

AMENDMENT 4 TO THE SUSTAINABLE HARVEST SECTOR 3, SECTOR OPERATIONS PLAN

APPROVED BY NOAA'S NATIONAL MARINE FISHERIES SERVICE JANUARY 18, 2023
EFFECTIVE JANUARY 18, 2023, THROUGH APRIL 30, 2023

This document adds three new sections; sections 2.11, 2.12, and 2.13, in this operations plan contained in "Article 2 – Membership" as follows:

"2.11 AGREEMENT THAT SECTOR SERVICES MAY BE SUSPENDED FOR FAILURE TO PAY PAST DUE DEBT

Sector members agree that the Sector may suspend a Member's services for failure to pay past due debt, including but not limited to ACE trading privileges, voting privileges, funding of observed trip costs, sector reporting to the member, and sector consultative services. Suspensions may be implemented by the Sector Manager, but must then be ratified by vote of the Sector Board within 10 days of implementation.

2.12 AGREEMENT THAT ACE MAY BE USED COLLATERAL FOR PAST DUE DEBT

Sector members agree that any fraction of the Sector's ACE assigned to the Member's account may be reclaimed by the Sector to pay the Member's past due debt to the Sector. Any reclamation must be approved beforehand by vote of the Sector Board.

2.13 AUTHORITY OF SECTOR BOARD TO MAKE PROCEDURAL CHANGES TO MEMBERSHIP AGREEMENT AND OPERATIONS PLAN

Sector members agree that the Sector Board is authorized to make procedural and non-substantive changes to the sector Membership Agreement and Operations Plan without prior consultation with the membership. Members will be informed of changes within 10 days of enactment. Procedural and non-substantive changes are intended to clarify a rule, but not materially modify it. Examples include but are not limited to correcting typos, removing duplicative text, adding clarifying text, and reordering sections of the Agreement and Plan."

This document adds language in **bold** in this operations plan under "2.2.1: Monitoring" contained in "2.2. Monitoring" as follows:

"All participating vessels will provide a legible copy of the VTR and the dealer's weigh-out receipt(s) to the Sector Manager within 24 hours after offload.

*All participating vessels will transmit the Trip Start and Trip End Hail to NMFS. **All vessels will transmit Daily VMS Catch Reports as required by the NMFS.***

All participating vessels will participate fully in the Northeast Fishery Observer Program, the At Sea Monitoring Program, and/or an electronic monitoring program as required by the Sector and the NMFS."

This amendment strikes all language in this operations plan under "2.2.9.1: Failure to Comply At-Sea Monitoring Requirements" contained in "2.2. Monitoring" and replaces it with the following:

“2.2.9.1: Failure to Comply with Observer Requirements

If the sector is informed of a potential violation of any regulations that govern the NEFOP, At-Sea Monitoring, or electronic monitoring programs (including but not limited to: vessels failing to provide adequate notification prior to departing, failing to take an observer or activate an electronic monitoring system, incidents of observer interference, harassment, intimidation, or obstruction), the sector manager will conduct an investigation of the alleged violation. The written investigative report will be provided to the sector member and to the NMFS.

If a violation places the sector’s ability to comply with requirements of the ASM program in jeopardy, the member will be subject to the penalties described under VIOLATIONS REGARDING OBSERVER REQUIREMENTS in Section 5.15.”

This document amends the row “Violations Regarding ASM and EM Requirements” in the table “Penalty Schedule” in this operations plan contained in “5.15 Schedule of Penalties” to the following:

<i>VIOLATIONS REGARDING OBSERVER REQUIREMENTS</i>			
<i>Observer violations, or violations which place the sector's ability to comply with requirements of observer programs in jeopardy.</i>	<i>Written warning, up to \$5,000 fine</i>	<i>Written warning, up to \$10,000 fine, and up to Stop Fishing notice until remedy implemented</i>	<i>Written warning, up to \$30,000 fine, and up to Stop Fishing notice until remedy implemented</i>