

## MEMORANDUM

**DATE:** January 9, 2013

**TO:** New England Fishery Management Council  
Mid-Atlantic Fishery Management Council

**FROM:** Industry-funded Monitoring Plan Development Team/Fishery Management Action Team

**SUBJECT:** Observer Funding Omnibus Development

1. The PDT/FMAT met via conference call on January 2, 2013 to continue work on the omnibus amendment to address observer funding issues. The call focused on the target coverage alternatives for the Atlantic herring and Atlantic mackerel fisheries. PDT/FMAT participants included Aja Szumylo (NMFS NERO), Susan Gardner, Wendy Gabriel (NMFS NEFSC), Jason Didden (MAFMC), and Lori Steele (NEFMC). Council member participants included Jeff Kaelin (MAFMC) and Doug Grout (NEFMC). Public attendees included Aaron Kornbluth, Alison Bowden, Dave Ellington, Erica Fuller, Joseph Gordon, John Haran, Lauren W., M. Griffin, Michael Lake, Patrick Paquette, Joyce Rowley, Rick Usher, Elizabeth Silleck.
2. NMFS Staff briefly reviewed the status of the existing cost delineation alternative and prioritization alternatives, and requested additional comments from the PDT/FMAT. Council staff noted that we should consider aligning the cost delineation alternatives with suggestions the recent comment letter submitted by AIS. NMFS staff will consider whether comments in that letter are appropriate for incorporation into the existing alternatives.
3. NMFS staff briefly presented the status quo alternatives for observer coverage targets for the Atlantic herring and Atlantic mackerel fisheries, as well as the Council preferred alternatives for Herring Amendment 5 and MSB Amendment 14.

NMFS staff also reviewed a draft alternative that would have made 100% observer coverage mandatory for only limited access mackerel and herring trips using midwater trawl. The PDT/FMAT discussed that this alternative would prevent vessels from leaving the dock if observer coverage was unavailable in order to achieve the mandatory 100% coverage requirement. NMFS staff offered this alternative based on analysis in Amendment 14 that suggested that a majority of river herring and shad encounters from

2006-2010 occurred on trips using midwater trawl (single and paired) gear. Council staff recommended that the draft mandatory coverage requirement should be modified to exactly match the Council preferred alternatives from Amendments 5 and 14, rather than only focusing on midwater trawl trips. Council staff noted that general catch accounting was a goal of both Amendments 5 and 14, so the focus of a true mandatory coverage should include the gear types and/or permit categories specified by the Councils in those amendments. The final alternative would require 100% coverage for those vessels identified for 100% (or increased) observer coverage in Amendments 5 and 14, and specify that they would not be able to leave the dock without an observer. In contrast, the original alternatives in Amendment 5 and 14, which are also included as options in this action, implement 100%/increased observer coverage provisions as targets, i.e. allowing for waivers to be issued in some times/areas when/where an observer cannot be provided.

4. There was some discussion of concern that specifying coverage levels for some subcomponent of the small-mesh bottom trawl fishery may introduce bias into the catch bycatch estimates derived from observer data. For example, if there were 100 observed small-mesh bottom trawl trips, and 80% of the observed trips were mackerel trips because of a 100% observer coverage requirement for mackerel, but a majority of small-mesh bottom trawl landings were actually from other subcomponents of small-mesh bottom trawl activity, the discard estimates from the observer data may not be representative of actual small-mesh bottom trawl activity. NMFS staff will investigate how critical this concern is and whether there are ways to address this issue.
5. Center staff also asked that the alternatives be reviewed by staff intimate with the SBRM process to ensure that the proposed coverage alternatives coordinate with SBRM coverage. NMFS staff is working to coordinate review of the current draft range of alternative by SBRM staff prior to the January NEFMC meeting.
6. During a pause for public comment, Jeff Kaelin raised 4 questions relevant to this action: (1) Has the PDT/FMAT considered providing the Council's with alternatives that combine both at-sea and portside monitoring?; (2) Is the PDT/FMAT considering alternatives similar to those in Amendments 5 and 14 that would reviewing/ending increased coverage after 2 years?; (3) Will the analysis for this amendment include cost estimates for observer coverage; and (4) Is there a way for 3<sup>rd</sup> parties (i.e. members of the public) to offset the cost of observer coverage?.

The PDT/FMAT responded that the timing of the Observer Funding Omnibus action prevents the consideration of portside monitoring alternative, but that the action will include alternatives to allow for observer service providers to qualify to provide portside

monitoring services, and will allow for the creation of portside monitoring provisions for the herring and mackerel fisheries (as well as all other FMPs) through framework adjustments in the future.

The PDT/FMAT agreed to include the language from Amendments 5 and 14 that would indicate Council intent to re-evaluate increased observer coverage requirements after 2 years, as well as a separate alternative for a sunset provision.

NMFS staff noted that cost information for observer coverage would be included in the analysis for this action.

Finally, NMFS staff will research whether the grant mechanism that is currently being considered to offset the cost of observer coverage can accept contributions from 3<sup>rd</sup> parties.

7. Jeff Kaelin also raised a comment outside of the scope of this action. He asked whether, given that the recent herring specifications lowered the closure threshold for herring management areas to 92%, it be possible to use the extra 3% for research, possibly research on the establishment of a portside monitoring program. This issue is probably best addressed by the Atlantic Herring PDT and Committee.
8. The PDT/FMAT then discussed alternatives that used some kind of metric to establish required/target observer coverage levels, such as coefficients of variation (CVs) or standard deviation, rather than selecting percentages for coverage. The goal of these types of alternatives was to come up with a structure for coverage goals that would align across both the herring and mackerel fisheries. The group agreed that focusing the coverage evaluation metric on the river herring and shad catch caps could appropriately align coverage goals for the herring and mackerel FMPs, and that an alternative that focused on river herring and shad is important for consideration since these species are not the focus of SBRM. Science Center staff advocated for the use of CVs over standard deviation as a measure of variability because it is normalized to the mean or magnitude of whatever number is being considered. NERO staff noted when discards are a small percentage of the catch in proportion to known landings, applying a standard CV was more acceptable than when applied to a catch of unknown landings and unknown discards. In the latter case, it is important that the level of acceptable risk be fully defined/justified - especially if the final catch is expected be close to the target catch limits.
9. The PDT/FMAT discussed that one option may be for the Council to define the goal of the desired coverage in a way that allowed technical staff to determine the necessary

coverage levels, rather than selecting specific CVs or standard deviations. Council staff suggested, and the group ultimately agreed, that confidence intervals around the river herring and shad catch cap may be an appropriate metric to guide coverage levels for both the herring and mackerel fisheries. The selection confidence intervals may also be a more understandable concept for the public, and allows the Council to define a range of acceptable outcomes for the coverage goal. During the presentation of these alternatives to the Councils, staff will try to contextualize a number different confidence interval options to help the definition of goals.

10. The PDT/FMAT raised concerns again about the limited amount of time to analyze alternatives prior to a planned Council final action date of June 2014 (presented in Table 1 in the December 31, 2013, PDT/FMAT Summary Memo). Again, the timeline was drafted to meet the Council's target of having operational monitoring programs in the herring and mackerel fisheries at the start of the 2015 fishing year.