM coverage target (25%, 50%, 75%, or 100%). • When the Council determines EM and portside sampling are an acceptable alternative for ASM, then MWT vessels would be able to choose ASM or EM and portside sampling coverage. Choose an EM and portside sampling coverage target (25%, 50%, 75%, or 100%).
Mackerel Sub-Options 1 - 5	<p>Sub-Options are all optional (may choose one or more sub-options):</p> <p>Sub-Option 1 – Would allow vessels to be issued waivers to exempt them from IFM requirements, for either a trip or the fishing year, if coverage was unavailable due to funding or logistics. If not selected, fishing effort would be reduced to match the available level of monitoring.</p> <p>Sub-Option 2 – Would exempt a wing vessel pair trawling with another MWT from IFM requirements, provided the vessel does not carry fish.</p> <p>Sub-Option 3 – Would require IFM requirements to expire 2 years after implementation.</p> <p>Sub-Option 4 – Would require Council to reevaluate IFM requirements 2 years after implementation.</p> <p>Sub-Option 5 – Would exempt vessels that land less than 25 metric tons of mackerel from IFM requirements.</p>

MAFMC Motions on Mackerel Alternatives (June 2016):

Move under item #2 create a subset of alternatives that would allow additional biological information to be collected (kept and discarded catch). **Motion carried 19/0/0.**

Move that slippage consequences would apply for ASM but not for EM, to be further reviewed after completion of the EM pilot project and clarify that slippage consequences are frameworkable. **Motion carried 18/1/0.**

Move to approve the draft EA for public hearings as modified today. **Motion carried 17/0/0.**

Regarding the following: DRAFT Herring Committee Motion (Pierce/Kaelin): That the Council add an alternative to Section 2.0: Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose an ASM coverage target of 25%, 50%, 75%, or 100%.
- After the goals of the sea herring/mackerel electronic monitoring pilot program are reached, midwater trawl and purse seines can choose to continue with ASM or use EM/portside sampling. The EM/portside sampling would be at a rate of 50% or 100%.

Move that if NE adopts adding the above or a similar motion, then the Mid-Atlantic Council would approve adding similar flexibility for mid-water trawl mackerel fishing related to Alternative 2.2. **Motion carried 15/1/2.**

NEFMC Motion on Herring Alternatives (June 2016):

That the Council add an alternative to Section 2.0 [Herring Coverage Target Alternatives]: Would apply a combination of monitoring coverage based on permit category or gear type:

- Would apply ASM coverage on Category A and B vessels using midwater trawl, purse seine and small mesh bottom trawl gear. Choose by gear type an ASM coverage target of 25%, 50%, 75%, or 100%.
- After satisfactory completion of the EM Pilot Project such that the Council decides that EM/Portside Monitoring is an acceptable alternative to ASM for specific fishing methods, vessels using those methods can choose to continue with ASM or use EM/portside monitoring.
- Vessels be limited to choosing one monitoring type per fishing year;
- Vessels declare their preferred monitoring type six months in advance of the fishing year; and
- After consulting with NMFS, the Councils establish a minimum participation threshold for each of their choice.
- **Motion carried 16/0/1.**

MAFMC Considerations:

In its July memo, the PDT/FMAT identified issues with calculating combined coverage targets (i.e., SBRM coverage + IFM coverage = combined coverage target) for NEFOP-level observer and ASM coverage. PDT/FMAT would be evaluating how to calculate combined coverage targets as part of implementation. In summary, combined coverage targets would be calculated by NMFS, in consultation with Council staff.

MAFMC may want to recommend a motion similar to the June 2016 NEFMC motion on herring alternatives for mackerel midwater trawl vessels and specify that it would send its determination on whether EM/Portside monitoring is an acceptable alternative to ASM for mackerel midwater trawl vessels to NMFS in a letter.

Mackerel Alternatives	Impacts on Biological Resources	Impacts on Fishery-Related Businesses and Communities
Alternative 1: No Coverage Target Specified For IFM Programs (No Action)	Low positive impact associated with observer coverage allocated by SBRM	Low positive impact associated with observer coverage allocated by SBRM
Alternative 2: Coverage Target Specified For IFM Programs	<p>Low positive impact associated with additional monitoring to reduce uncertainty around catch estimates</p> <p>Positive impact if fishing effort is limited and reproductive potential is increased</p>	<p>Negative impact associated with potential reduction in return to owner (RTO)</p> <p>Negative impact if fishing effort is limited by monitoring availability and mackerel harvest is limited</p>
Alternative 2.1: NEFOP-Level Coverage on Midwater Trawl Vessels and Tier 1-3 SMBT Vessels		Negative impact associated with potential 11.9%-4.3% reduction in RTO
Alternative 2.2: ASM Coverage on Midwater Trawl Vessels and Tier 1 SMBT Vessels		Negative impact associated with potential 10.3%-1.4% reduction in RTO
Alternative 2.3: Combination Coverage on Midwater Trawl Vessels and Tier 1 SMBT Vessels		Negative impact associated with potential 10.3%-1.4% reduction in RTO
Alternative 2.4: EM and Portside Sampling Midwater Trawl Vessels		Negative impact associated with potential 8.3%-1.6% reduction in RTO
Alternative 2.5: ASM Coverage on MWT Vessels, then Vessels may choose either ASM or EM/Portside Coverage		Negative impact associated with potential 8.2%-0.6% reduction in RTO
<p><i>Impacts to physical environment were not discussed in this table because they are negligible. These alternatives will not alter fishing behavior, or directly impact fishing regulations (gears used or areas fished).</i></p>		

2016-2018 Draft Timeline for the Industry-Funded Monitoring Omnibus Amendment	
2016	
JAN 11	NEFMC briefing book deadline
JAN 26-28	NEFMC – Selects preferred Omnibus Alternatives
JAN 25	MAFMC briefing book deadline
FEB 9-11	MAFMC – Selects preferred Omnibus Alternatives
FEB 26-MAR 4	PDT/FMAT review of Herring Coverage Target Alternative Discussion Document
MAR 9-23	PDT/FMAT review of Mackerel Coverage Target Alternative Discussion Document and Draft EA
MAR 30	MAFMC briefing book deadline
APR 11-14	MAFMC – Reviews Mackerel Coverage Target Alternatives
APR 4	NEFMC briefing book deadline
APR 19-21	NEFMC – Reviews Herring Coverage Target Alternatives
MAY 6-20	PDT/FMAT review of Draft EA
MAY 30	MAFMC briefing book deadline
JUN 6	NEFMC briefing book deadline
JUN 14-16	MAFMC – Approves Draft EA for public comment
JUN 21-23	NEFMC – Approves Draft EA for public comment
JUL 20	PDT/FMAT meeting to discuss revising the Draft EA
AUG	NMFS begins EM pilot project
AUG-SEP	PDT/FMAT revise the Draft EA (<i>incorporating new alternatives and analysis</i>)
SEP 8-15	PDT/FMAT review revised Draft EA
SEP 16-22	Finalize Draft EA
SEP 23-NOV 7	45-day public comment period
OCT-NOV	Public hearings
NOV	PDT/FMAT summarizes public comments and responses
NOV 30	MAFMC briefing book deadline
DEC 13-15	MAFMC – Takes final action on IFM Amendment
2017	
JAN 10	NEFMC briefing book deadline
JAN 24-26	NEFMC – Takes final action on IFM Amendment
FEB-MAR	Draft EA finalized and Proposed Rule drafted
APR	Proposed Rule publishes with 45-day comment period
MAY-JUN	Comment period ends
JUL	EA finalized and Final Rule drafted
AUG	Final rule publishes
SEP	Approved omnibus measures effective
NOV	NMFS completes EM pilot project
2018	
JAN	Approved coverage target alternatives effective (<i>delayed to allow time for industry compliance</i>)

Summary of Public Comments Received on the Industry-Funded Monitoring Omnibus Amendment

Public comments for the Industry-Funded Monitoring (IFM) Omnibus Amendment were collected during the period from September 23 through November 7, 2016. Comments were collected through submittal online, by mail, and during the five public hearings (including one webinar) that were held in locations potentially affected by the actions of the amendment. Below is a summary of the public comments gathered through both public hearings and online/mail submission:

Comments Regarding the **IFM Amendment in General**:

- 63 commenters were against the amendment as a whole

Comments regarding the **Omnibus Alternatives** in the IFM Amendment:

- Comments on Alternative 1-“No Action”
 - 70 Commenters supported “No Action”:
- Comments on Alternative 2:
 - Alt. 2.1 (NMFS-Led Process): 0 in favor, 1 against
 - Alt. 2.2 (Council-Led Process): 6 in favor, 2 against
 - Alt. 2.6 (Monitoring Set-Aside): 5 in favor, 0 against

Comments regarding the **Atlantic Mackerel Alternatives** in the IFM Amendment:

- Comments on Alternative 1- “No Action”
 - 40 Commenters supported “No Action”
- Comments on Alternative 2:
 - Alt. 2.1 (NEFOP-Level Observer): 2 in favor, 2 against
 - Alt. 2.2 (ASM): 0 in favor, 1 against
 - Alt. 2.5 (Choice of ASM or EM/Portside): 3 in favor, 2 against
- Comments on Sub-Options:
 - Sub-Option 1 (Waivers): 4 in favor, 3 against
 - Sub-Option 2 (Wing Vessel Exemption): 5 in favor, 1 against
 - Sub-Option 3 (2 Year Sunset): 0 in favor, 4 against
 - Sub-Option 4 (2 Year Re-evaluation): 5 in favor, 1 against
 - Sub-Option 5 (Coverage only on trips >25 mt): 3 in favor, 2 against

Additional popular and/or important comments are listed in the table below:

Comments about Amendment in General	Number of Comments
Inadequate notice/locations for public hearings/comment.	14
Weren't aware that amendment involved FMPs other than herring and mackerel (hidden in omnibus, etc.).	11
NOAA should fund any additional coverage.	25
Observer collected data is repetitive/isn't used, so why collect it?	12
Concerns that this amendment doesn't address (or violates) legal provisions of the MSA.	8
Cost of increased coverage will result in unsafe conditions due to lack of funds for maintenance, increased tension with observers etc.	5
IFM should account for affordability to industry in the future- no safeguard that this won't bankrupt them.	6
Comments Regarding Mackerel Section	
Complete the EM pilot project before moving ahead.	3
Can't afford any additional coverage on SMBT/smaller boats.	15

All submitted comments and public comments collected during the public hearings can be found on the Mid-Atlantic Fisheries Management Council website at this link: <http://www.mafmc.org/briefing/december-2016>.

At this link, a summary of public hearing comments and submitted comments can be found in the “Public Comment Summary” MS Excel spreadsheet. The spreadsheet has four tabs at the bottom. The first tab (“MAFMC FMPs Summarized”) summarizes the public comments received on the IFM Amendment in general, the Omnibus alternatives, and the Atlantic mackerel alternatives. The second and third tabs (“All Public Hearings Comments” and “All Submitted Comments”) summarize each comment made on the amendment in general (grey section of rows), omnibus alternatives (purple section), Atlantic herring alternatives (green section), and Atlantic mackerel alternatives (blue section). The fourth tab (“NEFMC FMPs summarized”) is similar to the first but summarizes Atlantic herring alternatives, rather than Atlantic mackerel.