



NOAA
FISHERIES

Amendment 23

April 4, 2022

Welcome!

- During the presentation we will mute everyone.
- We will unmute everyone for the Q&A session, but you will still need to individually unmute yourself when called on.
- Use the chat box to share comments and ask questions.
- **Today is not a way to comment on the proposed rule. The proposed rule comment period closed on Wednesday March 30th.**



Goals for this Presentation

- Today's presentation will cover how we propose to implement Amendment 23, if it is approved.
- We will also cover the timeline for decisions on Amendment 23 and the proposed implementation measures.
- We will not debate the proposed measures today, but we have expert staff available to answer your questions about what is proposed.

Amendment 23 to the Northeast Multispecies Fishery Management Plan

The purpose, or potential solutions considered in this action, focus on measures that adjust the current monitoring program to improve accounting and accuracy of collected catch data. It is the Council's intent that the catch reporting requirements are fair and equitable for all commercial groundfish fishermen, while maximizing the value of collected catch data, and minimizing costs for the fishing industry and the National Marine Fisheries Service.

The need, or problem this action was developed to address is: the need to implement measures to improve the reliability and accountability of catch reporting in the commercial groundfish fishery to ensure there is precise and accurate representation of catch (landings and discards). Accurate catch data are necessary to ensure that catch limits are set at levels that prevent overfishing and to determine when catch limits are exceeded.



What's in the Proposed Rule?

- Changes to the at-sea monitoring coverage target
- Determining the coverage target at a time certain
- Electronic monitoring
- Waivers from monitoring requirements
- Exclusions from the monitoring requirement
- Higher monitoring coverage when NMFS pays
- Elimination of the management uncertainty buffer
- Sector reporting streamlining
- Additions to the framework list
- Review process for monitoring coverage rates
- Review process for trips excluded from monitoring
- Clean up of regulatory text

Amendment 23 Timing

- March 15: NOA Comment Period Closed
- March 30: Proposed Rule Comment Period Closed
- April 14: Deadline for Agency Decision on A23
- ASAP after decision: Final Rule
- Any approved measures would be implemented *after* May 1, 2022.

Changes to the ASM Coverage Target

- Replace the current method for determining the ASM coverage target with a fixed coverage target as a percentage of trips.
- The actual target is dependent on Federal funding.
- The target would be 100 percent of trips for 4 years.
- The target in years 1-4 could be less than 100 percent, with a 40-percent minimum.
- In years 5+, the coverage target would be 40 percent.
- Increased coverage in year 5 and beyond is possible with Federal funds.
- **We anticipate we can fund 100-percent coverage for at least 2 years with existing funds.**

Announcing Coverage Targets

- NMFS would announce the ASM coverage target at least 3 weeks before the annual sector enrollment deadline, if Federal funding information is available.
- Otherwise, the ASM coverage target would be announced as soon as possible.

Electronic Monitoring

- A23 would approve the Audit Model and the maximized retention model (MREM).
- EM vessels still receive observer coverage.
- The audit model is already operational.
- MREM boats retain all allocated stocks, regardless of size.
 - Other fish are discarded at control points.
 - Cameras verify catch is kept.
 - Dockside monitors collect information on allocated groundfish at the dock.
 - Dealers report all landed catch.

Waivers

- Amendment 23 would allow waivers from sector monitoring requirements if NMFS cannot pay its own costs.
- Waivers would include coverage for ASM and EM, including DSM for MREM vessels.
- These waivers would preserve the Council's intent to increase monitoring in the groundfish fishery without creating a requirement that could prevent vessels from participating in the fishery if monitoring coverage was not available.

Exclusions from Monitoring

- Sector fishing trips fished in their entirety west of $71^{\circ} 30' W$. Longitude are excluded from **ASM**.
- Minimizes the costs of the overall increase in monitoring because the majority of groundfish are caught in waters east of $71^{\circ} 30' W$.
- Retains FW55 exclusion of ELM GNS in southern New England and Inshore Georges Bank BSAs.
- All vessels would continue to be required to notify NMFS of all trips through the PTNS.
- Trips are waived unless assigned an observer.
- EM vessels would be required to have their system turned on and comply with their VMP on all trips.

Extra Monitoring Coverage

- NMFS can implement ASM at higher coverage levels than the Council's target if funding is available to cover the additional costs.
- This applies to year 5 and later, when the ASM coverage target would otherwise be 40 percent.

Management Uncertainty buffer

- Amendment 23 includes an option to set the management uncertainty buffer for sectors' allocated stocks to zero.
- The coverage target must be 100 percent.
- The Council would still consider and adjust management uncertainty buffers in future actions.
- NMFS would determine prior to the start of the fishing year whether the buffers would be eliminated.
- Removing the buffers would add 3-7 percent to ACEs.

Sector Reporting Streamlining

- A23 would authorize NMFS to modify certain sector monitoring and reporting requirements to streamline the sector reporting process.
- More efficient methods might be developed that would still involve timely monitoring and reconciliation of data sources between sectors and NMFS.
- As part of implementing Amendment 23, NMFS proposes using the proposed authority to allow vessels using the Audit Model to continue reporting discards at the sub-trip level, rather than the haul level.

Additions to the Framework List

- Frameworks are a faster Council action for changes than an amendment
- All alternatives considered in Amendment 23 would be added to the list of items that may be considered in a future framework
- Specifically, this includes:
 - Adding of new sector monitoring tools (e.g., EM, other technologies or approaches)
 - Vessel-specific coverage targets instead of sector level coverage targets

Monitoring Coverage Rate Review

- A23 includes a Council review process to evaluate the effectiveness of the increased ASM coverage target.
- Review once two full fishing years of data are available (likely in year 3), and periodically thereafter.
- The process is intended to be flexible and somewhat general.
- Current priority to establish metrics and indicators of how well the monitoring program improved accuracy while maximizing value and minimizing costs.

Review Monitoring Exclusions

- A23 would establish a process for reviewing exclusions from the sector monitoring program.
- This includes the existing FW55 exclusion for sector trips that use 10+ inch gillnets in the Inshore Georges Bank and/or the Southern New England Broad Stock Areas; and
- the A23 provision excluding trips west of 71° 30' W. Longitude.
- The Council will conduct this review after two full fishing years of data are available and every three years after that.

Clean Up of Regulations

- Adds definitions of terms related to EM.
- Clarifies and consolidates definitions related to individuals that collect data for NMFS.
- We would move the sector monitoring program regulations from § 648.87 to § 648.11.
- Revise § 648.11 to update the names of divisions within NMFS.
- Clarify that trainees are included in text that applies to certified observers.
- Correct a typo where text is missing and clarify EM prohibitions.

Logistical Details

- Nichole Rossi and Glenn Chamberlain, from our Fisheries Monitoring Operation Branch, will present additional details.

FMO Amendment 23 Topics

- EM and ASM programs
- Feedback emailed to GARFO after fall 2021 seminar
- Questions from providers to GARFO and FMO staff
- Questions from industry to GARFO and FMO staff

ASM - Coverage Target

- Set PTNS to 99% ahead of 5/1/22 to select trips
- Update to 100% if A23 is approved
- Expectations to reach target coverage

ASM - Selection Process

- 99% or 100% of eligible trips will be selected for coverage
- Certain trips would be excluded from coverage if Amendment 23 is approved
- Ongoing challenges to coverage will continue to be a factor.

ASM - Challenges to Attaining Target Coverage

- There are challenges to achieving target coverage.
- NOAA Fisheries is committed to ensuring that as much of the target coverage as possible is achieved.
- Agency, providers, and sectors share responsibility.
- Agency will provide training opportunities and select trips for coverage.

ASM - Training Opportunities

- 3rd party contractor, Coonamessett Farm Foundation
- Upper limit on training opportunities
- Retention of trained ASMs should be prioritized by agency and providers

EM Overview

- Amendment 23 would approve the Audit and the Maximized Retention (MREM) models of EM for sector vessels to use, in lieu of ASM, to satisfy sector monitoring requirements.
- The coverage level will be 100% if A23 approved.
- All EM vessels are subject to NEFOP coverage.
- Approving EM as an alternative to human ASM provides each vessel the flexibility to choose the monitoring option (ASM, Audit Model EM, MREM) that best meets the needs of its members to ensure catch accountability.

EM Coverage Levels

- Any sector-designed monitoring program proposed for FY 2022 must continue to notify through the Pre-Trip Notification System (PTNS) to select trips for NEFOP and EM coverage.
- PTNS selection coverage for EM vessels will be set to 100%.
- Vessels in EM programs must have the EM system on for 100% of groundfish trips.

Audit Model

- The vessel operator/crew measure groundfish discards on a length board within camera view prior to discarding, and discard other species in view of cameras at designated “discard control points.”
- The vessel operator estimates total weight of groundfish discards on eVTR and submits the video footage to EM service provider.
- EM service provider reviews selected trips & submits an estimate of groundfish discards to the agency.
- NMFS will use EM data to validate self-reported eVTR discard data for catch accounting purposes.

Maximized Retention Electronic Monitoring

- Under the MREM model, the vessel operator/crew are required to retain and land all ***allocated groundfish***, including fish below the minimum size limit.
 - Unallocated regulated species, ocean pout, and non-groundfish species are handled in accordance with standard commercial fishing operations.
- EM data is used to verify vessel compliance with catch retention requirements.
- All MREM trips have a dockside monitoring (DSM) requirement to collect information on groundfish catch, stock, weight, and market category.

EM Program Accountability Measures

- Vessels using EM to satisfy sector monitoring requirements must comply with their Vessel Monitoring Plan (VMP) on all groundfish trips.
- The agency randomly selects a subset of trips for video review by the EM service provider.
- Vessel owners will not know which trips are selected for review.
- The agency selects a subset of trips to review to monitor and evaluate service provider performance.

Audit

EM validates captain's reported groundfish discards.

Measure groundfish discards within camera view.

Record all catch using eVTR.

Use sub-sampling protocols for faster processing of high volumes of groundfish.

Submit the video footage from the trip to your EM service provider.

Reviews video from randomly selected trips and provides NOAA Fisheries with a summary report documenting the groundfish discards.

Compares your eVTR report to the EM provider's summary report for quota accounting.

Provides feedback to you explaining whether the eVTR and EM summary report matched to help you improve your reporting and groundfish discard estimates.

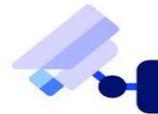
Reviews a subset of trips to monitor the EM provider's performance.



Goal



Changes to How You Fish



What Your EM Provider Does



What NOAA Fisheries Does

Maximized Retention

EM confirms vessel retained all allocated groundfish for dockside monitor to observe.

Retain and land all allocated groundfish, regardless of size, for sampling by a dockside monitor.

Record all catch using eVTR.

Meet dockside monitor upon landing to observe offload. All landed fish may be sold.

Submit the video footage from the trip to your EM service provider.

Reviews the video from trips and provides NOAA Fisheries with a summary report verifying discard compliance.

No allocated groundfish discards are attributed to the trip, but all landed groundfish counts against the sector's quota.

Reviews EM provider's summary report to ensure compliance with retention requirements.

Uses catch data collected by the dockside monitor for science.

Reviews a subset of trips to monitor the EM provider's performance.



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EM Information for Service Providers

NEMIS (Northeast Electronic Monitoring Information System) API

- Data specifications, instruction manuals, reference tables, etc.
- Each provider assigned an API key to submit trips.
- <https://apps-nefsc.fisheries.noaa.gov/NEMIS/index.php>

VMAN (Vessel Monitoring Plan Management Application)

- VMP management and archive tool (logs and tracks EM system issues reported by reviewers or captains).
- EM providers assigned login credentials established by FMRD for access (noaa.gov email or provider staff login).
- <https://apps-nefsc.fisheries.noaa.gov/VMAN/index.php/home/login>

EM Information for Service Providers

NOAA Fishery Monitoring Portal

- Comprehensive trip list and list of selected trips for review
- Provider feedback letter archive tool.
- EM providers assigned login credentials established by FMRD for access (noaa.gov email or provider staff login).
- <https://apps-nefsc.fisheries.noaa.gov/fmportal/>

EM Reviewers

- EM reviewers are required to attend formal EM training for certification.
- All EM reviewers assigned an reviewer ID.
- Video review annotations are tied to the reviewer ID to facilitate performance monitoring of EM reviewers.

Questions and Answers



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Additional Slides

Regulatory Changes

Section	Authority	Summary of Proposed Changes
§ 648.2	Amendment 23 and 305(d)	The existing definition of "electronic monitoring" is revised and new definitions for "electronic monitoring audit model" and "electronic monitoring maximized retention model" are added to address the EM models included in Amendment 23. A new definition for "electronic monitoring provider staff" is added to accommodate monitoring staff that are not involved in at-sea or dockside monitoring tasks. The existing definition of "observer/sea sampler" is deleted and the existing definition of "observer or monitor" is revised to cover any person, including trainees, who collects observer information, operational fishing data, biological data, or economic data for conservation and management purposes, whether they work on a vessel or on shore. The definitions of "slippage in the Atlantic herring fishery," "slip(s) or slipping catch in the Atlantic herring fishery," and "video reviewer" are revised to include staff in training.
§ 648.10	305(d)	Paragraph (f)(4)(i) is revised to include staff in training.
§ 648.11	Amendment 23 and 305(d)	The monitoring coverage regulations are revised to include the groundfish sector monitoring program regulations currently codified in § 648.87. The newly added groundfish sector monitoring program regulations include revisions and additions to the text formerly codified in § 648.87 to incorporate the proposed measures to implement Amendment 23. This section is also revised to clarify the insurance requirements for monitoring providers, to clarify that individuals undergoing observer training are included in regulatory provisions that apply to certified observers, and to update the names of divisions within NMFS.
§ 648.14	Amendment 23 and 305(d)	The prohibitions are revised to address new regulations implementing Amendment 23 and to revise citations associated with moving the groundfish sector monitoring program regulations currently codified in § 648.87 to § 648.11. The prohibitions are also revised to address changes to the definitions in § 648.2 that include monitoring staff that are not involved in at-sea or dockside monitoring tasks and trainees. Prohibitions are added to address the dockside monitoring requirements applicable to dealers at § 648.11 that implement Amendment 23. Section 648.14(k)(3) is revised to incorporate missing text stating it is prohibited to engage in the behaviors listed in subparagraphs. Sections 648.14(i)(1)(ix)(B) and (r)(2)(iv) are also revised to include staff in training.
§ 648.51	305(d)	§§ 648.51(c)(4) and (e)(3)(iii) are revised to include staff in training.
§ 648.80	305(d)	§§ 648.80(d)(3) and (e)(2)(ii) are revised to include staff in training.
§ 648.83(a)(1)	Amendment 23	The text regarding minimum fish sizes for commercial vessels is revised to exclude fish landed by MREM vessels from the minimum sizes to implement Amendment 23.
§ 648.85	Amendment 23 and	Section 648.85(e)(1)(viii)(C) is revised to address the participation of MREM vessels in the universal

