

2010

Summary of Amendment 16 Implementation Outreach Meetings Conducted June-July 2010



NOAA Fisheries Service

Northeast Region

9/24/2010

The groundfish fishery in the Northeast underwent a significant transformation on May 1, 2010, with the adoption of Annual Catch Limits (ACL) and Accountability Measures (AMs) required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and a catch share program (sectors) that replaced days-at-sea (DAS) management for much of the fishery as part of Amendment 16 (A16) to the Northeast Multispecies Fishery Management Plan (FMP). Over the past 18 months, NOAA Fisheries Service has conducted an extensive collaborative effort with members of the fishing industry to refine these measures and explain them to the broader fishing community.

During the months of June and July, NOAA Fisheries Service held a series of seven (7) outreach meetings. These meetings were held in New Bedford, MA; Gloucester, MA; Portsmouth, NH; Portland, ME; Narragansett, RI; Montauk, NY; and Toms River, NJ. For those not able to attend the meetings, we also held a telephone townhall conference call on July 12.

The purpose of the meetings was to address questions pertaining to the implementation of Amendment 16 to the Northeast Multispecies FMP. NOAA Fisheries Service staff also provided training to fishermen in the use of updated vessel monitoring system (VMS) software for both the SkyMate and Boatracs VMS units. Sector managers who had undergone this training recommended that it be offered to the broader fishing industry.

During the meetings, most of the implementation related questions focused on at-sea and dockside monitoring, how the discard rate is being calculated and applied, quota monitoring, when landings information would be publicly available, and vessel trip reporting. Other concerns and questions raised included potential socio-economic impacts of the new measures and what is being done to evaluate these impacts, the validity of the science used to set the current management measures, and the rate at which sectors were implemented.

The following is a list of specific issues and questions raised. Where responses were given during the meeting, a summary of those responses is included. For issues raised that required further analysis outside the meeting, the steps taken by the agency to address them are also outlined. In some cases, this resulted in the production of new outreach materials; links to these materials are also included in this document.

If you have any questions about this summary, please contact Maggie Mooney-Seus at 978-281-9175 or Olivia Rugo at 978-281-9167.

Issues and Concerns Raised	Response
<p>A16 is an illegal side-stepping of the referendum requirement.</p>	<p>Groundfish sector management is a type of catch-share program established under the Northeast Multispecies FMP, but it is not an individual fishing quota (IFQ) program requiring a referendum under the Magnuson-Stevens Act. There is no permit issued to a sector, and no permanent or long-term allocation of fish is made to any sector. Rather, limited access permit holders may choose to form a voluntary, self-selecting sector that is authorized to catch a pre-determined amount of fish based on the collective fishing history of participating vessels. Unlike IFQs, sectors are temporary, voluntary, fluid associations of vessels that can join together to take advantage of flexibilities and efficiencies. Vessel owners can choose to join a sector or not, and can change their decisions from one year to the next, or change from one sector to another, based on what they consider to be the best opportunities for them at that point in time.</p>
<p>A16 was too rushed. The shift in management approach from DAS to sectors was done without a transition period and was unfair.</p>	<p>A16 was under development for nearly four years. The development of A16 began in November 2006, when the New England Fishery Management Council first sought public input into other management systems to replace or supplement the existing DAS measures. Many new management systems were considered, including area management, a points system, IFQs, and sectors. After considerable public input, including 46 public meetings, the Council opted to implement both DAS and sector management under A16. The Council believed that sectors would provide fishermen with more flexibility to target healthy fish stocks and increase the economic efficiency of vessel operations.</p> <p>Sectors were first implemented in the groundfish fishery in 2004 with the approval of one sector under Amendment 13. In 2006, another sector was approved under Framework Adjustment 42. In 2008, the Council announced its intent to move from an effort-based management system under DAS to an output-based management system (sectors are one example of an output-based system) beginning with the implementation of A16. Thus, the fishery has been gradually transitioning toward sector management for nearly six years and will continue to develop and refine sector measures in future actions.</p>

Issues and Concerns Raised	Response
<p>What are you doing about the low abundance species? When are annual catch limits (ACLs) going up?</p>	<p>We understand there is concern that ACLs are relatively low for some stocks and that catches of those stocks could result in ACLs being reached well before the sectors or the common pool have caught their allocations of more abundant stocks. The stocks previously identified as “choke species” include Gulf of Maine (GOM) cod and winter flounder, Georges Bank (GB) yellowtail flounder, and pollock.</p> <p>On July 15, based on new scientific information, we took emergency action to substantially increase catch limits for pollock. Catch levels were increased from 6 million pounds to 36.5 million pounds for the 2010 fishing year.</p> <p>At its June 2010 meeting, the Council agreed to ask its Scientific and Statistical Committee (SSC) to examine any recent fisheries independent and fisheries dependent data collected since the last assessment for GOM winter flounder (2008) and evaluate whether this new information would affect the current catch limits for this stock. The SSC’s recommendations regarding this issue will be discussed at the September Council meeting (September 28-30).</p> <p>For GB yellowtail flounder, the Council is considering through Framework Adjustment 45 to the Northeast Multispecies FMP to extend the rebuilding program out to 10 years and/or reduce the rebuilding probability from 75 percent to possibly as low as 50 percent. The Council is expected to discuss this at its September Council meeting and to take final action in November. New catch limits that would result from an extension of the rebuilding period would be effective at the beginning of the 2011 fishing year (May 1, 2011). We had hoped that the results of the July Transboundary Resources Assessment Committee (TRAC) meeting would enable us to provide more immediate relief to the fishing industry, this fishing year. Unfortunately, results from that assessment indicate that while the yellowtail flounder stock is increasing in size, it is doing so only slowly, and the biomass is smaller than previously thought. In particular, the size of the 2005 year class is much less than last estimated. As a result, it is unlikely that there will be an opportunity to increase catch limits for GB yellowtail in the near future based solely on updated stock assessment data.</p>
<p>POLLOCK ASSESSMENT</p> <ol style="list-style-type: none"> Why was the pollock assessment not conducted before the new management measures were put in place? 	<ol style="list-style-type: none"> The pollock assessment was conducted with the other stocks evaluated at the Groundfish Assessment Review Meeting (GARM) in August 2008. Consistent with National Standard 2 of the Magnuson-Stevens Act, NOAA Fisheries Service and the Council are required to develop management actions based upon the best scientific information available at the time decisions are made. There will always be improvements to the data underlying stock assessments and

Issues and Concerns Raised**Response**

POLLOCK ASSESSMENT (CONT'D)

2. How can you explain a nearly six fold increase in the pollock catch levels?

available to monitor the fishery, particularly as we continue to increase our understanding of the complex dynamics associated with ecosystem management. However, NOAA was legally obligated to implement Amendment 16 to meet statutory requirements to end overfishing and rebuild overfished stocks. This action was scheduled for implementation on May 1, 2009, but was delayed a year to be responsive to the timing and substance of new stock assessment information, completed in 2008. NOAA Fisheries Service manages 43 species in the Northeast Region, all of which require information on stock condition to set fishery allocations. Stock assessments need to be conducted on a regular schedule to provide the best scientific information possible to support management decisions. Stock assessments also must be staggered so there is time to collect sufficient new information to update stock status. That said, we did move the scheduled assessment for pollock up slightly in an effort to be as responsive as possible to the fishing industry and the Council's needs for new stock status data for the 2010 fishing year. The scientific information supporting the management of fisheries is not static, and is always changing and improving. NOAA Fisheries Service is taking a proactive approach in responding to evolving scientific information, and shares the Council's and the industry's goal of mitigating negative impacts of management on the fishery.

2. Since the last assessment, which was nearly two years ago, we have been able to collect and analyze much more detailed information on the age and growth of pollock and changes in the commercial fisheries over time. This new information enabled us to employ a more sophisticated model to better assess the condition of the pollock stock. The agency also benefited greatly by working closely with the industry during the assessment process. The previous assessment relied on a single index of abundance and total commercial landings. In contrast, the new model incorporates: age structure, additional survey time series, commercial discards, and recreational landings and discards. The inclusion of a broader range of data means that the assessment is less sensitive to changes in a single measure. Pollock catch in the Northeast Fishery Science Center (NEFSC) fall survey has been declining over the past several years. The index model interprets this change as the sole measure of stock abundance. Information from other sources suggests that reductions in the fall survey are tempered by evidence of higher abundance. Such evidence includes a broader range of size classes and evidence that variability in catch rates on the trawl surveys was high.

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<p>CONSOLIDATION CONCERNS</p> <ol style="list-style-type: none"> 1. What is the agency doing to prevent consolidation in the fishery? 2. Sectors will put the small boat fisherman out of business 	<ol style="list-style-type: none"> 1. NOAA Fisheries Service is working with the Council to explore options to maintain the historic fleet diversity of this fishery. A policy on the Council's vision of the fishery is currently under development and includes consideration of: <ul style="list-style-type: none"> • Maintaining inshore and offshore fleets • Maintaining different gears, vessel sizes, and geographic locations • Maintaining the geographic distribution of permits to protect communities and infrastructure • Prohibiting the acquisition and control of excessive shares 2. The 17 sectors that are currently in place include a broad range of vessel sizes, suggesting that sectors provide advantages to both small and larger vessels. The Council is currently working on Framework 45 to the Multispecies Fishery Management Plan and is considering addressing issues of consolidation as part of that action. However, industry members interested in these issues should attend meetings of the Groundfish Oversight Committee to voice their concerns. We have also committed nearly \$6 million in funding to support the establishment of permit banks in Maine, Massachusetts, New Hampshire and Rhode Island. NOAA Fisheries Service-sponsored state permit banks will purchase groundfish permits from individuals exiting the fishery and hold those permits to make their DAS and allocations available to vessels and sectors to support small-scale fisheries and ports in those states. By working together with the states, we hope to provide the small fishing vessels and small, local communities with increased access to capital, so they can more effectively exploit healthy fish resources. There are also several privately run permit banks in existence (e.g., Penobscot East Resource Center in concert with the Nature Conservancy, Northeast Seafood Coalition's Gloucester Fishing Community Preservation Fund and the Cape Cod Commercial Hook Fishermen's Association's Cape Cod Fisheries Trust).
<p>SOCIO-ECONOMIC CONSIDERATIONS</p> <ol style="list-style-type: none"> 1. Please provide reports on landings, revenue, discards and number of active vessels. Fishermen are generally concerned about the devaluation of permits and vessels and further consolidation. 	<ol style="list-style-type: none"> 1. Shortly after the start of the fishing year, when fishing vessels had completed fishing trips and sufficient data became available, we began posting landings data for both common pool and sector vessels on our website. We recently posted revenue data on that site. Landings data will continue to be updated weekly throughout the fishing year and revenues data will be posted after all dealer and vessel trip reports have been received and reviewed. To view this information, please visit our website: http://www.nero.noaa.gov/ro/fso/MultiMonReports.htm

Issues and Concerns Raised	Response
<p>SOCIO-ECONOMIC CONSIDERATIONS (CONT'D)</p> <ol style="list-style-type: none"> 2. The overhead costs for sectors are too high. What is going to happen when government subsidies are no longer available to cover some of these costs? 3. New monitoring and reporting requirements present a proportionally greater burden on day boats rather than trip boats, lengthening the fishing day, increasing exposures to hazards. The flexibility is gone. 4. Monitoring is demeaning, assumes fishermen are criminals. 5. A request was made that NOAA host a socio-economic workshop to see how things are going. 	<ol style="list-style-type: none"> 2. When the Council developed these regulations, it stated that the cost of dockside and at-sea monitoring was to be covered by the fishing industry. For the 2010 fishing year, NOAA and Congressional funds were made available to cover these costs. We also requested funding to cover these expenses in 2011. NOAA Fisheries Service will work with the Council to seek efficiencies in sector management that will decrease the overhead costs associated with sectors. It is anticipated that overhead costs will decrease following the first year of sector operations. 3. NOAA Fisheries Service has attempted to reduce the reporting burden on vessel operators by enabling operators to declare their intent to fish up to 9 days in advance of each trip and to confirm their VMS declarations rather than require vessel operators to enter a new VMS declaration prior to each trip. The Council is considering revisions to these management measures in Framework 45, which could alleviate some of the reporting burden on small-boat fishermen. 4. The requirement for dockside monitoring was supported at the Council by members of the fishing industry as a means to ensure that each sector was not misreporting catch. 5. We are conducting a socio-economic analysis over the course of this first year of sector implementation. A workshop was held targeting vessel operators and crew as part of Fish Expo in New Bedford in April, 2010. Unfortunately turnout for the event was low. A preliminary report as part of this study was released on August 2, 2010. This is included in the NEFSC Reference Document series and entitled, "A survey of social capital and attitudes toward management in the New England groundfish fishery." The document is available online at: http://www.nefsc.noaa.gov/publications/crd/crd1012/
<p>FISHERIES SCIENCE</p> <ol style="list-style-type: none"> 1. Is it true that sector management should reduce management uncertainty in the future? 2. Fishermen need to be made partners in undertaking the science that informs fisheries policy. 	<ol style="list-style-type: none"> 1. Management uncertainty involves the ability of the fishery to meet its targets. Sectors should reduce management uncertainty because of the additional reporting required and the regulatory leverage that can be applied to ensure that sectors' ACLs are not exceeded. These factors make it easier to correlate activity with landings as opposed to DAS management. Reducing this uncertainty also has the potential to allow the Council to increase ACLs. 2. Fishermen are an integral part of the Northeast Cooperative Research Program, now entering its twelfth year. The program is a varied, multi-million dollar effort that brings fishing and research professionals together to improve fisheries science and management. Each project funded is developed by researchers and fishermen. The research priorities are established

Issues and Concerns Raised	Response
<p>FISHERIES SCIENCE (CONT'D)</p> <ol style="list-style-type: none"> 3. Do fishermen have access to the data generated when their vessel is used as a research platform and can they register contrary opinions? 4. Stock assessments need to be done more frequently for groundfish stocks. Concerns were raised over the new rule which prohibits retention of Southern New England winter flounder. Belief prevailed that NOAA's survey does not adequately sample inshore waters. 	<p>through strategic planning with the industry and through the federal fishery management councils. Industry involvement in stock assessment meetings, both by fishermen and consultants hired by fishing businesses, has increased in recent years. We also have formal meetings with industry members prior to benchmark assessments. Benchmark assessments, in contrast to assessment updates, include peer review of the selection process for data and methods to be used in the assessment, as well as the assessment results.</p> <ol style="list-style-type: none"> 3. Yes and yes. Data gathered and provided to the government can be accessed as soon as the data are audited to ensure quality, sometimes with restrictions on metadata so that the confidentiality is maintained for data that can be attributed to individual fishing businesses. Data gathered under research grant projects may have other restrictions agreed upon by the partners doing the work. The data and the work done by the government using the data are subject to the Information Quality Act, and in the case of stock assessments to a very public peer review process. Any citizen can request correction of erroneous data under the Information Quality Act. Stock assessment review meetings provide opportunities for the public to comment as do fishery council meetings. Regulatory changes made because of new findings are subject to public comment periods prior to implementation. <p>A vessel owner can also receive all data for trips observed through the Northeast Fisheries Observer Program (NEFOP) aboard his or her vessel, and can then submit comments to the NEFSC (on paper or electronically) on observed tows, such as species composition, estimated or extrapolated weights, gear or fishing conditions that may be out of the ordinary.</p> <p>NOAA's Northeast Cooperative Research Program posts many final reports for its projects online, as do its partner cooperative research organizations, including the Commercial Fisheries Research Foundation and the Northeast Consortium.</p> <ol style="list-style-type: none"> 4. The frequency of a stock assessment for any given species is governed by priorities for upcoming management actions and the availability and sufficiency of new information to measure changes in abundance since the last assessment. NOAA Fisheries Service and the Councils are presently developing a new approach to the timing of stock assessments in the Northeast to better tune development of information used for management with the biology of the managed stocks.

Issues and Concerns Raised	Response
<p>FISHERIES SCIENCE (CONT'D)</p> <ol style="list-style-type: none"> 5. Improved fish modeling and population dynamics should be the focus for the agency, not catch shares. 6. Environmental factors like runoff and water treatment plant (discharge of heated water and/or pollution) should be incorporated into stock assessments. 7. Stock assessment workshops, council meetings, etc. should be YouTubed. 	<p>June 2011 is the target date for the next assessment of all three winter flounder stocks. That assessment uses survey data from the NOAA bottom-trawl survey, as well as data collected in state-sponsored inshore surveys off Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Delaware, along with biological data obtained at sea by fishery observers aboard commercial vessels, and data obtained dockside from samples of the landed portion of the catch. Additional winter flounder samples have been obtained through the Northeast Cooperative Research Program's survey sweep studies and by its study fleet vessels.</p> <ol style="list-style-type: none"> 5. NOAA's Fisheries Service is charged with ensuring that the best available scientific information is used by managers to develop fishery management plans and that these plans are in compliance with all applicable laws, so we must focus on both areas. While the agency encourages councils to consider catch share-based programs wherever appropriate, the agency implements a variety of management measures around the country and is not limiting its focus to any single approach. 6. Localized environmental impacts such as heated water, eutrophication, and industrial discharges are incorporated into assessments, but indirectly. These effects are addressed by including data from multiple inshore surveys, especially those conducted by individual states that cover waters most likely to be experiencing these conditions. If, for example, pollution reduces recruitment success of a species, such as winter flounder, the consequences are incorporated into the model via reduced estimates of new recruits to the population. Environmental effects that may reduce growth rates are also incorporated into the assessments by altering average weights at age. Direct effects of habitat loss whether inshore or offshore, are not presently incorporated into assessment models but this is an active area of research in both government and academia. 7. At present, we do not have a good way to live-stream assessment workshops owing to their length and the required bandwidth to stream them. Similarly, video files for download would be massive, making storage, display and transfer impractical for most users. However, as technology improves and costs are reduced, video of the proceedings will come online. Stock assessment workshops are currently available though audio conferencing and in some cases, WebEx conferencing. Audio of New England and Mid-Atlantic Council meetings is available for download shortly after each meeting.

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<p>DISCARD CALCULATIONS</p> <ol style="list-style-type: none"> 1. NOAA Fisheries Service needs to clearly explain discard rate calculations and how they are being applied. 2. A request was made that the industry be allowed to discard unmarketable, damaged fish at sea. Could it be weighed and measured onboard and then discarded so it doesn't mix with good fish? 3. It was reported that discards of Southern New England winter flounder and yellowtail flounder are up in the fishery. 4. Can the vessel level discard data be turned around and provided to the vessel owner/captain more quickly? Quick turnaround allows a captain to review for errors while the memory of the trip is still fresh. 5. A concern was raised that squid observers are being paid for 2 days of work, when only working 1 day. 6. Observers are taking too long to weight fish – it deteriorates the quality of the product being landed, decreases the chance of survival of released fish and slows my fishing down. 	<ol style="list-style-type: none"> 1. NOAA Fisheries Service staff has discussed this issue as part of weekly and biweekly calls with sector managers and at several sector implementation workshops over the past year. A new information sheet is now available on our website, which explains the discard calculation methodology. http://www.nero.noaa.gov/nero/regs/infodocs/DiscardCalculations.pdf. On September 8 the agency held a meeting with sector managers to further explain the hows and whys of the discard estimation. Details about that workshop can be found at http://www.nero.noaa.gov/sfd/sectordataworkshop9.html 2. NOAA presented this issue to the Council's Groundfish Committee on June 17, 2010. Options for addressing this issue are being identified. NOAA Fisheries Service is developing new rules for FY 2010 granting additional exemptions to sectors, which will include an exemption for discarding unmarketable fish at sea. To provide comments on these proposed sectors please visit the Federal Register site http://www.nero.noaa.gov/nero/regs/frdoc/10/10Mul2010SectorOpsPlansPRreopen.pdf 3. The industry observation was noted. 4. NOAA Fisheries Sampling Branch will send out data release forms to monitors so captains can immediately request copies of unedited observer data. 5. This issue relates to a trip that is more than 24 hours, but less than 30 hours. Under this particular contract, observers are paid in full seaday rates (they are not pro-rated to the hour). Observers do not make a regular salary pay, but rather are paid by the seaday when at sea. Gear must be deployed or hauled during the trip, and/or for a full day's pay the number of hours away from the dock must exceed six hours. A captain made a comment that a trip was landing on the next calendar day but had not met the six hour minimum criteria for a second day's pay - so essentially the observer was not going to get paid for that second day at sea unless they had put in at least six hours. The observer should not influence the captain's trip decisions and should not even be discussing these terms of payment, but apparently they mentioned that if they were out for an hour longer, they would make the second day pay. This is an issue related to the contract structure in how NOAA Fisheries Service pays for the observer's time on a trip. The inappropriateness of a comment such as this was discussed with the observer service provider. 6. Observers' primary duty is to obtain reliable estimates of the weight of the total catch during the trip and, in particular, weights by species and discard reason while at-sea. Observers must select the sampling method that works best for the particular trip based on the volume of fish

Issues and Concerns Raised	Response
<p>DISCARD CALCULATIONS (CONT'D)</p> <ol style="list-style-type: none"> 7. When does the assumed discard rate get replaced by observed rate? 8. In Narragansett, fishermen noted that they were being charged for fish that they aren't catching in their region (yellowtail and grey sole), can these figures be added back into their Annual Catch Entitlement? 9. Since discard rates are based on average of all vessels there is no incentive to fish clean. 10. Fishermen are not noting discards on their VTRs for fear of retribution. 	<p>being brought onboard, species composition, available time, lighting, and space, etc. Their sampling should be adapted to the vessel's routine to minimize the effect on the processing and minimize the mortality of discards. Observers should collect required information but not prolong time that fish are exposed or on deck, and these operation aspects will be further stressed in observer training and debriefing.</p> <ol style="list-style-type: none"> 7. For fishing trips that are observed, the actual discards from that trip are used. For an entire sector, after five trips are observed within a sector, in the same stock area and using the same fishing gear, the observed or inseason rate is applied. Prior to that a combination of data from last year and the observed trips from this year determines a transition ratio. Once five trips are observed, the observed ratio is applied retroactively to replace the initial discard estimated based on the assumed or transition ratios. 8. All sectors, regardless of the area they are fishing in, receive a discard ratio for every stock. This is done on a stock area and gear basis. Some species such as grey sole are managed as a unit stock, and thus discards are applied to the sector's Annual Catch Entitlement (ACE) regardless of where the sector's vessels are fishing. As trips are observed in the sector, the observed ratio will reflect the discard rate in the area the sector actually fishes. Thus, if a sector never catches or discards grey sole, the observed ratio should be zero. Again, once enough trips are observed by gear/stock area, the observed ratio is applied retroactively to replace initial estimates based on assumed or transition ratios. Other species such as cod, haddock and yellowtail flounder are managed as multiple stocks. The sector's discard ratios for these fish are stock-area specific. Observed discards from sector trips in that stock area are used to calculate the discard ratio for the entire sector for the stock area. 9. Because the same discard rate applies to all sector members fishing the same gear type, there is an incentive to fish cleanly. The activities of one vessel impact the entire sector. The smaller the discards on observed trips, the lower the discard ratio is for the entire sector. Sector managers may work with their members to reduce discards and increase the shared opportunity for landings. Estimates for stock assessments are based on discard rates from observed trips. If discard rates in unobserved trips are higher, the assessments will be based on biased data, and retrospective patterns may occur. These contribute to higher uncertainty and potentially lower ACLs. 10. Vessels are required to report discards on their VTRs. However, discards reported on VTRs are not used in the discard ratio calculations for a sector. Part of the impetus behind sectors was

Issues and Concerns Raised	Response
<p>DISCARD CALCULATIONS (CONT'D)</p> <p>11. A few fishermen stressed that they remain concerned about regulatory discards, even though sectors are required to keep all legal size fish.</p>	<p>to reduce regulatory discards. However, we recognize that under any type of management system some discarding of fish occurs and this is accounted for in our stock assessments.</p> <p>11. It is prohibited to land some stocks with very low ACLs this year, which may lead to regulatory discards when those stocks are caught. This is intended to provide a disincentive to target species mixes in which prohibited stocks (or size classes) occur, and an incentive to fish in other areas or with other gears that do not capture the prohibited stocks or sub-legal sized fish. Prohibiting retention of stocks with very low ACLs also reduces the catch of these stocks to the lowest level possible without prohibiting fishing. Gear restricted areas can minimize the catch of these stocks as well. Trading of DAS or ACE enables fishermen to secure more allocation to continue fishing if regulatory discarding is unavoidable.</p>
<p>AT-SEA MONITORS (ASM)</p> <p>1. NOAA needs to publicly share ASM training requirements. A letter should be sent to vessel captains explaining the role of the ASM.</p>	<p>1. The At-Sea Monitoring Program is a new program designed for the 2010 groundfish fishing year, but is closely coordinated with the NEFOP, which has been observing domestic commercial fisheries since the 1980s. The ASM training curriculum is 10 days long. Candidates must pass a full background check for security, pass a physical exam, and be CPR and first aide certified. The training includes 2.5 days of vessel safety and at-sea emergency preparedness and survival. Fish identification is reviewed extensively; a pre-study package is sent to qualifying candidates, hands on sessions are offered throughout the training using a combination of fresh specimens, live fish at an aquarium, fish mounts, field guides, and study sheets. Candidates must pass a fish identification exam, as well as other exams, complete homework assignments, and have full attendance to pass the class. Dock tours, fish plant visits, vessel orientations, and training trips on commercial vessels are all part of the training.</p> <p>Other parts of the training include a description of the fisheries that they will cover, gear characteristics, catch estimation and sampling, mesh-size measurement, discussion with industry members on shipboard etiquette, conflict resolution, how to complete the required paperwork and electronic data entry and submission, sampling gear maintenance and marine mammal, sea bird, and sea turtle identification. Before they are certified, ASMs must successfully complete three solo fishing trips, with performance on each trip reviewed before the ASM is allowed to be re-deployed. Comment cards also are distributed to the industry and at least 10 percent of the captains are interviewed. Observers carry a "Duty Sheet" that describes their responsibilities and role. They also carry a "Letter of Introduction." More</p>

Issues and Concerns Raised	Response
<p>AT-SEA MONITORS (ASM) (CONT'D)</p> <ol style="list-style-type: none"> 2. There should be greater emphasis on species ID in ASM training. 3. Pre-trip safety inspections are duplicative of the U.S. Coast Guard (USCG) inspection and unnecessary. 	<p>information about the Observer Program, including training agendas, pre-training requirements, "ASM Fact Sheet", and Frequently Asked Questions, is available at this website: http://www.nefsc.noaa.gov/femad/fishsamp/fsb/</p> <ol style="list-style-type: none"> 2. In order to individually monitor 17 sectors, we had to train a large number of ASMs. In the first few months of the fishery, 127 ASMs were certified. Approximately 80% of the ASMs had prior experience as observers, but many were not from the Northeast. Within the training program, students are provided with a pre-class study package that includes a species list of commonly caught animals. In addition, a minimum of 12 hours are devoted to fish, mammal, sea turtle, and sea bird identification, with evening study sessions that include biological samples, fish mounts, and aquarium specimens. Special study guides emphasizing key characteristics and common names have been developed by the program. After initial training, observers must participate in a species verification program. The observer must send in fish specimens and photographs of fish species, and training staff check to ensure the observer is properly identifying species. In addition, as part of the shadow trip program, experienced staff members accompany observers during a trip to ensure proper policy and procedures are being followed, including proper species identification. If these efforts prove inadequate to train specific individual observers, we would appreciate feedback via the comment cards, which can be obtained from observers. 3. ASMs are required to complete a Pre-Trip Safety Check of the emergency equipment (required by the USCG and the Magnuson Act) and to review emergency instructions with the operator prior to the vessel departing port. The USCG Commercial Fishing Vessel Safety Inspection Decal indicates that the required equipment was present at the time of inspection (which could have occurred up to 2 years ago), but some life saving gear is transportable, so its presence must be verified for each trip. <p>There are some steps that can be taken to reduce the amount of time the inspection takes. For instance, if a vessel captain can share a copy of the USCG decal paperwork, which includes the expiration date for the EPIRB hydrostatic release and battery, this may help reduce the time it takes to complete pre-trip safety inspections. In most cases, these checks should take no more than 15 minutes to complete.</p>

Issues and Concerns Raised	Response
<p>AT-SEA MONITORS (ASM) (CONT'D)</p> <ol style="list-style-type: none"> 4. What is NOAA doing about reports of mishandling of EPIRBs by ASMs? 5. Why is my vessel getting selected for observer coverage at rates greater than 38% (sector) or 30% (common pool)? 6. Sector captains selected to carry an ASM who cancel the selected trip should be required to take an ASM on their next trip otherwise vessels in the same sector receive an inordinate amount of ASM coverage on their fishing trips. 7. There should be a board of fishermen advising, providing feedback to the ASM program. 8. How should observers be estimating the catch weights of discarded species? 	<ol style="list-style-type: none"> 4. Observers (including ASMs) are forbidden from handling EPIRBs. Only vessel captains should handle EPIRBs. Staff from the Fisheries Sampling Branch has investigated individual complaints shared during outreach meetings and responded directly to the fishing vessel operators on their findings. Working with the USCG, the Fisheries Sampling Branch developed an EPIRB Visual Inspection Card, (printed on yellow postcard stock), where an observer may record the dates of the EPIRB hydrostatic release and battery when a visual inspection of the EPIRB is completed with the help of the captain. The card can be kept on the bridge and the captain can provide that to the next observer for their reference, rather than having to visually inspect the dates for every trip. This card is good for 90 days, unless the items expire prior to that. 5. The at-sea monitor selection process works on a stratum level, not a vessel level. A stratum is the combination of the sector, the stock area, and the gear used (and, if the gear used is gillnet, the mesh size). Therefore, the coverage rate is randomly applied to all vessels fishing within each stratum, which could result in some vessels being selected more often than others by chance. As the fishing year progresses, the random effects should diminish and coverage will become more even. If a vessel would like additional information on their selection history, please contact the Fisheries Sampling Branch at 508-495-2266. 6. We made some modifications to the Pre-Trip Notification Vessel Selection Program software to address this issue. Now, when a vessel that is assigned an observer cancels its fishing trip, it will automatically be assigned an observer on its next fishing trip. 7. There are opportunities to provide feedback to NOAA. Currently, captains can submit feedback on ASM performance via fishermen's comment cards, which they can obtain from the ASM, local port agent or from our website (click on Fisheries Comment Card or NEFOP Feedback Form in the box on the right hand side of the Observer Program's home page referenced above). NEFOP also is contracting with fishermen to better understand industry concerns, provide input and work cooperatively to resolve problems. This will help to improve communication, efficiency, and data quality of the program. Some compensation will also be provided for fishermen's time and travel costs. 8. ASMs use handheld scales (one for smaller weights of fish, one for larger weights) on as many tows as possible to weigh fish, recording to the tenth of the pound. While actual weights are preferred, for large volumes of catch, observers subsample a random 20% of the catch and weigh each species, by disposition (i.e. kept or discard reason category). This information is used to estimate weights by species for the rest of the catch. Discards of non-groundfish

Issues and Concerns Raised	Response
<p>AT-SEA MONITORS (ASM) (CONT'D)</p> <ol style="list-style-type: none"> 9. Aren't ASMs supposed to be just monitoring catch of regulated species? 10. Will there be a move to use video in place of ASMs? 11. Fishermen should be considered for employment as ASMs. 12. How do I see observer data collected on my vessel? 13. A concern was raised over the accuracy of observer rates of small amounts of fish over many tows – the scale does not compensate for movement of boat. 	<p>species are not used in the calculation of groundfish discards for quota monitoring.</p> <ol style="list-style-type: none"> 9. ASM's main priority is to get an estimate of groundfish, but he/she also needs weights of all fish caught, to estimate total catch. The ASM must record all kept and discarded catch (fish, sharks, crustaceans, invertebrates, and debris) on observed hauls and record kept catch on unobserved hauls, which includes species, weight, and disposition reason. More information on ASM's responsibilities can be found in our training manual and on our website under subhead "What to Expect During Training." http://www.nefsc.noaa.gov/femad/fishsamp/fsb/ 10. An electronic monitoring pilot program is underway involving 12 fishing vessels in New England. The primary goal of this collaborative pilot study is to work with groundfishermen to test the feasibility of adopting electronic solutions for catch reporting and monitoring requirements. The pilot study is designed to test video and sensor technology, to capture fishing events and quantify catch by species and disposition, and to compare these data with other data collected. The field component will continue for three years, with the first report by August 2011. 11. If a fisherman is no longer fishing and doesn't have a conflict of interest he/she can certainly apply to be an ASM. For more information on qualifications please visit our website. 12. Electronic data can be accessed at Fish-On-Line at www.nero.noaa.gov/NMFSlogin. For a hard copy of the observer data, captains should fill out a data release form provided and submitted by the ASM. These data are sent out within one week upon receipt of the release form. 13. Observers and ASMs are trained to use, calibrate and maintain two hand held spring scales (manufactured by Chatillon Precision Instruments). The small scale weighs up to 12 lbs in 2 oz increments; the large scale has a maximum of 100 lbs in 1 lb increments. When using the small scale, ASMs are trained to record weights to the tenth of a pound; if they're using the large scale, weights are recorded to the nearest pound. Training also includes how to take measurements on a moving boat, how to place fish on the scale, and how to tare or zero the scale. These techniques are reviewed during training trips and sampling workshops. NEFOP is conducting a pilot study on the use of motion compensated platform scales. We have purchased 20 Marel scales for the study. They are being deployed in the field on a variety of boats. Through user feedback, we are assessing the pros and cons of using this type of scale. Once the pilot study is completed we will determine where best to deploy this more sophisticated scale in the fisheries we observe.

Issues and Concerns Raised	Response
<p>AT-SEA MONITORS (ASM) (CONT'D)</p> <p>14. Why is observer coverage not just set at 10%, heard that is really all that is needed for scientific purposes?</p> <p>15. What happens if an observer is late for a fishing trip?</p>	<p>14. The decision to target 30/38% of trips was based on a combination of factors: while 10% coverage may be adequate to characterize discards over broad components of the fishery, additional coverage is required to characterize discards on a sector by sector/common pool basis. This becomes especially important if the sector is very small, includes many different gear types and/or fishes in many different areas. Monitoring ACLs, especially sector by sector, requires accurate and precise estimates for each sector. As more trips are sampled, the estimates become less variable and the likelihood of bias (e.g., due to change in vessel behavior when an observer is present) decreases. This reduces the chance that the ACLs will be exceeded.</p> <p>15. If the observer fails to arrive at the scheduled sail time and/or place, the vessel captain should call the appropriate program manager to ensure that the observer has received the proper trip information. If the vessel has provided accurate and clear information on departure time and location, and the program manager cannot be reached, the captain can call the PTNS Coordinator for a verbal waiver, (if the PTNS voice mail is reached, leave a detailed message), and get underway. The PTNS Coordinator can be reached at 508-495-2309 during business hours, or at 508-681-9104 after hours or for urgent issues like this. Observers with unexplained or unacceptable reasons for being late will face disciplinary action. There is a "Late Observer Policy" available on the Observer Program's website. Observer Service Provider Program Managers:</p> <p style="padding-left: 40px;">AIS (ASM) – Lauren Wahl, 508-742-5510 AIS (NEFOP) – Gwynne Schnaittacher, 774-200-1504 EWTS (ASM) – Karl Cygler, 860-223-5165 MRAG Americas (ASM) – Bryan Belay, 877-768-7121, 888-425-8772</p>
<p>Exactly how much GB cod and haddock can be carried over each year?</p>	<p>A sector can carry over up to 10% of unused ACE for each stock except GB yellowtail flounder. Any carryover of Eastern GB cod or Eastern GB haddock must be harvested from outside the Eastern U.S./Canada Area.</p>
<p>In southern New England waters, some fishermen are seeing more cod especially in summer -- Is there a way to get an incidental bag limit to bring them in recreationally?</p>	<p>Recreational fishing is prohibited on commercial trips. This is necessary because the minimum size, possession limits, and gear restrictions are very different for these two fisheries and it would be impossible to enforce two sets of rules on a single trip.</p>

Issues and Concerns Raised	Response
When do trimesters go into effect for common pool?	Beginning in 2012 trimester quotas for each stock, inseason trip limit adjustments, triggered closed areas, and quota deductions following an allocation overage will become effective for common pool vessels. In addition, common pool vessels will be subject to dockside monitoring requirements.
VESSEL OPERATOR/CREW OUTREACH <ol style="list-style-type: none"> 1. In both Portland and New Bedford it was suggested that there needs to be a more concerted outreach effort to target vessel operators and crew. Often information is sent to the vessel owner not the captain. 2. A suggestion was made for establishing an ombudsman or a more continuous policy for soliciting feedback from fishermen beyond these outreach meetings. 	NOAA is in the process of developing a Northeast Region outreach plan. We are also trying to identify the best means for contacting vessel operators and welcome ideas from industry members.
COUNCIL BIAS <ol style="list-style-type: none"> 1. In Gloucester, Portland, and New Bedford, comments were made about the Council being biased, favoring those who have the resources to participate. 2. Concerns were also raised that those on the Council can more heavily influence management decisions based on their own special interests. 	The Council process is an open and public process established by Congress. Council members are recommended by State governors and subject to approval by the Secretary of Commerce. Ultimately, the goal of the Council system is to allow industry members to make decisions about how to allocate and manage resources within the laws developed by Congress. It is an open process where the public may comment and lobby for their issues. The public may also lobby their governor to nominate different Council members if they feel their current Council members do not represent them. Ultimately, the Council is a small group that must manage the multiple competing interests of a very diverse industry.
DOCKSIDE MONITORS (DSM) <ol style="list-style-type: none"> 1. Can a vessel offload non-allocated live catch upon landing (e.g., Saturday night) without a DSM present and wait to offload allocated catch with the DSM present on Monday? 2. It is wasteful to select a vessel that has already carried an ASM. The monitoring 	<ol style="list-style-type: none"> 1. No. All offloads must be observed if the trip is assigned a DSM. 2. We are looking at this now. However, it is important to recognize that the two programs (at-sea and dockside monitoring) are set up to capture different information and the two programs cannot directly substitute for one another.

Issues and Concerns Raised	Response
<p>DOCKSIDE MONITORS (DSM) (CONT'D) benefit has already been realized.</p> <p>3. Vessels should receive a confirmation number from their DSM companies verbally that the company knows they are starting and/or returning from a fishing trip and will require a DSM to meet them at the dock when they return to observe their offload of fish. This is not currently happening.</p>	<p>3. DSM providers are under contract with sectors to provide DSM services. Non-performance by the DSM may be handled by sector managers in accordance with contract terms.</p>
<p>MONKFISH A concern was raised that gillnetters have to use a groundfish DAS to fish for monkfish, a request was made about a possible exemption for fishermen who don't fish for groundfish but fish for monkfish in the southern area.</p>	<p>Monkfish Category C, D, F, or H permit holders who also possess a NE multispecies or scallop limited access permit must use either a NE multispecies DAS or scallop DAS whenever a monkfish DAS is used, regardless of where the vessel is fishing. Only the Council has the authority to decouple the DAS associated with these FMPs. NOAA Fisheries Service does believe that a southern boundary for dockside monitoring should be considered and intends to raise this to the Council. Until the current rules are modified, monkfish vessels that are using a groundfish DAS must follow the sector requirements for groundfish trips. There are some exceptions; to learn more about what constitutes a sector trip please click on the following link: http://www.nero.noaa.gov/nero/regs/infodocs/SectorTripInfoSheet.pdf More information on monkfish regulations as they relate to this year's groundfish measures can be found here: http://www.nero.noaa.gov/nero/regs/infodocs/SectorsMonkfishInfoSheet.pdf</p>
<p>HAILS</p> <p>1. Shore to ship confirmations in SkyMate are taking too long.</p>	<p>1. We are aware that there have been some long delays, and in some cases, failed transmissions of VMS message confirmations from the dockside monitor back to the vessel. We have been working with the VMS providers to identify potential causes to resolve this problem. The VMS providers are required to maintain a (ship to shore) standard for message communications of 'no less than 97 percent within 15 minutes from the time sent to the time received by NOAA Fisheries Service'. So, a small amount of excessive delays can occur. For shore to ship transmissions, the VMS standard is to wait a minimum of 30 minutes from the time sent until confirmation is received. Our investigations into issues involving SkyMate include: 1) Its satellite provider operates a Low-Earth Orbit system in which satellites may not be continuously in view that can experience higher overall latency than a geo-stationary system;</p>

Issues and Concerns Raised	Response
<p>HAILS (CONT'D)</p> <ol style="list-style-type: none"> It was suggested that there be broader communication that hails need to be phoned in. Vessel Monitoring System (VMS): How does it work if you are switching fisheries on the same day, do you have to make separate declarations and use different DAS? 	<p>and 2) back-up power to the SkyMate VMS (satellite communicator mounted on the vessel) is important during brief periods when external power is lost to ensure that all incoming messages are received and displayed on the PC.</p> <ol style="list-style-type: none"> The use of VMS to send required hails is optional. Sector operating plans should detail the methods that may be used. We have produced a fact sheet to clarify hail procedures. Please visit our site: http://www.nero.noaa.gov/nero/regs/infodocs/SectorHailRequirements.pdf All VMS declarations into a fishery must be made prior to leaving port and crossing the VMS demarcation line to begin a fishing trip. Therefore, if switching fisheries, a vessel has to return to port and re-declare into a new fishery. The VMS declarations associated with the NE multispecies FMP allow limited flexibility in modifying VMS declarations while at sea. For more information, please contact the Northeast VMS team at 978-281-9213.
<p>GENERAL REPORTING ISSUES</p> <ol style="list-style-type: none"> Some concerns were shared about duplication in reporting. Why do we need VMS if fishermen are producing catch reports? There were concerns over the increased frequency of reporting. This is an added burden on fishermen -- now weekly vs. monthly. Why is this necessary; if you are not going groundfish fishing, you shouldn't have to submit a report at all. 	<ol style="list-style-type: none"> Some redundancy in reporting is necessary in order to provide catch data in a timelier manner and to validate the data collected. VMS declarations and catch reports are needed for more directly matching data and determining the area fished and catches by area until VTRs are received. We are working to reduce the paperwork that has to be submitted by fishermen where we can. As the VMS system evolves, redundant reporting by paper or call-in may be eliminated. The Magnuson-Stevens Act requires the establishment of a separate quota for each groundfish stock and corresponding accountability measures if these quotas are exceeded. Therefore, the agency must more carefully monitor catch levels to minimize the risk of overages and the need for quota reductions in the next fishing year. NOAA Fisheries Service increased the reporting frequency for VTRs to capture this information on a timelier basis. To make it easier for fishermen to submit their "Did Not Fish" report, we have created a new option on our electronic reporting page, Fish-on-Line, so these reports can also be submitted electronically. To access Fish-on-Line please visit our website: https://www.nero.noaa.gov/NMFSlogin/

Issues and Concerns Raised	Response
<p>ENFORCEMENT</p> <p>There was a concern that with all the new systems and procedures, the potential for mistakes is high. How tough is the agency going to be on fishermen given this learning curve for everyone? A request was made that a process be established to inform industry what actions may result in a penalty and what those penalties will be.</p>	<p>We recognize that sector management is a new way of doing business for many people. On top of this, the agency was required to impose restrictive catch limits on several stocks to achieve rebuilding, which is expected to generate higher revenues for the fishing industry in the future. However, we realize that with so many new requirements, some fishermen are finding it difficult to keep up with these changes. Our first priority is to educate fishermen on the new regulations. That is why our field staff have been involved in a comprehensive outreach effort to increase awareness of all the new requirements that went into effect on May 1.</p>
<p>QUOTA MONITORING</p> <ol style="list-style-type: none">1. NOAA should support vessel level ACE transfers.2. When and where can you find landings data to match available annual catch limits?	<ol style="list-style-type: none">1. Under sectors, groups of fishermen agree to cooperate through a formal agreement, and based on their collective fishing history are awarded a share of the total available catch for a given fishing year. Sectors are free to divide that allocation up among their respective members in any manner they chose. However, most have chosen to divide up their allocation among their members based on what they contributed through their catch history to the collective allocation. Despite this decision by sectors to allocate their quotas in this manner, sectors are not individual fishing quota (IFQs) and NOAA will only be tracking the allocation given to individual sectors. NOAA Fisheries Service cannot approve and implement vessel level catch entitlements and transfers until the Council first develops and recommends an ITQ fishery, following a referendum required by the Magnuson-Stevens Act.2. We are now posting aggregate landings data on a weekly basis. This information can be found on our website at: http://www.nero.noaa.gov/ro/fso/MultiMonReports.htm

Issues and Concerns Raised	Response
<p>QUOTA MONITORING (CONT'D)</p> <p>3. A suggestion was made that trimesters should be instituted immediately to slow the catch of groundfish stocks like cod for the common pool because the quota is so small.</p>	<p>3. The Council provided the NOAA Regional Administrator the ability to make inseason adjustments to the quota if necessary to maintain the supply of fish as long as possible throughout the fishing year. The current inseason measures available to the Regional Administrator are trip limit and differential DAS adjustments. Trimester quotas are not an option at this time. Trip limits have already been utilized for the following stocks: pollock, witch flounder, GOM haddock, GB haddock, GOM winter flounder, GB winter flounder, and GB yellowtail flounder. Click on the following links to learn more</p> <p>http://www.nero.noaa.gov/nero/nr/nrdoc/10/10Mul5StockPosLimit.pdf http://www.nero.noaa.gov/nero/nr/nrdoc/10/10MulCommonPoolSectorACLACEs.pdf http://www.nero.noaa.gov/nero/nr/nrdoc/10/10PollockFY10RevisedACLs.pdf http://www.nero.noaa.gov/nero/nr/nrdoc/10/10MultiCommonPoolTripLimitReduction&GearRestriction.pdf http://www.nero.noaa.gov/nero/nr/nrdoc/10/10PollockWitchFldCodTripLimit.pdf http://www.nero.noaa.gov/nero/nr/nrdoc/10/10MulComPoolVesDASRateNoWFld.pdf http://www.nero.noaa.gov/nero/nr/nrdoc/10/10GOMGBTripLimitsUSCanTrawlRest.pdf</p>
<p>SECTOR REPORTING</p> <p>1. Sector managers are having a difficult time keeping up with the paper chase. Reporting needs to be more consistent and repeatable. Dealer reporting is spotty. Enforcement action may be needed.</p> <p>2. One sector manager stated that the Sector Information Management Module (SIMM) data are good, but weekly dealer data not.</p>	<p>1. Prior to the rollout of sectors, we conducted an extensive outreach effort targeting seafood dealers. This resulted in an improvement in the quality and timeliness of dealer reporting. We also have instituted a new procedure to more closely monitor dealer reporting performance. However, we still need help from sector managers to encourage dealers to submit complete, accurate and timely reports weekly.</p> <p>2. For more information on SIMM please visit our website. http://www.nero.noaa.gov/sfd/sectordocs/SIMMUser'sGuide.pdf</p> <p>(NOTE: SIMM is the software interface between the sector manager and NOAA Fisheries Service that allows the sector manager to perform data management tasks.)</p>

Issues and Concerns Raised	Response
<p>SKATES</p> <ol style="list-style-type: none">1. Skates should be made a priority and the discard rate should be recalculated.2. How does the exempted fishery work?	<ol style="list-style-type: none">1. We base our priorities for re-examining discard rates on seasonality of each species. We are working now to develop new discard ratios for several trawl and fixed gears. For more information on skate and multispecies regulation interactions please visit our website: http://www.nero.noaa.gov/nero/regs/infodocs/NEskateInfoSheet.pdf2. A holder of a federal skate permit may request and receive from the Regional Administrator an exemption from the skate wing possession limits to land whole skates for use as bait. The exemption is granted in a Letter of Authorization (LOA) and can be obtained from the Permit Operations Office at (978) 281-9370. The Skate Bait LOA does not exempt the participating vessel from DAS requirements of the NE multispecies, monkfish, or scallop fisheries. Therefore, unless a skate bait vessel is fishing in a skate exemption area or is fishing with exempted gear (as defined in the NE multispecies regulations); it must still fish on a NE multispecies, monkfish, or scallop DAS.