



NOAA FISHERIES

Sector Operations Plan, Contract, and Environmental Assessment Requirements



FISHING YEARS 2023-24

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NOAA FISHERIES
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

| Greater Atlantic Region



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Introduction

Each sector is required to submit an operations plan and contract to NOAA's National Marine Fisheries Service (NOAA Fisheries) by OCTOBER 19, 2022, for fishing year (FY) 2023, which starts on May 1. Each sector must do this to be considered for approval to fish, and to be allocated annual catch entitlements (ACE). The operations plan shows how the sector proposes to operate and may cover a period of 1 or 2 fishing years. (See the section [Submitting the Required Information](#) for more details about 1-year and 2-year operations plans.)

An appropriate National Environmental Policy Act (NEPA) analysis is necessary for all operations plans. NOAA Fisheries will prepare a NEPA document assessing the impact of sector operations for FY 2023 and 2024. We will review the information submitted with your FY 2023-24 operations plan and contract to ensure that the proposed activities are within the scope of what is being analyzed. This document provides guidance for preparing operations plans, sector contracts, and the required information for the NEPA document.

Confidentiality

The information required in the operations plan and NEPA document is not considered confidential information, as set forth in section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Versions of these documents will be available to the public upon publication of the proposed and final rules approving and implementing FY 2023 sectors, consistent with the Administrative Procedure Act, and final versions will be posted at the following web page:

[Fishing Year 2022 Sectors.](#)

Certain information required only for NOAA Fisheries use will be redacted in published versions.

Regulatory Basis

Amendment 16 to the Northeast (NE) Multispecies Fisheries Management Plan (FMP) made significant revisions to the requirements that apply to sectors, including expanding the requirements for operations plans. Subsequent framework adjustments have revised submission dates, monitoring requirements, and the list of exemptions sectors may request.

Citations that show you where you can find the corresponding regulatory requirements are included in this document.

Disclaimer

This document provides a plain-language summary of how to satisfy the requirements for each sector to submit an operations plan, contract, and the required information.

NOTE: Any language that NOAA Fisheries previously provided to the sectors is included (in italics) in the requirement descriptions in this document. This language must be included in the FY 2023 operations plan and contract, unless alternative language is approved by NOAA Fisheries in advance.

Submitting the Required Information

This section tells you what you need to know in order to fulfill the regulatory requirements for the operations plan.

What Information Do I Need to Provide?

Operations Plan

Each sector must submit a plan that explains how the sector will operate for the stated fishing period (1 or 2 years). The requirements for an operations plan are explained in this guidance document. You can find copies of previously approved operations plans from FY 2010-2022 on the web at the following web site: [Previously Approved Northeast Sector Operation Plans](#).

Contract

Sectors must submit a contract signed by all participants indicating their agreement to abide by the operations plan. The operations plan and contract may be a single document. However, some sectors choose to have separate documents for the operations plan and contract. Either of these approaches will satisfy the regulations, as long as you provide the required information.

NEPA Information

NOAA Fisheries will prepare a NEPA document, as discussed in the previous section, but each sector must contribute information to ensure that the proposed activities are within the scope of what is being analyzed. If necessary, we will develop a supplemental NEPA document to cover any activities not being analyzed. You must submit this information along with the operations plan and contract. Guidance for preparing the NEPA information is included in this document.

Sector Roster Information

Sector roster information is part of the operations plan and contract, but the sector submits the roster information separately. This allows the roster to be submitted later, giving permit holders more time to decide whether to join a sector for the following FY. Think of the sector roster information as Part II of the operations plan and contract. Guidance for preparing the sector roster information is included in this document.

When Do I Submit the Information?

Following are some critical dates to be aware of:

Operations Plan

An operations plan may cover a 1- or 2-year period. Operations plans must be submitted to NOAA Fisheries by OCTOBER 19, 2022 for Fishing Year 2023. If a 2-year operations plan is submitted and approved, a new operations plan does not need to be submitted for FY 2024. If an operations plan is submitted and approved for one year only, then that sector would need to submit a new operations plan for FY 2024 by OCTOBER 1, 2023.

Sector Contract

A preliminary sector contract also must be submitted by OCTOBER 19, 2022, along with the operations plan. Sectors must submit all documents that make up a sector contract or agreement, including any attachments or supplements, to NOAA Fisheries for review. All documents are necessary in order for NOAA Fisheries to fully consider each sector's operations plan for approval. Sector roster submissions need only include a signature page if other contract documents have been provided separately.

Sector Roster Information

A final signed sector contract must be submitted no later than 28 days (4 weeks) after FY 2023 PSC letters are issued to vessel owners, unless otherwise specified by NOAA Fisheries.

If an operations plan is approved for both FY 2023 and FY 2024, the sector's roster may change for FY 2024. Therefore, you must submit a sector roster each year, even if your operations plan has been approved for a 2-year period. The sector will be required to submit a sector roster for the second year (FY 2024) no later than 28 days (4 weeks) after FY 2024 PSC letters are issued to vessel owners.

NOAA Fisheries Rulemaking Information

NOAA Fisheries will solicit public comment on the operations plans by publishing a proposed rule in the Federal Register. After the close of the comment period, the Regional Administrator must approve, partially approve, or disapprove sector operations plans and publish a final rule in the Federal Register.

How Do I Prepare the Information?

Operations Plan

The operations plan must be prepared as a Microsoft Word file.

Contract

Each signature page for the contract must be submitted as a searchable (i.e., run Optical Character Recognition [OCR]) file in Adobe Acrobat format. If the contract is a separate document from the operations plan it must be prepared as a separate Microsoft Word file.

NEPA Information

The NEPA information must be prepared as Microsoft Word files, as explained below.

Sector Roster Information

The sector roster information must be prepared as a Microsoft Excel file.

Copies of the documents being used to meet the rule of three requirement should be submitted as a searchable (i.e., run Optical Character Recognition [OCR]) file in Adobe Acrobat format.

Where Do I Send the Information?

Send electronic copies of all documents to: [Kyle Molton](#) and [Samantha Tolken](#).

Preparing the Operations Plan

The operations plan and contract must contain all of the information listed in the following subsections.

- [General Provisions](#)
- [Monitoring Provisions](#)
- [Enforcement Provisions](#)

General Provisions

Listed in this section are administrative requirements for operations plans. The requirements fall into the following general categories:

- [Management and Membership](#)
- [Allocation of ACE](#)
- [ACE Management](#)
- [Discipline Procedures](#)
- [Reporting](#)
- [ACE Thresholds](#)
- [Other Administrative Requirements](#)
- [Confidential Data Statement](#)
- [Consolidation of ACE and Redirection of Effort](#)

The requirements for each category are detailed in the following sections.

NOTE: These categories are provided for ease-of-reference only. You do not need to create these categories in your operations plan; you need only include all the individual provisions of each category.

Management and Membership

The operations plan must include the following management and membership information:

- Clearly specify member (MRI) commitment is for the entire fishing year and the voluntary nature of membership. Sectors may submit operations plans for 1-year or 2-year periods (§§ 648.87(a)(3), 648.87(b)(1)(iv)(B), and 648.87(b)(2)).

- A list of members, including permit holders, MRIs, and vessels [§§ 648.87(b)(2)(i)]. Preliminary rosters are due 4 weeks after PSC letters are mailed out. Final rosters are due by May 1, 2023.
- The name of a designated representative or agent of the sector for service of process (§ 648.87(b)(2)(iv)). This must be a specific, named individual, that is, it is not acceptable to simply state “the manager.”
 - Sectors must also submit a document listing the members of the Board of Directors of the sector, and identifying one individual, other than the sector manager, who is able to act on behalf of the sector. This is necessary so that NOAA Fisheries knows who to contact if the manager is unavailable, and from whom to accept official communications on the sector’s behalf in addition to the sector manager. A single individual must be named. It is not acceptable to name a group.
 - The operations plan must also include a table of sector points of contact, and their responsibilities, as an appendix (see [Table 1](#) for an example; please note that the information provided in the table is for example only and does not represent an actual sector). This will ensure that we contact the proper sector staff for issues beyond the sector manager’s responsibility. This requirement can be fulfilled through the inclusion of an Excel table, similar to the following:

Table 1: Example of Sector Points of Contact (Sector Communications Contacts for SEAPORT SECTOR 1 for Fishing Year 2021)

Name	Title	Responsibility	Email	Phone	Street Address	City	State	Zip
John Doe	Manager	Day-to-day sector operations, policy issues, outreach	john.doe@email.net	555-555-5555	5 Rock Street	Gloucester	MA	01930
Henry King	Data Specialist	Data management, reporting	henry.king@email.net	555-555-5556	155 Pond Street	Rockport	MA	01966
William Conch	Public Relations Expert	Research	bill.conch@email.net	555-555-5557	709 Marlborough Road	Gloucester	MA	01930

NOTE: Additional staff, other than the manager, contracted by the sector will remain confidential.

Allocation of ACE

The operations plan must account for the original distribution of ACEs among member permits and/or vessels (§ 648.87(b)(2)(v) and (viii)). For example, at the start of the FY, how will ACEs be allocated among members, and in what amounts?

ACE Management

The operations plan must include a plan and analysis to show how the sector will avoid exceeding its allocated ACEs (§ 648.87(b)(2)(vi)). This plan should include provisions for monitoring and enforcement of the sector regulations, including documentation of both landings and discards. Please include the following text in this section to fulfill this requirement:

“The Sector manager (or his/her designated representative) will derive stock specific discards for each trip. The methodology for calculating discards will vary by monitoring type.

For vessels enrolled in an ASM program:

- If the trip is observed by either an at-sea monitor or a Northeast Fisheries Observer Program (NEFOP) observer, discards will be derived based on data collected during that trip and will account for all hauls (observed and unobserved) on that trip. For unobserved trips taken by vessels enrolled in an ASM program, discards will be derived using the NOAA Fisheries-provided discard rate resulting from the NOAA Fisheries method to estimate 'in-season' discard rates, which may not include data from research trips or sector trips using certain exemptions.*

For vessels enrolled in a maximized retention EM program:

- If the trip is observed by a Northeast Fisheries Observer Program (NEFOP) observer, discards will be derived based on data collected during that trip and*

will account for all hauls (observed and unobserved) on that trip. For trips taken by vessels enrolled in a maximized retention EM program without a NEFOP observer onboard, discards will be derived using the NOAA Fisheries-provided discard rate resulting from the NOAA Fisheries method to estimate 'in-season' discard rates, which may not include data from research trips or sector trips using certain exemptions. In-season discard rates for allocated groundfish stocks will be set to zero at the start of the fishing year, consistent with maximized retention EM requirements. In-season discard rates for unallocated groundfish stocks will be based on NEFOP data for the fishery.

For vessels enrolled in an audit model EM program:

- *If the trip is observed by a Northeast Fisheries Observer Program (NEFOP) observer, discards will be derived based on data collected during that trip and will account for all hauls (observed and unobserved) on that trip. If the trip is observed using electronic monitoring, discards will be derived based on data collected during that trip to account for observed hauls only. For unobserved trips or hauls taken by vessels in an audit model EM program, discards will be derived using the vessel's self-reported discards as adjusted based on the vessel's historical reporting accuracy."*

Discipline Procedures

The operations plan must include the following information about discipline procedures:

- A plan that describes the discipline procedures for sector members that do not abide by the sector rules (§ 648.87(b)(2)(vii)).
- Details (including method and timing) of the sector’s plan for immediately notifying NOAA Fisheries if a member is expelled (§ 648.87(b)(2)(vii)).

Reporting

The operations plan must include the following reporting requirements:

- A statement explaining that the JIRA issue tracking application will be used to report all data quality issues to the appropriate personnel for research and resolution. The use of JIRA allows issues to be monitored throughout the correction process.
- A statement explaining that the sector manager will report weekly, or daily, to NOAA Fisheries (§ 648.87(b)(1)(v)(B)). Required reports are:
 - Sector Manager Detail Report: This provides information down to the sub-trip level about each sector trip for a given week, regardless of the completeness of the data. The information includes stock, gear, mesh categories, landings, discards, and total catch.
 - Sector Manager Trip Issue Report: This provides information on enforcement or other issues for a given week. The Sector Manager Trip Issue Report allows the sector to briefly describe to NOAA Fisheries any enforcement or reporting compliance issues, violations of the sector operations plan and regulations, and general problems with monitoring or sector operations during the reporting period. The sector manager submits one Issue Report per reporting period.
 - Sector Manager ACE Status Report: This provides the means for sector managers to report their ACE status calculations. This allows NOAA Fisheries to crosscheck totals, as stipulated in Amendment 16.

NOTE: A sector must increase the reporting frequency for its ACE Status Report from weekly to daily when 90% of any sector ACE is reached. The Sector Manager, or a designated representative, must notify NOAA Fisheries immediately by email or postal mail if the threshold that triggers daily reporting has been reached. During the period when a sector has reached or exceeded 90% of any of its ACEs, a daily ACE Status Report must be submitted only on a day when a member vessel lands, or when the sector engages in an ACE transfer of a stock that is exceeding the 90% threshold.

More detailed information on the requirements for the weekly reports can be found in the publication, “FY 2021 Sector Report Guide”, available online at the following link:

[Fishing Year 2022 Sectors.](#)

ACE Thresholds

The operations plan must include the following information about ACE thresholds:

- ACE thresholds that may trigger revisions to reporting frequency (§ 648.87(b)(2)(xii)):

The reporting frequency for the sector manager's ACE Status Report will be increased to daily when 90% of any of the sector's ACEs are reached. The Sector Manager, or a designated representative, must notify NOAA Fisheries immediately by email if the threshold that triggers daily reporting has been reached. During the period when a sector has reached or exceeded 90% of any of its ACEs, a daily ACE Status Report must be submitted only on a day when a member vessel lands, or when the sector engages in an ACE transfer of a stock that is exceeding the 90% threshold.

An alternative threshold for triggering daily reporting may be implemented if agreed upon by the sector and NOAA Fisheries.

- Details (including method and timing) of the sector's plan for notifying NOAA Fisheries once the specified ACE threshold (above) has been reached (§ 648.87(b)(2)(xii)).
- A description of how groundfish will be avoided while participating in fisheries that have a bycatch of groundfish, if the sector does not have ACE for the stocks caught (§ 648.87(b)(2)(xiv)), "Fishing with no ACE."
 - Note: this is an optional provision.
 - Sectors may propose a plan to operate targeting allocated species, or in other fisheries, once the ACEs of one or more species are taken.
 - Sector proposals must include an analysis, using observer data, to demonstrate that their proposed operations (location, time, gear type) will have catch of any stock for which they do not have ACE that is less than 1 percent of the total catch by the proposed operations. Further, the monitoring program proposed by the sector must include coverage of these operations to document catch of any stock for which they do not have ACE. This high standard is required to ensure all catch is accurately accounted for in sector ACEs.
 - We can only approve operations without ACE for one or more species if it is practical for us to implement those operations.
 - Sectors are required to arrange for monitoring on 100 percent of trips using this provision.

Other Administrative Requirements

The operations plan must meet the following additional administrative requirements.

- Harvest Rules detailing sector operations and any additional exemptions requested by the sector beyond the universal exemptions approved in Amendment 16 (§ 648.87(b)(2)(xv)). The harvest rules must:
 - Include a brief rationale for all requested exemptions. The rationale is simply why the sector wants the exemption. What will the sector do differently if granted the exemption, and why? You do not need to provide a justification or analysis of the exemption in the operations plan. The justification should be provided separately to NOAA Fisheries for use in the analyses that will be incorporated into any future NEPA document. See the section labeled [Preparing the Information Needed for NOAA Fisheries to Produce the NEPA Document](#) later in this document for more details.
 - List and sort administrative provisions into the following categories:
 - Monitoring (At-Sea)
 - Quota Monitoring
 - Administrative
 - Gear Requirements
- Please use the following text to fulfill the requirement to clearly specify that sector members must comply with all rules not specifically exempted as part of the Letter of Authorization (§ 648.87(b)(1)(iv)):

“Upon approval, each sector vessel will be issued a Letter of Authorization (LOA) specifying the exemptions granted. Vessels must comply with all requirements stipulated in the LOA and all applicable Federal regulations and laws not specifically exempted in the LOA.”

Confidential Data Statement

NOAA Fisheries has drafted example text allowing for the release to the sector of confidential data collected under the provisions of the Magnuson-Stevens Act:

“Pursuant to section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C §1881a(b)(1)(F), the undersigned hereby authorizes the release to the manager of [SECTOR NAME] of information that may be or is considered to be confidential or privileged by the Magnuson-Stevens Act or other federal law regarding the catch of various species of fish associated with the limited access Northeast multispecies permit with the Moratorium Right Identifiers (MRIs) enrolled in the sector submitted to NOAA Fisheries that the undersigned has authority to access. This information includes data required to be submitted or collected by NOAA Fisheries, including but not limited to days-at-sea allocation and usage, vessel trip reports, dealer reports, Northeast Fishery Observer Program data, catch and landings history data, at-sea or electronic monitoring data, VMS information, and all other information associated with the vessel, MRI #, and/or permit records.”

You may alter this language to fit your sector's needs. In particular:

- Please specify information not associated with current sector activity, such as historic landings data, that is to be released.
- Please indicate the names of any staff in addition to the sector manager who are authorized to access confidential sector data.
- Please indicate if the confidential data statement applies to a 1- or 2-year period.

NOAA Fisheries has drafted additional draft text allowing for the release of confidential data collected under the provisions of the Magnuson-Stevens Act to electronic monitoring service providers:

“The undersigned also hereby authorizes the release of information to the sector’s electronic monitoring provider(s) that may be considered to be confidential or privileged by the Magnuson-Stevens Act or other federal law associated with the limited access Northeast multispecies permit with the Moratorium Right Identifiers (MRIs) enrolled in the sector’s electronic monitoring program. Specifically, NOAA Fisheries is authorized to release vessel trip report data associated with the vessel, such as vessel name; vessel permit number; sail date/time; land date/time; Trip ID number; number of hauls; number of sub-trips; and other trip-related data for the purpose of facilitating trip tracking and management as required by contract and regulation.”

Consolidation of ACE and Redirection of Effort

The operations plan must include a detailed plan for the initial allocation of ACE among members that explains any consolidation and any redirection of effort that will result from sector operations [§ 648.87(b)(2)(v) and (viii)].

Consolidation of ACE

The operations plan must include the following template text regarding the quantity and duration of any redistribution of ACE within the sector:

Consolidation and Redistribution of ACE

In FY 2022, _____% of the permits enrolled in the [SECTOR NAME] for FYs 2023 and 2024 are attached to vessels actively fishing for NE multispecies. For FYs 2023 and 2024, the [SECTOR NAME] sector has (insert number of permits) permits currently enrolled. Of those permits (insert number of permits) are anticipated to actively fish for NE multispecies in FYs 2023 and 2024. While these numbers may change, the [SECTOR NAME] sector expects that, compared to FY 2022, there would be (insert either A or B)

- A. A net consolidation beyond what previously occurred among the [SECTOR NAME] as the share of ACE contributed by member permits is fished by fewer active vessels than in FY 2022. It can be anticipated that fewer active fishing vessels would result in job losses for fishing crews and the associated negative impacts could**

spread to fishing communities and industries reliant on commercial fishing. While fishers who remain in the fishery may experience a positive benefit, there would be fewer active fishers in the NE multispecies fishery.

- B. No change from the consolidation that previously occurred among the members during FY 2022. The member permits that are not attached to active NE multispecies vessels in FYs 2023 and 2024 are the same permits that did not fish in FY 2022. In (choose one: all/most) cases, a member who owns multiple permits fished the ACE (or DAS if in the common pool) of all those permits on fewer hulls and will now continue to fish the ACE contributed by all those permits on fewer hulls, resulting in (choose one: little/no) additional consolidation.

NOTE: If you are submitting an operations plan for *one year only*, change each instance of the FYs 2023 and 2024 text above to read FY 2023 or 2024 as appropriate.

Redirection of Effort

The operations plan must propose limitations, if necessary, to eliminate adverse effects of any redirection of effort (§ 648.87(b)(2)(xiii)).

For FYs 2023 and 2024, this section must include the following template text regarding observations from FY 2021, observed qualitative changes in the first quarter of FY 2022, and predictions for FYs 2023 and 2024.

Redirection of Effort

During FY 2021, [SECTOR NAME] sector vessels switched fishing efforts into the following fisheries:

(Please list the fisheries and describe what gear(s) will be used)

During the first quarter of FY 2022, [SECTOR NAME] sector vessels switched fishing efforts into the following fisheries:

(Please list the fisheries and describe what gear(s) will be used)

During FYs 2023 and 2024, [SECTOR NAME] sector anticipates (choose A, B, C, or D, or some combination):

- A. Similar redirection of effort to the fisheries listed above,

OR

- B. Similar redirection of effort to fisheries listed above:

AND

(Please list the fisheries and describe what gear(s) will be used)

- C. that some vessels may switch fishing efforts into the following fisheries:

(Please list the fisheries and describe what gear(s) will be used)

D. that no redirection of effort will take place.

Monitoring Provisions

This section gives you information about the At-Sea Monitoring (ASM) and/or Electronic Monitoring (EM) Program sections of your operations plan (§ 648.11(l)).

Monitoring Goals and Objectives

Any monitoring program designed by sectors must meet the goals and objectives established by the Council. The primary goal of any ASM/EM program is to collect information on catch and discards by species and gear type, as well as verify area fished, in the most cost-effective means practicable. All other goals are equally weighted secondary goals that consist of the following:

- Improving Documentation of Catch
- Reducing Monitoring Costs
- Reducing Discards
- Getting More Data Sources to Better Assess Stocks
- Improving Safety of Monitoring Program
- Performing Periodic Review of Monitoring Program for Effectiveness

Refer to [Table 2](#) to review the goals and objectives for monitoring programs. (§ 648.11(l)(1))

Table 2: Goals and Objectives for Monitoring Programs

Goals	Objectives
Primary Goal (§ 648.11(l)(1))	Collect information on catch and discards by species and gear type, and verify area fished, in the most cost-effective means practicable.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Improving Documentation of Catch <ul style="list-style-type: none"> • Determine total catch and effort (for all sectors and the common pool). Leads to better understanding of how well the target or regulated species are faring. • Determine how much observer coverage is needed in order to minimize effects of potential monitoring bias to the extent possible while maintaining as much flexibility as possible to enhance fleet flexibility.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Reducing Monitoring Costs <ul style="list-style-type: none"> • Streamline data management operations and eliminate redundancies. • Explore options for cost-sharing with and deferment of cost to industry. • Recognize the opportunity costs of insufficient monitoring.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Reducing Discards <ul style="list-style-type: none"> • Determine discard rate by using the smallest possible strata while simultaneously maintaining cost-effectiveness. • Collect information by gear type in order to accurately calculate discard rates.

Goals	Objectives
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Getting More Data Sources to Better Assess Stocks <ul style="list-style-type: none"> • Reduce management and/or biological uncertainty. • Perform biological sampling. That is, perform sampling if it can be used to improve the accuracy of mortality or recruitment calculations.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Improving Safety of Monitoring Program <ul style="list-style-type: none"> • Improve the safety of monitoring programs as necessary.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Performing Periodic Review Of Monitoring Program to Assess Effectiveness <ul style="list-style-type: none"> • Periodically review the performance of monitoring programs to ensure they are meeting these goals and objectives.

Each sector must employ a monitoring program using ASM and/or EM. A sector may choose to adopt both an ASM and an EM program, and allow its member vessels to select the program that best meets their needs. Details for the proposed monitoring program(s) must be included in the sector operations plan before the sector operations plan can be approved by the Regional Administrator. The Regional Administrator must approve or disapprove proposed monitoring programs included in each sector's operations plan. A sector can choose either to design its own program(s), or to adopt the NOAA Fisheries-designed ASM and/or EM programs. However, if the sector does not choose a particular monitoring program or its proposed monitoring program is not approvable, the sector may choose to default to the NOAA Fisheries' monitoring program(s).

Attachment 3 includes a detailed description of the NOAA Fisheries ASM, audit-model EM, and maximized retention EM programs. A sector may use the NOAA Fisheries programs as examples to design a new ASM or EM program in its operations plan or choose to adopt the NOAA Fisheries ASM program and/or EM programs in its operations plan. NOAA Fisheries will consider any monitoring proposals in the initial operations plan submission to be a draft and will work with the sector to resolve any concerns.

Any sector-designed monitoring program proposed for FYs 2023 and 2024 must continue to use the Pre-Trip Notification System (PTNS) to select trips for NEFOP observer and ASM or EM coverage.

If a sector proposes a new ASM or EM program that NOAA Fisheries does not approve, then the sector may elect to default to the NOAA Fisheries program(s) so the sector can be approved to operate in FYs 2023 and 2024. The goal of this approach is to allow the flexibility for sectors to develop ASM and/or EM programs while providing an opportunity for sectors to choose programs as a fail-safe so that, if a sector designs a monitoring program(s) that NOAA Fisheries cannot approve, the sector may choose to default to the NOAA Fisheries-designed program(s).

Here is the monitoring information you need to supply as part of your operations plan:

- The following template text fulfills the requirement for detailed information on ASM and/or EM providers. Sectors using this text will not be required to submit provider application materials in the operations plan:

“The [Insert Sector Name] will contract one or more of the companies approved by NOAA Fisheries to provide monitoring services and will notify NOAA Fisheries of its selection no later than MARCH 1, 2023.”

- The following template text indicating that monitoring coverage will be deployed in such a way as to achieve the ASM target coverage level of trips, as specified by NOAA Fisheries, that is random and representative of the fishing activities of the sector (§ 648.87(b)(1)(v)(B)(1)):

“The [Insert Sector Name] will use PTNS to deploy NEFOP observers, at-sea monitors, and/or electronic monitoring in a way to achieve coverage at the target percentage of trips that is random and representative of fishing activities of the sector.”

- If the sector elects to use a NOAA Fisheries-designed program, attach the applicable standards to the operations plan, and use the following template text to fulfill this requirement:

“The [Insert Sector Name] will use the NOAA Fisheries-designed ASM and/or [Specify audit model/maximized retention] EM program.”

- If electing to design either an ASM or EM program, please include the following statements, as applicable, indicating that the sector will use the NOAA Fisheries-designed program(s) if the sector-designed program(s) is not approved. Please also reference the standards, and attach the standards to the operations plan.

“In the event that the sector-designed ASM program is not approved, the [Insert Sector Name] will use the NOAA Fisheries-designed [Insert ASM or audit model/maximized retention EM] program. In the event that the sector-designed EM program is not approved, the [Insert Sector Name] will use the NOAA Fisheries-designed [Insert ASM or audit model/maximized retention EM] program.”

Enforcement Provisions

You need to include the following enforcement provisions as part of your operations plan:

- Detailed information about overage penalties or other actions to be taken if the sector exceeds its ACE (§ 648.87(b)(1)(iii)). An ACE overage means the catches by a sector’s vessels exceed the ACE possessed by the sector after considering all ACE transfers that take place for the current FY (including those that occur following reconciliation after the end of the fishing year, as allowed by the ACE transfer provisions).
- Detailed information about its individual administrative provisions that would not be subject to enforcement by NOAA Fisheries. This requirement is distinct from the grouping of harvest rules as “administrative,” used for analyses in the NEPA document. Operations plans must identify which provisions are exclusive to the administration of the sector, and would include provisions such as dues, allocations to individual members by the sector, etc.; but does not include required provisions such as reporting, ACE overages, and prohibited activities.
- A description of the discipline procedures for sector members that do not abide by the sector rules (§ 648.87(b)(2)(vii)).
- A statement that the sector is a legal entity (specify the type, e.g., corporation) and is therefore subject to NOAA Fisheries enforcement action for violation of sector regulations (§

648.87(b)(1)(iv)(A)), including proof of the sectors status as a legal entity, that is, state incorporation documentation (can be a print-out from state website).

- A statement that the sector and its members may be held jointly and severally liable for violations of the following operations plan requirements (§ 648.87(b)(1)(iv)(A)):
 - ACE overages
 - Discarding of legal-sized fish
 - Misreporting of catch (landings or discards)
- A statement that enforcement issues must be included in weekly reports, similar to the following text:

“Weekly Sector Manager Trip Issue Reports must include any enforcement or reporting compliance issues, including violations of operations plans (exclusive of defined administrative provisions), violations of regulations, or general problems with monitoring or sector operations during the reporting period.”
- A list of specific ports where members will fish. (§ 648.87(b)(2)(xi))
- Specific exceptions from landing ports should be noted (e.g., safety, weather) and allowed, provided there is reasonable notification of a deviation from the listed ports. (§ 648.87(b)(2)(xi))
- An explanation of how NOAA Fisheries will be notified of when the landing port exception is used. (§ 648.87(b)(2)(xi))
- The following template text describes hail requirements for short-duration trips or trips occurring within 6 hours of port:

“All users will send a trip end hail at least 6 hours before landing and prior to crossing the VMS demarcation line. For trips less than 6 hours in length or occurring within 6 hours or port, the trip end hail will be sent immediately upon completion of the last tow or hauling of gear. An alternative timing for the trip end hail may be implemented if agreed upon by the sector and NOAA Fisheries.”

Preparing the Information Needed for NOAA Fisheries to Produce the NEPA Document

To prepare the NEPA information, create a Microsoft Word document separate from the operations plan. In the NEPA document, include information regarding fishing locations, membership, and justifications for requested exemptions. ***Submit the NEPA information with the sector operations plan.***

A NEPA document will be prepared by NOAA Fisheries for all sectors. However, each sector is responsible for providing the following documentation to NOAA Fisheries on an annual basis:

- Sector information similar to what was included in previous sector EAs. To fulfill this requirement, create a Microsoft Word version of [Table 3](#) to complete. This information will only be used for the analysis in the NEPA document and is not binding on the sector.

Table 3: Summary of (INSERT SECTOR NAME) Sector and Operations Plan

Row	Sector Parameters	Description
1	Primary Fishing Locations (Broad Stock Areas)	Not applicable
2	Gear	<ul style="list-style-type: none"> • Trawl: (provide the percentage) • Hook Gear: (provide the percentage) • Gillnet: (provide the percentage) • Pot/trap: (provide the percentage)
3	Primary homeports and landing ports	EXAMPLE: Portland Harbor, Portland, Maine
4	Secondary homeports and landing ports	EXAMPLE: Gloucester, Massachusetts
5	Number of participants (due no later than 28 days or 4 weeks after PSC letters are issued to vessel owners.)	Provide the following information: <ul style="list-style-type: none"> • Total Permits Enrolled in Sector • Number of Active Vessels (those enrolled in this sector that are intended to land groundfish):

NOTE: For assistance in preparing the sector information, see the following section [Instructions for Completing the NEPA Information](#).

- Justification for all new exemption requests; justifications for most exemptions approved in FY 2021-22 are not required, but may be included.
- New exemption requests should include a citation of the specific regulation(s) from which an exemption is requested. If requesting an exemption for a specific gear type, please refer to the regulatory definitions provided later in this document in the section titled [Attachment 1: Gear Definitions](#).
- If requesting one of the following exemptions, the sector's justification must include specific information on the use and utility of the exemption:
 - Prohibition on hauling another vessel's hook gear.
 - Prohibition on hauling another vessel's gillnet gear.
- For all exemptions requiring justification, including new exemptions and FY 2021-22 exemptions requiring justification, please answer the following questions:
 - How was the exemption used last fishing year? Please include information such as how many trips used the exemption, when the trips were taken, and where (statistical area) trips were taken that used the exemption. If this exemption is being proposed for future use, please estimate the information.
 - How many members and vessels of the sector used the exemption last year? If you are requesting a new exemption, how many members and vessels anticipate using the exemption if it is approved?
 - How did, or will, the exemption affect sector fishing operations? Please provide an explanation of how the exemption would be implemented, as well as how catch resulting from the exemption would be monitored.
 - What does the sector expect the resulting impact to be on sector operations? For example, will this exemption result in fewer trips being taken, or could it provide an opportunity for vessels to take additional trips?
 - Provide supporting data, if available.

- If a provision of the operations plan was not analyzed in the Amendment 16 final environmental impact statement or subsequent framework EAs, analysis must be provided for inclusion in the NEPA document (§ 648.87(b)(2)(ix)).

Because sector roster information may be submitted as late as 28 days (4 weeks) after PSC letters are issued to vessel owners, information for the NEPA document may be submitted in two parts.

1. Please submit Items 1-4 by OCTOBER 19, 2022. Estimates of gear mix, fishing areas, and ports should be based on previous years' operations and an expectation of what may occur in FYs 2023 and 2024.
2. Please submit Item 5 (participant information) no later than 28 days (4 weeks) after PSC letters are issued to vessel owners and confirm the information for Items 1-4 previously submitted.

For example, if an additional port is added due to a new member, please update the list of ports and provide no later than 28 days (4 weeks) after the date on the PSC letter to the sector.

NOTE: Requested exemptions and justifications must be provided in a separate document.

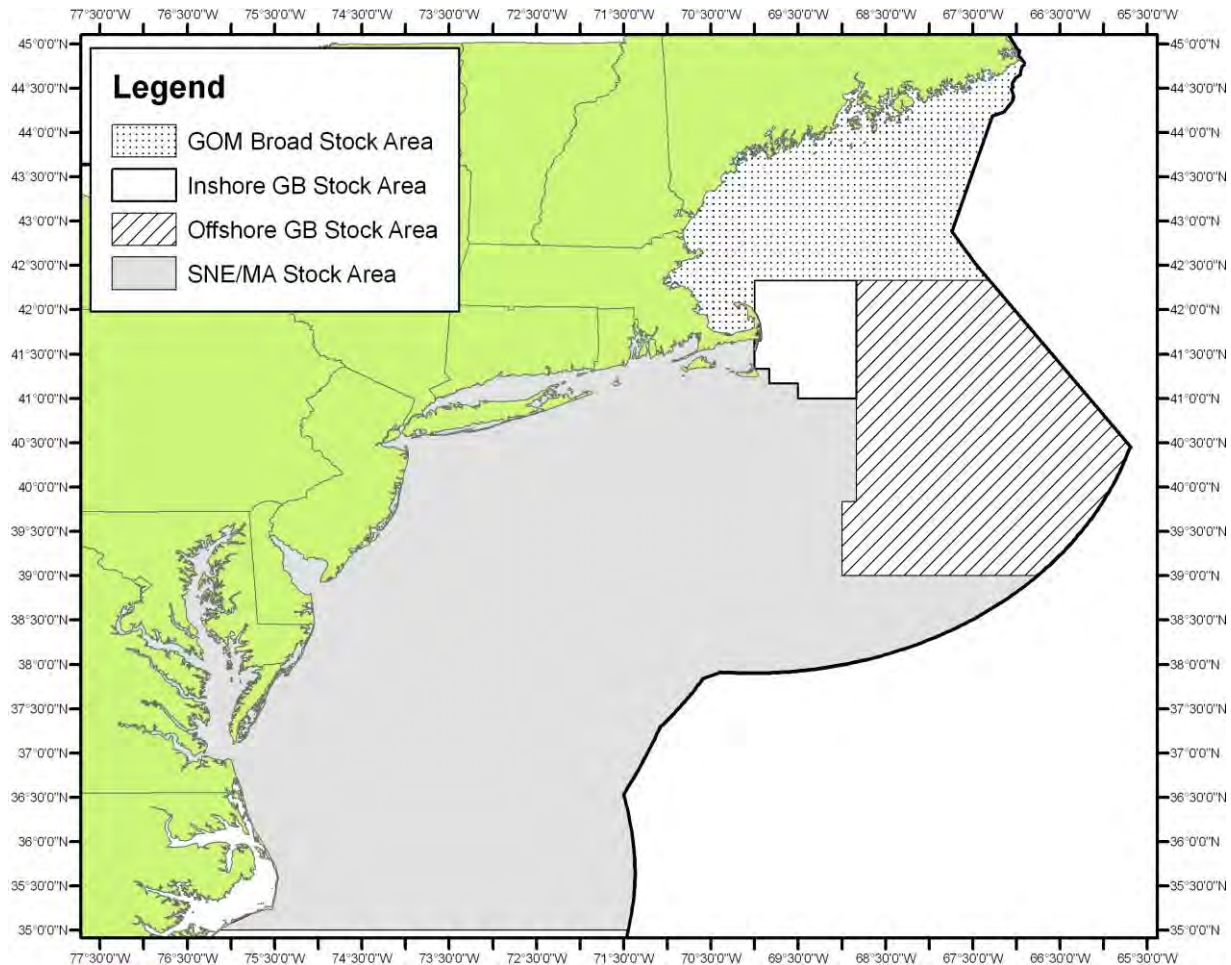
Instructions for Completing the NEPA Information

Please provide the following information using the template provided:

1. Primary Fishing Locations

Please indicate the Broad Stock Areas, depicted in [Figure 1](#) below, in which the majority of the active fishing vessels (vessels intending to land groundfish) will be fishing. The four Broad Stock Areas are: Gulf of Maine (GOM), Inshore Georges Bank (GB), Offshore GB, and Southern New England/Mid-Atlantic (SNE/MA).

Figure 1: Northeast Groundfish Broad Stock Areas



2. Gear

Gear should be listed for active vessels only, and should be listed as a percentage of time used. Please see later in this document the section titled [Attachment 1: Gear Definitions](#) for gear types and definitions that may be included in each category. **Bolded gear in [Attachment 1: Gear Definitions](#)** should be included in your table. For those vessels using multiple gear types, information should be provided based on a rough estimation of their anticipated use, as indicated in the following two examples.

Completing the NEPA Information: Example 1

If there are 50 active vessels in a sector, with 20 vessels using trawl gear, 20 using gillnet, and 10 using hook, the sector should respond 40% trawl, 40% gillnet, and 20% hook.

$$20 \text{ trawl vessels} \div 50 \text{ active vessels} = 0.4$$

$$0.4 \times 100 = 40\%$$

$$20 \text{ gillnet vessels} \div 50 \text{ active vessels} = 0.4$$

$$0.4 \times 100 = 40\%$$

$$10 \text{ hook vessels} \div 50 \text{ active vessels} = 0.2$$

$$0.2 \times 100 = 20\%$$

$$40\% + 40\% + 20\% = 100\%$$

Completing the NEPA Information: Example 2:

If there are 50 active vessels in a sector with 10 using trawl gear exclusively, 20 using gillnet gear exclusively, 10 using hook exclusively, and 10 vessels using trawl gear 70% of the time and hook gear 30% of the time, the sector should respond 34% trawl, 40% gillnet, 26% hook.

$$10 \text{ trawl-only vessels} \div 50 \text{ active vessels} = 0.2$$

$$0.2 \times 100 = 20\%$$

$$20 \text{ gillnet-only vessels} \div 50 \text{ active vessels} = 0.4$$

$$0.4 \times 100 = 40\%$$

$$10 \text{ hook-only vessels} \div 50 \text{ active vessels} = 0.2$$

$$0.2 \times 100 = 20\%$$

$$10 \text{ mixed gear vessels} \div 50 \text{ active vessels} = 0.2$$

$$0.2 \times 70\% \text{ of the time using trawl gear} = 0.2 \times 0.7$$

$$0.2 \times 0.7 = 0.14$$

$$0.14 \times 100 = 14\%$$

$$0.2 \times 30\% \text{ of the time using hook gear} = 0.2 \times 0.3$$

$$0.2 \times 0.3 = 0.06$$

$$0.06 \times 100 = 6\%$$

$$\text{trawl} = 20\% + 14\% = 34\%$$

$$\text{gillnet} = 40\%$$

$$\text{hook} = 20\% + 6\% = 26\%$$

$$34\% + 40\% + 26\% = 100\%$$

3. Primary Homeports and Landing Ports

Provide only those ports used to land the majority of catch from active vessels.

4. Secondary Homeports and Landing Ports

All remaining ports that may be used by sector vessels should be provided here.

5. Number of Participants

Provide participant information no later than 28 days (4 weeks) after the date on the PSC letter to the sector, as an estimate of the total number of permits enrolled in the sector and the number of active vessels (vessels intending to land groundfish).

6. Exemptions Requested

Sectors must submit a separate Microsoft Word copy of any exemption requests contained in their operations plan, either in the same document as the table, or in a separate document.

Sectors are automatically granted the Universal Exemptions listed in the final rules for Amendment 16 and Framework Adjustment 48 (see Attachment 2) and, therefore, these do not need to be requested. The non-universal exemptions granted during FY 2021-22 need to be specifically requested. Most non-universal exemptions granted during FY 2021-22 do not require additional justification, with the exception of the following:

- a. Prohibition on hauling another vessel's hook gear
- b. Prohibition on hauling another vessel's gillnet gear

Sectors must include specific information on the use and utility of the exemption if requesting these exemptions. Any new exemption requests or modifications to previous exemption require justification.

NOTE: Disapproved exemption requests from previous years will not be granted a review unless new submissions of information or data are provided.

Preparing Sector Roster Information

Framework Adjustment 45 to the FMP altered the due date for sectors to submit some of the information required for inclusion in the operations plan. Any language that NOAA Fisheries provided to the sectors for FY 2021 and 2022 is included (in *italics*) in the requirement descriptions below. This language must be included in the FY 2023 and 2024 operations plan and contract, unless alternative language is approved by NOAA Fisheries in advance.

General Provisions for Roster Information

The following must be submitted to NOAA Fisheries no later than 28 days (4 weeks) after PSC letters are issued to vessel owners.

- A list of all participants and a contract signed by each participant indicating their agreement to abide by the operations plan (§§ 648.87(b)(2)(i) and 648.87(b)(2)(iii)).
- A list of **all** Federal **and** state permits held by sector members, including:
 - Whether the permit is enrolled in the sector or any other sector
 - An indication for each vessel of whether it would actively fish within the sector (§ 648.87(b)(2)(ii))
 - The following template text to show fulfillment of the ownership provision requiring at least three distinct owners has been met (§ 648.87(a)(4)):

“Amendment 16 to the NE multispecies FMP defines a sector as a group of three or more persons, none of whom have an ownership interest in the other two persons in the sector. This criterion has been fulfilled with PERMIT NUMBER under the distinct ownership of OWNER NAME, PERMIT NUMBER under the distinct ownership of OWNER NAME, and PERMIT NUMBER under the distinct ownership of OWNER NAME.”

NOTE: The corporate documents or Federal permits must explicitly list the name and address of each owner.

Copies of the corporate documents or Federal permits being used to meet this requirement should be in a **searchable** Adobe Acrobat file format (that is, **where Optical Character Recognition has been run**).

The regulations (§648.87(b)(2)(ii)) require that a sector roster be submitted as a list. Photocopies of permits will not be accepted. This requirement can be fulfilled through the inclusion of an Excel table, similar to the following:

Table 4: Sector Membership Requirement List

MRI	Vessel Permit No.	Vessel Name	Sector Member	Fed Permits	State Permits	Enrolled in Sector
1	123456	Thetis	Member A	Lobster, Fluke	Lobster, Mults	Yes
2	999999	Kalypso	Member A	Mults, Scallop	Scallop, Urchin	No
3	111111	Galateia	Member A	Mults	None	Enrolled in Sector B
4	654321	Panopeia	Member B	Mults, Monkfish	Mults	Yes

Attachment 1: Gear Definitions

[Table 5](#) and [Table 6](#) immediately following define the terminology used for gear and mesh definitions in § 648.2.

Table 5: Mobile Gear

Gear Type	Description
Trawl	Gear consisting of a net that is towed, including but not limited to beam trawls, pair trawls, otter trawls, and Danish and Scottish seine gear.

Table 6 Fixed Gear

Gear Type	Description
Hook gear	Fishing gear that is comprised of a hook or hooks attached to a line and includes, but is not limited to, longline, setline, jigs, troll line, rod and reel, and line trawl.
Jigging	With respect to the NE multispecies fishery, means fishing for regulated species with handgear, handline, or rod and reel using a jig, which is a weighted object attached to the bottom of the line used to sink the line and/or imitate a baitfish, which is moved (“jigged”) with an up and down motion.
Longline gear	Fishing gear that is or is designed to be set horizontally, either anchored, floating, or attached to a vessel, and that consists of a main or ground line with three or more gangions and hooks.
Rod and reel	A hand-held (including rod holder) fishing rod with a manually operated reel attached.
Handgear	With respect to the NE multispecies fishery, means handline gear, rod and reel gear, and tub-trawl gear.
Handline or handline gear	Fishing gear that is released by hand and consists of one main line to which is attached no more than two leaders for a total of no more than three hooks. Handlines are retrieved only by hand, not by mechanical means.
Tub-trawl	With respect to the NE multispecies fishery, means gear designed to be set horizontally on the bottom, with an anchored mainline to which are attached three or more gangions and hooks. Tub-trawls are retrieved only by hand, not by mechanical means.
Gillnet gear	Gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at §648.81(f)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.
Flatfish gillnets	Gillnets that are either constructed with no floats on the float line, or that are constructed with floats on the float line and that have tie-down twine between the float line and the lead line not more than 48 inches (18.90 cm) in length and spaced not more than 15 feet (4.57 m) apart.
Roundfish gillnets	Gillnets that are constructed with floats on the float line and that have no tie-down twine between the float line and the lead line.
Pots and Traps	No specific definition is included in the regulations at 648.2 pertaining to the Northeast Multispecies fishery.

Attachment 2: Exemptions

Attachment 2 provides information about the exemptions that have previously been approved for those preparing the operations plan. There are two categories of exemptions to be aware of:

- Universal Exemptions
- Previously-Approved Sector Exemptions

Universal Exemptions

Sectors do not need to apply for the Amendment 16 universal exemptions. This section covers the universal exemptions.

Universal Exemptions

Following are the universal exemptions.

1. Exemption from trip limits on stocks for which a sector receives an allocation, except for the following:
 - a. Halibut: Trip limit would continue to be one fish per trip;
 - b. No vessel, whether in the Common Pool or in any sector, will be allowed to possess any windowpane flounder (both stocks), ocean pout, or wolffish on board at any time. When caught, these species must be discarded.
2. Exemption from the Gulf of Maine Cod Protection Closures IV and V.
3. Exemption from groundfish DAS requirements other than those required to comply with effort controls in other fisheries.
4. Exemption from the requirement to use 6.5-inch mesh in the codend in haddock separator trawl/Ruhle trawl when targeting haddock in the Georges Bank Regulated Mesh Area to use 6-inch mesh in the codend.
5. Exemption from the minimum codend mesh size restrictions for trawl gear when fishing in compliance with the provisions of the Redfish Exemption Program.

Previously-Approved Sector Exemptions

Sectors will need to include any exemptions previously approved in their FY 2021-2022 operations plan, along with justification for novel FY 2023 exemption requests.

Previously Approved Sector Exemptions and Justifications

Following are previously approved exemptions for FY 2021 – 2022 operations plans.

1. 120-Day Block Requirement Out of the Fishery for Day Gillnet Vessels.

This measure was implemented in 1997 under FW 20 (62 FR 15381, April 1, 1997) to help ensure that management measures for Day gillnet vessels were comparable to effort controls placed on other fishing gear types (the proposed rule for this action erroneously stated that this action had been implemented in 1996 under Amendment 7). Regulations at § 648.82(j)(1)(ii) require that each NE multispecies gillnet vessel declared into the Day gillnet category declare and take 120 days out of the non-exempt gillnet fishery. Each period of time taken must be a minimum of 7 consecutive days, and at least 21 of the 120 days must be taken between June 1 and September 30. This measure was designed to control fishing effort and, therefore, is no longer necessary for sectors because sectors are restricted to an ACE for each groundfish stock, which limits overall fishing mortality. Because sector vessels are prohibited from discarding all legal-sized allocated fish when on a sector trip, and are restricted by their ACE, vessels will likely fish more selectively, which in turn, can increase each vessel's catch per unit of effort (CPUE) and reduce the number of days that fixed gear is in the water. Similarly, protected species (such as harbor porpoise and humpback whales) may benefit from less fishing effort and fewer gear days.

2. 20-Day Spawning Block

Regulations at § 648.82(g) require vessels to declare out and be out of the NE multispecies DAS program for a 20-day period each calendar year between March 1 and May 31, when spawning of cod is most prevalent in the GOM. While this measure was designed to reduce fishing effort on spawning fish stocks, sector vessels will utilize an ACE to restrict their fishing mortality. Undersized fish caught by sector vessels cannot be kept and, additionally, the catch will count against the sector's ACE. This creates a strong incentive for sectors to avoid catching undersized fish. In addition, there are minimal temporal and spatial restrictions associated with this regulation, and allowing vessel owners to select any 20-day period out of the fishery does not necessarily prevent them from harvesting spawning fish.

3. **Limitation on the Number of Gillnets for Day Gillnet Vessels Outside the Gulf of Maine**

Vessels are allowed to fish up to 150 gillnets (any combination of flatfish or roundfish nets) in each GB, SNE, and MA regulated mesh areas (RMAs). Current gear restrictions in the RMAs restrict Day gillnet vessels from fishing more than: 100 gillnets (of which no more than 50 can be roundfish gillnets) in the GOM RMA (§ 648.80(a)(3)(iv)(B)(2)); 50 gillnets in the GB RMA (§ 648.80(a)(4)(iv)(B)(2)); and 75 gillnets in the SNE and MA RMAs (§ 648.80(b)(2)(iv)(B)(1), and § 648.80(c)(2)(v)(B)(1), respectively). Regulations require nets to be marked with either one or two tags per gillnet depending on the type of net and RMA fished, for the purpose of enforcing gillnet limits. These restrictions were implemented in 1996 under Amendment 7 and revised in Amendment 13 to prevent an uncontrolled increase in the number of nets being fished, thus undermining the applicable DAS effort controls. Because this measure was designed to control fishing effort, NMFS believes that a net restriction is no longer necessary, since the sector is confined to an ACE for each stock, which caps overall fishing effort. Vessels are also exempt from the current tagging requirements and, instead, will be required to mark their gear with one tag per net. An LOA issued to the sector vessels that qualify for this exemption will specify the tagging provisions to ensure it is an enforceable provision. This exemption does not apply to the GOM RMA.
4. **Exemption from the Day Gillnet Limit in the Gulf of Maine.**

In FY 2018 we granted an exemption that allows Day gillnet vessels to fish above the 100 gillnet limit, up to 150 nets total. Any nets above the existing 100-net limit must have a minimum mesh size of 10.0 inches (25.4 cm) and must be fished east of 70 degrees West longitude. Vessels are limited to no more than 50 roundfish gillnets. Vessels must comply with the net tagging requirements at § 648.80(a)(3)(iv)(B)(4), which requires roundfish gillnets to be tagged with two tags per net, while flatfish gillnets may be marked with one tag per net; all gillnets fished must be tagged.
5. **Prohibition on a Vessel Hauling Another Vessel's Gillnet Gear**

This exemption allows one vessel to hauling another vessel's gillnet gear (§§ 648.14(k)(6)(ii)(A) and 648.84). These sectors argued that the regulations pertaining to gear-marking controls, setting, and hauling responsibilities are no longer necessary, because the sector would be confined to an ACE for each stock, and that "community" fixed gear would allow vessel owners greater flexibility. In addition, the sectors argued that shared fixed-gear fishing effort could potentially reduce the amount of gillnet gear in the water and minimize the use of gear to "hold" additional bottom ground. Sectors specify in their operations plans that all vessels participating in community fixed gear will be held jointly liable for any violations associated with that gear. An LOA issued to the sector vessels that qualify for this exemption will specify the tagging provisions to ensure it is an enforceable provision.

6. Limitation on the Number of Gillnets That May Be Hauled on GB When Fishing Under a Groundfish/Monkfish DAS

This is an exemption from the limit on the number of gillnets that may be hauled on GB when fishing under a groundfish/monkfish DAS. Current regulations at § 648.80(a)(4)(iv)(B), which prohibit Day gillnet vessels fishing on a groundfish DAS from possessing, deploying, fishing, or hauling more than 50 nets on GB, were implemented as a groundfish mortality control under Amendment 13. This exemption would increase efficiency of gillnet vessels by allowing them to haul additional nets per trip—nets which are already permitted in the water under the Monkfish FMP. This exemption allows nets deployed under existing net limits in the NE Multispecies and Monkfish FMPs to be hauled more efficiently by vessels dually permitted under both FMPs.

7. Limitation on the Number of Hooks that May Be Fished

This is an exemption from the number of hooks that a vessel may fish on a given fishing trip. This measure, which was initially implemented through an interim action (67 FR 50292; August 1, 2002) and made permanent through Amendment 13, was designed to control fishing effort and, therefore, is no longer necessary because the sector is confined to an ACE for each stock, which restricts fishing mortality. Current regulations (§648.80) prohibit vessels from fishing or possessing more than 2,000 rigged hooks in the GOM RMA, more than 3,600 rigged hooks in the GB RMA, more than 2,000 rigged hooks in the SNE RMA, or more than 4,500 rigged hooks in the MA RMA. The potential for gear interactions between protected resources and longline/hook gear is much lower than the interaction potential from bottom trawl or gillnet gear. In addition, the use of longline/ hook gear minimizes fishing impacts on benthic habitat.

8. Length and Horsepower Restrictions of the DAS Leasing Program

While Amendment 16 exempts sector vessels from the requirement to use NE multispecies DAS to harvest groundfish, some sector vessels will still need to use NE multispecies DAS under specific circumstances; for example, when fishing for monkfish. This is an exemption from the DAS Leasing Program length and horsepower restrictions. Sector ACEs eliminate the need to use vessel characteristics to control fishing effort and that removal of this restriction would allow sector vessels more flexibility. Leasing under this exemption is without regard to baseline characteristics and only occurs between vessels of the same sector or vessels of any other sector that is also granted this exemption.

9. Prohibition on Discarding

Current regulations prohibit sector vessels from discarding legal-sized fish of any of the 14 stocks allocated to sectors while at sea (§ 648.11(l)(9)). Amendment 16 contained this provision to ensure that the sector's ACE is accurately monitored. NMFS approved a partial exemption from the requirement to retain all legal-sized fish, which allows sector vessels to discard legal-sized, unmarketable fish (LUMF). NMFS defined "unmarketable" fish as "any legal-sized fish the vessel owner/captain elects not to retain because of poor quality as a result of damage prior to, or from, harvest," and the determination of what fish should be discarded under this exemption is at the discretion of the vessel operator, but must be based on physical damage to the fish. The definition of unmarketable fish is included in the sector's LOA. All vessels in a sector opting for this exemption will be required to discard legal-sized unmarketable fish at sea on all trips (i.e., not just on select trips), with the exception of vessels that have declared a redfish or small-mesh exemption trip or enrolled in a maximized retention EM program. Vessels enrolled in a maximized retention EM program must handle and report any LUMF catch in accordance with the vessel monitoring plan (VMP). Refer to the EM guidance ([Attachment 3b](#)) for further information.

10. Trawl Gear Requirements in the U.S./Canada Management Area

Current regulations require that a NE multispecies vessel fishing with trawl gear in the Eastern U.S./Canada Area must fish with a Ruhle trawl, a haddock separator trawl, or a flounder trawl net. The final rule implementing Amendment 13 clarified that the restriction to use a haddock separator trawl or a flounder trawl net was designed to "ensure that the U.S./Canada TACs are not exceeded. The requirement to utilize a Ruhle trawl in the Eastern U.S./Canada Area was implemented through several in-season actions, and made permanent in Amendment 16. These gear restrictions were authorized to allow the targeting of haddock, an under-harvested stock, while reducing bycatch of cod and yellowtail flounder stocks, which were identified as overfished. NMFS approved an exemption from these gear requirements, noting that any trawl gear not currently approved for the U.S./Canada Management Area, but utilized under this exemption, will be included in the standard otter trawl discard rate strata.

11. Prohibition On a Vessel Hauling Another Vessel's Hook Gear

Current regulations prohibit one vessel from hauling another vessel's hook gear (§ 648.14(k)(6)(ii)(B)). The regulations were developed to facilitate the enforcement of existing hook regulations that were created as effort and mortality controls, and no provisions exist in the regulations allowing for multiple vessels to haul the same gear. The increased flexibility afforded by this exemption may increase efficiency. An exemption from the prohibition on a vessel hauling another vessel's hook gear was approved. This exemption will allow fishermen from within the same sector to haul each other's hook gear. The exemption from hook limits and implementation of ACE as a mortality control make it unnecessary to prevent a vessel from hauling another vessel's gear as an effort control. Consistent with the exemption approved for community gillnets, all vessels utilizing community hook gear will be jointly liable for any violations associated with that gear. This joint liability would assist in the enforcement of regulations. Additionally, each member intending to haul the same gear will be required to mark the gear, consistent with §§ 648.14(k)(6)(ii)(B) and 648.84(a).

12. Requirement to Declare Intent to Fish in the Eastern U.S./Canada Haddock SAP and the CA II Yellowtail Flounder/Haddock SAP Prior to Leaving the Dock

NE multispecies vessels are required to declare that they will be fishing in either the Eastern U.S./Canada Haddock SAP or the CA II Yellowtail Flounder/Haddock SAP prior to leaving the dock (§§ 648.85(b)(8)(v)(D) and 648.85(b)(3)(v)). This measure was included in the final rule implementing Framework 40A to ensure that vessels fishing exclusively in those areas could be credited DAS for their transit time to and from these SAPs. Because sector catch is limited by ACE, DAS credit for trips in these SAPs is no longer necessary. An exemption from the requirement to declare intent to fish in the Eastern U.S./Canada Haddock SAP and the CA II Yellowtail Flounder/Haddock SAP prior to leaving the dock was granted to allow sector vessels to declare their intent to fish in these SAPs while at sea.

13. Seasonal Restriction for the Eastern U.S./Canada Haddock SAP

The Eastern U.S./Canada Haddock SAP consists of a portion of the Eastern U.S./Canada Area and a portion of CA II. We implemented this SAP in FW 40A to provide a vessel with additional opportunity to target haddock while fishing on a Category B DAS in, and near, CA II (69 FR 67780; November 19, 2004) while reducing the catch of cod and other stocks of concern. In FW 42 (71 FR 62156; October 23, 2006), we extended the approval of this SAP and shortened the season to August 1 through December 31 to further reduce cod catch. Because a sector's catch is restricted by ACE, seasonal restrictions can be viewed as an unnecessary effort control. However, based on concern for spawning NE multispecies stocks, specifically GB winter flounder in March and April and GB cod between February and April, we approve an exemption to extend the SAP season to allow access to this area from May 1 through December 31.

14. Seasonal Restriction for the CA II Yellowtail Flounder/Haddock SAP

We implemented the CA II Yellowtail Flounder SAP through Amendment 13 in 2004 to provide an opportunity for vessels to target yellowtail flounder in CA II on a Category B DAS. In 2005, we extended the approval of this SAP through FW 4, but shortened the season to July 1 through December 31 to reduce interference with spawning yellowtail flounder (70 FR 31323; June 1, 2005). Through Amendment 16, we further revised this SAP in 2010 by opening the SAP to target haddock while avoiding cod from August 1 through January 31, when the SAP is not open for targeting of GB yellowtail flounder. We implemented gear requirements to limit vessels from catching yellowtail flounder when the SAP was open only for targeting haddock. Because a sector's catch is restricted by ACE, seasonal restrictions can be viewed as an unnecessary effort control. However, based on concern for spawning NE multispecies stocks, specifically GB winter flounder in March and April and GB cod between February and April, we approve an exemption to extend the SAP season to allow access to this area from May 1 through December 31.

15. Sampling Exemption

Conducting scientific research on regulated fishing trips may require special permits, depending on the activities proposed. A temporary research permit authorizes a federally permitted fishing vessel that is accompanied by a research technician, typically staff for the principal investigator, to temporarily retain fish that are not compliant with applicable fishing regulations to collect catch data such as length and weight. Under a temporary possession permit, a vessel may be exempt from specific regulations, including minimum fish sizes,

closures, and possession limits. Sampled fish are returned to the sea as soon as practicable after sampling. Some sectors proposed independent sampling programs, where data would be collected from fish that otherwise must be immediately discarded. We approved an exemption for temporary possession permits for research purposes for sectors with approved research activities to streamline the application and documentation process.

16. Redfish Exemption [Revoked effective July 27, 2021]

17. Prohibition on Combining Small Mesh Exempted Fishery and Sector Trips

In FY 2014, we approved an exemption that would allow vessels to possess and use small-mesh and large-mesh trawl gear on a single trip within portions of the SNE RMA with modifications intended to address our concerns. First, we required that vessels used one of the following trawl gear modifications (suggested by sectors) when using small mesh in the two permitted areas: Drop chain sweep with a minimum of 12 inches (30.48 cm) in length; a large-mesh belly panel with a minimum of 32-inch (81.28-cm) mesh size; or an excluder grate secured forward of the codend with an outlet hole forward of the grate with bar spacing of no more than 1.97 inches (5.00 cm) wide. These gear modifications, when fished properly, have been shown to reduce the catch of legal and sublegal groundfish stocks. Requiring these modifications is intended to also reduce the incentive for a sector vessel to target groundfish when fishing with small mesh on these trips. Finally, we approved monitoring a vessel using this exemption with the same NEFOP and ASM coverage as a standard groundfish trip. In FYs 2015 and 2016 we approved a revised version of this exemption that expanded the geographic area where vessels could participate in the small-mesh exempted fishery. In FY 2017, we further expanded the geographic area, and combined the two allowable areas into one area.

18. Exemption from Requirement to Fish Exclusively with 10-inch, or Larger, mesh gillnets when Targeting Dogfish on Groundfish Trips Excluded from At-Sea Monitoring (ASM) Coverage

Starting in FY 2016, sector trips fishing with extra-large mesh gillnets (10 inches or greater) exclusively in the Southern New England/Mid-Atlantic and Inshore GB Broad Stock Areas are not subject to ASM. This exemption allows a sector vessel on these non-ASM sector groundfish trips to also target dogfish using 6.5-inch mesh gillnet gear within the footprint and season of either the Nantucket Shoals Dogfish Exemption Area (June 1 through October 15), the Eastern Area of the Cape Cod Spiny Dogfish Exemption Area (June 1 through December 31), or the Southern New England Dogfish Gillnet Exemption Area (May 1 through October 31). This exemption is not applicable to EM vessels. For vessels enrolled in an EM program, the EM system must be operational on 100 percent of sector EM trips and the vessel operator and crew must abide by the catch handling requirements described in the vessel's VMP.

19. Exemption from VMS Requirements for Handgear A vessels fishing in a single BSA.

In FY 2017, we granted an exemption that allows Handgear A permitted vessels to fish in a single BSA on a sector trip without carrying a VMS. This exemption does not waive requirements to carry or report using a VMS unit when fishing in multiple BSA's, in the U.S./Canada Management Areas, or under any other requirements associated with using other sector exemptions or participating in Special Access Programs.

Attachment 3: Monitoring Standards and Description of NMFS Monitoring Programs

Sectors must develop, implement, and pay for an ASM and/or EM program.

Program Goals and Objectives

Any monitoring program designed by sectors must meet the goals and objectives established by the Council. The primary goal of any ASM/EM program is to collect information on catch and discards by species and gear type, as well as verify area fished, in the most cost-effective means practicable. All other goals are equally-weighted secondary goals that consist of the following:

- Improving Documentation of Catch
- Reducing Monitoring Costs
- Reducing Discards
- Getting More Data Sources to Better Assess Stocks
- Improving Safety of Monitoring Program
- Performing Periodic Review of Monitoring Program for Effectiveness

Refer to [Table 7](#) to review the secondary goals and objectives for monitoring programs.

Table 7: Goals and Objectives of Monitoring Program

Goals	Objectives
Primary Goal (§ 648.11(l)(1))	Collect information on catch and discards by species and gear type, and verify area fished, in the most cost-effective means practicable.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Improving Documentation of Catch <ul style="list-style-type: none"> • Determine total catch and effort (for all sectors and the common pool). Leads to better understanding of how well the target or regulated species are faring. • Determine how much observer coverage is needed in order to minimize effects of potential monitoring bias to the extent possible while maintaining as much flexibility as possible to enhance fleet flexibility.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Reducing Monitoring Costs <ul style="list-style-type: none"> • Streamline data management operations and eliminate redundancies. • Explore options for cost-sharing with and deferment of cost to industry. • Recognize the opportunity costs of insufficient monitoring.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Reducing Discards <ul style="list-style-type: none"> • Determine discard rate by using the smallest possible strata while simultaneously maintaining cost-effectiveness. • Collect information by gear type in order to accurately calculate discard rates.

Goals	Objectives
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Getting More Data Sources to Better Assess Stocks <ul style="list-style-type: none"> • Reduce management and/or biological uncertainty. • Perform biological sampling. That is, perform sampling if it can be used to improve the accuracy of mortality or recruitment calculations.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Improving Safety of Monitoring Program <ul style="list-style-type: none"> • Improve the safety of monitoring programs as necessary.
Secondary Goal (§ 648.11(l)(3)(i)-(vi))	Performing Periodic Review Of Monitoring Program to Assess Effectiveness <ul style="list-style-type: none"> • Periodically review the performance of monitoring programs to ensure they are meeting these goals and objectives.

Monitoring Program Approval Process

The Regional Administrator must approve or disapprove proposed ASM and/or EM programs included in each sector's operations plan. This attachment includes the regulations and requirements for ASM and EM programs and a detailed description of the NOAA Fisheries monitoring programs. A sector may use the NOAA Fisheries-designed programs as an example to design a new ASM or EM program in its operations plan or choose to adopt the NOAA Fisheries ASM program and/or EM program(s) in its operations plan. Please note that any alternative monitoring program proposed for FYs 2023 and 2024 must continue to use the PTNS to select trips for NEFOP observer and ASM or EM coverage.

NOAA Fisheries will consider any monitoring proposals in the OCTOBER 19, 2022 operations plan to be a draft and will work with the sector to resolve any concerns.

Monitoring Provider Approval Process

ASM and EM providers must be approved by NOAA Fisheries to provide services to sectors. On April 12, 2022, we approved Amendment 23 to the Northeast Multispecies Fishery Management Plan, including changes to the groundfish sector monitoring program. We published a final rule implementing Amendment 23 on December 9, 2022, and will evaluate monitoring provider applications based on the implementing regulations. The final implementing regulations are available in the electronic Code of Federal Regulations ([eCFR](https://www.ecfr.gov/)). The final rule implementing Amendment 23 is available on [regulations.gov](https://www.regulations.gov/).

NOTE: For Fishing Years 2022 and 2023, NOAA Fisheries intends to administer a dockside monitoring (DSM) program in support of vessels using maximized retention EM to meet monitoring requirements. In future fishing years, we intend to solicit applications to be approved to provide DSM, when the DSM program transitions to an industry-funded model.

Attachment 3a: At-Sea Monitoring

ASM Operational Standards

On April 12, 2022, we approved Amendment 23 to the Northeast Multispecies Fishery Management Plan, including changes to the groundfish sector monitoring program. We published a final rule implementing Amendment 23 on December 9, 2022, and will evaluate monitoring provider applications based on the implementing regulations. ASM programs developed as part of a sector operations plan must meet the following proposed operational standards (see § 648.11(i)(10)):

Vessel Requirements

Safety Hazards

The operator of a sector vessel must detail and identify any safety hazards to any at-sea monitor assigned pursuant to paragraph (b)(5)(iii)(B)(1) of this section prior to leaving port. A vessel may not begin a trip if it has failed a review of safety issues pursuant to paragraph (b)(5)(iv)(B) of this section, until the identified safety deficiency has been resolved, pursuant to § 600.746(i).

Sector Monitoring Plan Monitoring Service Provider Requirements

Sector monitoring plans must include the following operational requirements for any monitoring provider contracted to meet sector monitoring program requirements:

At-Sea Monitoring Report

Within 48 hours of the completion of a trip, or as otherwise instructed by the Regional Administrator, monitoring service providers shall submit electronically to NMFS and the sector a report detailing the area fished and the amount of each species kept and discarded. A standard format for submission shall be specified by NMFS and distributed to all monitoring service providers and sectors. NMFS will accept only monitoring data that passes automated NMFS data quality checks.

Electronic Monitoring Report

A report detailing area fished and the amount of each species discarded must be submitted electronically in a standard acceptable form to the appropriate sector and NMFS within 10 business days of a trip being selected for video review, or as otherwise instructed by the Regional Administrator. The format for submission shall be specified by NMFS and distributed to all monitoring service providers and sectors. NMFS will accept only monitoring data that passes automated NMFS data quality checks.

Vessel Feedback Report

A report must be submitted to the vessel owner following an electronically monitored trip with detailed feedback on the vessel operator's and crew's catch handling, camera maintenance, and vessel monitoring plan compliance. A copy must be submitted to NMFS upon request.

Safety Hazards

Completion by an at-sea monitor of a pre-trip vessel safety checklist provided by NMFS before an at-sea monitor can leave port onboard a vessel on a sector trip. If the vessel fails a review of safety issues, an at-sea monitor cannot be deployed on that vessel for that trip.

Gear

Provision of all equipment specified by the Northeast Fisheries Science Center to each at-sea monitor before the at-sea monitor may be deployed on a vessel. A list of such equipment is available from the Northeast Fisheries Science Center upon request. This gear shall be inspected by NMFS upon the completion of training required.

Sector Requirements

Each sector must monitor catch by its vessels to ensure that ACEs are not exceeded during the fishing year. The sector must summarize trips validated by dealer reports; oversee the use of electronic monitoring equipment and review of associated data; maintain a database of VTR, dealer, observer, and electronic monitoring reports; determine all species landings by stock areas; apply discard estimates to landings; deduct catch from ACEs allocated to sectors; and report sector catch on a weekly basis to NMFS. All catches of stocks allocated to sectors by vessels on a sector trip shall be deducted from the sector's ACE for each regulated species stock.

Coverage and Selection Protocols

Coverage Levels

On April 12, 2022, we approved Amendment 23 to the Northeast Multispecies Fishery Management Plan, including changes to the groundfish sector monitoring program. Amendment 23 replaces the current method for determining the at-sea monitoring coverage target for deploying human at-sea monitors with a fixed coverage target as a percentage of trips, dependent on Federal funding.

To address monitoring bias, Amendment 23 sets the coverage target at 100 percent of trips for 4 years (fishing years 2022-2025), when Federal funding can support agency and industry costs. The at-sea monitoring coverage target in the first 4 years may be less than 100 percent, and will be set at the maximum level for which there are sufficient Federal funds to support all agency and industry costs. The at-sea monitoring coverage target will default to 40 percent if Federal funding cannot completely support all industry costs for a coverage target greater than 40 percent. For years with a 40-percent at-sea monitoring coverage target, Federal funding will be used to first pay NOAA Fisheries costs and then to support as much of industry costs as possible. When the coverage target is 40 percent, sectors will only be responsible for industry costs above the portion supported by Federal funding. Sectors will not pay for monitoring when the coverage target is greater than 40 percent.

Each year, we will determine how much Federal funding is available for the groundfish sector monitoring program and then use that in conjunction with other available information (e.g., recent monitoring costs, estimate of the number of vessels choosing electronic monitoring) to calculate the at-sea monitoring coverage target between 40 and 100 percent for the coming fishing year. We will announce the at-sea monitoring coverage target each year at least 3 weeks before the annual sector enrollment deadline set by NOAA Fisheries, if Federal funding information is available.

Starting in fishing year 2026, the coverage target will default to 40 percent unless replaced by a subsequent Council action. However, Amendment 23 also allows for increased monitoring coverage in these years, when Federal funding is available to pay industry costs.

Every sector is required to be covered at the level specified by NMFS. At-sea monitors will be systematically assigned by NMFS to a vessel to ensure the coverage is fair and even. A monitored trip must be a sector trip, including those taken in which a NE multispecies day-at-sea is used to target other fisheries such as monkfish or skates. We are revising the way we calculate achieved monitoring coverage for sectors to address the increased monitoring coverage targets in Amendment 23. The details of the calculations will be available to sector managers on the sector information management module (SIMM).

Trip Types Excluded from Coverage Requirements

Certain sector trips are excluded from the human ASM coverage requirement.

Trips using Extra-Large Mesh (10-inches and greater) Gillnets in the Inshore Georges Bank and Southern New England Broad Stock Areas

There is no human ASM coverage requirement for sector trips using gillnets with mesh 10 inches or greater in the Southern New England/Mid-Atlantic (SNE/MA) and inshore GB broad stock

areas. Vessels on a trip excluded from the ASM requirement under this provision must notify for this trip type in PTNS and submit the required reports via VMS. The vessel must send a VMS Trip Start Hail with the “Extra-Large Mesh Gillnet in SNE and/or IGB Option” selected prior to departure. Trips fishing under this provision and employing the accompanying sector exemption to target dogfish using 6.5-inch mesh gillnets on the same trip must use the extra-large mesh first. When the vessel is ready to switch to 6.5-inch mesh, it must send a Multispecies Catch Report via VMS with a good faith estimate of all catch on board and must check the box at the bottom of the report declaring the use of smaller mesh. Once this vessel sends the Multispecies Catch Report, it may target dogfish using 6.5-inch mesh gillnet gear within the footprint and season of the existing dogfish exempted areas.

Vessels are required to notify NMFS of all trips through the PTNS, but NMFS will issue a waiver for sector trips excluded from the human ASM requirement that exempts the vessel from human ASM. These trips are excluded from sector ASM coverage calculations.

Vessels using electronic monitoring are required to have their system turned on and to comply with their vessel monitoring plan on all trips, including trips using gillnets with mesh 10 inches or greater in the SNE/MA and inshore GB broad stock areas.

Trips fishing west of 71° 30' W. Longitude

Amendment 23 also excludes sector trips fished in their entirety west of 71° 30' W. Longitude from the human ASM requirement. Vessels on a trip excluded from the ASM requirement under this provision must notify for this trip type in PTNS, send a VMS Trip Start Hail declaring this option, and must follow the transiting requirements when east of 71° 30' W. Longitude.

Vessels are required to notify NMFS of all trips through the PTNS, but NMFS will issue a waiver for sector trips excluded from the human ASM requirement that exempts the vessel from human ASM. These trips are excluded from sector ASM coverage calculations.

Vessels using electronic monitoring are required to have their system turned on and to comply with their vessel monitoring plan on all trips, including trips fishing exclusively west of 71° 30' W. Longitude.

Pre-Trip Notification System (PTNS)

The owner, operator, or manager of a vessel (i.e., vessel manager or sector manager) fishing on a sector trip must provide advance notice to NMFS at least 48 hours prior to departing port, as instructed by the Regional Administrator, for the purposes of selecting vessels for observer deployment (see § 648.11(1)(1)).

Trip notifications must be made no more than 10 days in advance of each fishing trip via the PTNS website, calling the PTNS phone line at 1-855-347-4371, or emailing the PTNS email address nefsc.ptns@noaa.gov. The vessel owner, operator, or manager must notify NMFS of any trip plan changes at least 24 hours prior to the vessel's departure from port. A vessel may not begin the trip without being issued an observer notification or a waiver by NMFS.

NMFS will notify the vessel owner, operator, or manager whether the vessel is preliminarily selected for coverage or if a waiver is issued 24 hours prior to the sail time of the prospective trip. All trip notifications will be issued a unique confirmation number.

In order to meet multiple coverage needs, NMFS uses an algorithm within the PTNS to randomly select individual trips based on a combination of trip characteristics, such as their sector, broad stock area, and gear type. Target coverage levels for each selection tier are set at the start of the fishing plan year, monitored closely, and adjusted as needed to ensure coverage objectives are met.

NMFS ASM Program Description

Attached is a description of the contract NMFS made with at-sea monitoring providers to implement NMFS ASM program. This contract included provisions above and beyond the regulatory requirements.

The Northeast Fisheries At-Sea Monitor Program

National Marine Fisheries Service, Northeast Fisheries Science Center

C.1 BACKGROUND OVERVIEW

The National Oceanographic and Atmospheric Administration's (NOAA) mission is to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs. NOAA's National Marine Fisheries Service (NMFS) supports the overall NOAA mission by focusing on stewardship of living marine resources through science-based conservation and management and the promotion of healthy ecosystems.

NMFS is responsible for the management, regulatory compliance, economic data and protection of living marine resources within the United States Exclusive Economic Zone. NMFS also plays a supportive and advisory role in the management of living marine resources in coastal areas under state jurisdiction. It provides scientific and policy leadership in the international arena, and implements international conservation and management measures as appropriate.

Under this mission, the goal is to optimize the benefits of living marine resources to the Nation through sound science and management. This requires a balancing of multiple public needs and interests in the sustainable benefits and use of living marine resources, without compromising the long-term biological integrity of coastal and marine ecosystems.

Many natural and human-related factors affect the status of fish stocks, protected species and ecosystems. Although these factors cannot all be controlled, available scientific and management tools enable the agency to have a strong influence on many of them. Maintaining and improving the health and productivity of these species is the heart of the NMFS mission. These activities will maintain and enhance current and future opportunities for the sustainable use of living marine resources as well as the health and biodiversity of their ecosystems.

NMFS has three objectives in its mission to protect, restore, and manage the use of coastal and oceanic resources:

- Protect and restore ocean, coastal, and Great Lakes resources
- Recover protected species
- Rebuild and maintain sustainable fisheries.

NMFS will measure its performance against these objectives using the following measures:

- 1st: Increased number of coastal and marine ecosystems maintained at a healthy and sustainable level
- 2nd: Increased social and economic value of the marine environment and resources (e.g., seafood, recreation, and tourism)
- 3rd: Increased number of acres and stream-miles restored for coastal and ocean species
- 4th: Increased number of protected species in a stable condition or in an upward trend
- 5th: Increased number of managed species that are at optimum levels
- 6th: Improved ecological conditions in coastal and ocean protected areas

Additionally, Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) was developed by the New England Fishery Management Council (Council) as part of the biennial adjustment process established in the FMP to update status determination criteria for all NE multispecies (groundfish) stocks; adopt rebuilding programs for groundfish stocks newly classified as being overfished and subject to overfishing; and revise management measures necessary to end overfishing, rebuild overfished groundfish stocks, and mitigate the adverse economic impacts of increased effort controls. In addition, Amendment 16 would implement new requirements for establishing allowable biological catch (ABC), annual catch limits (ACLs), and accountability measures (AMs) for each stock managed by the FMP, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as revised. This action is necessary to address the results of the most recent stock assessment that indicates that several additional groundfish species are overfished and subject to overfishing and that stocks currently classified as being overfished require additional reductions in fishing mortality to rebuild by the end of existing rebuilding periods.

The Northeast Fisheries Science Center (NEFSC), National Marine Fisheries Service (NMFS) is required to collect scientific, management, regulatory compliance and economic data for fisheries by placing At-Sea Monitors aboard U.S. domestic fishing vessels participating in the groundfish multispecies Fisheries Management Plan. These data cannot be obtained at the dock or on Government research vessels. These data are needed for the management and monitoring of Annual Catch Limits and groundfish sectors.

Every sector should equally be covered. The coverage rates apply to the trip level. At-Sea Monitors will be systematically assigned by NMFS to a vessel to ensure the coverage is fair and even. Several types of fishing gear may be used: longline, trawl, and gillnet. A monitored trip must be a trip where landings of groundfish occur (a "groundfish", "skate" or "monkfish" trip as defined in Amendment 16). At-Sea Monitoring standards will be consistent with the final regulations implemented under Amendment 23, unless further specified by NMFS. As described in the rule, Northeast Fisheries Observer Program (NEFOP) observers take precedence over At-Sea Monitors for vessel placement when deployments overlap.

C.2 AT-SEA MONITOR PROGRAM OBJECTIVES

NMFS has an extensive program to monitor and observe living marine resources and associated communities to provide information on biota, their habitats, and the human activities and actions that may impact coastal and ocean ecosystems. Data are the foundation of scientific advice, which provides information to management to support decision-making. A more consistent flow of high quality, credible information is required to improve decision-making. To collect the quantity and quality of data necessary, NMFS intends to improve its capacity to conduct surveys and to conduct research and studies for better understanding of ecosystems. These efforts rely on extensive collaboration with fisheries participants and other stakeholders in the living marine resource decision process.

At-Sea Monitors are the only independent data source for some types of at-sea information such as bycatch composition and mortality, and marine mammal, sea bird and sea turtle interactions. Although vessel self-reporting is often utilized, only limited data collection demands can reasonably be placed on the captain and crew. In addition, the reliability of self-reported information is a concern for scientists and policy makers, who use the data

to make fishery management decisions for the purpose of maintaining the nation's marine resources.

Currently, more than 500 At-Sea Monitors are deployed in 11 At-Sea Monitor programs most of which are administered through NMFS 6 regional Fisheries Science Centers (FSC). Increasing NMFS At-Sea Monitor data coverage is essential to reliably estimating catch and bycatch and helping to implement programs to reduce bycatch. Additional benefits of enhanced At-Sea Monitor programs are near real-time monitoring of biological and environmental conditions and sampling opportunities not available from dockside sampling. This includes information on marine mammals, turtles and seabirds, resource abundance, contaminants, habitat, life history, and other basic biological information.

NMFS is required to collect scientific, management, regulatory compliance, and economic data for fisheries by placing At-Sea Monitors aboard U.S. domestic fishing vessels. These data cannot be obtained at the dock or on Government research vessels. These data are needed for the management of fisheries occurring in the U.S. Exclusive Economic Zone (EEZ) and the high seas beyond the EEZ.

NMFS desires contractor support, as described below, to satisfy these requirements.

C.3 SCOPE AND OUTCOMES

The contractor shall provide and retain the necessary qualified personnel, material, equipment, services, and facilities (except as otherwise specified) to perform quality environmental, and fisheries operations data collection, data analysis, and information dissemination for the Northeast Fisheries Science Center (NEFSC) Data quality is of the utmost importance. Quality data collection, analysis, and dissemination are expected to increase the critical information gathered for stock assessments to manage the species.

This Statement of Work (SOW) defines the requirements and services necessary to provide program continuity, integrity, and productivity.

C.3.1 Policies and Regulations

In addition to the Federal Acquisition Regulation (FAR) clauses referred to and listed herein of this Request for Proposal (RFP), the contractor shall comply with the Federal Regulations, Acts, Executive Orders, Special Publications, Guidelines, NOAA Directives and Policies and standards listed below. This listing is not all-inclusive and is not intended to relieve the contractor of its responsibilities for identification of applicable statutes, regulations and procedures and compliance therewith, when performing work under this SOW.

- Magnuson-Stevens Fishery, Management, and Conservation Act (MSA)
- Marine Mammal Protection Act (MMPA)
- Endangered Species Act (ESA)
- Data Quality Control Act (P.L. 106-514)
- Information Technology Security Policy
- Fisheries Management Plans (FMP)
- Biological Opinions (BO)
- Take Reduction Team (TRT)
- NOAA Safety Standards
- Fair Labor Standards Act (FLSA)

- Service Contract Act (SCA)
- Department of Labor Wage Determinations
- Applicable Federal and State labor laws
- At-Sea Monitor Health and Safety regulations
- Federal, state, and local safety regulations
- Merchant Marine Act (Jones Act) and General Maritime Law
- U.S. Longshore and Harbor Worker's Compensation Act

C.4 PERFORMANCE WORK STATEMENT

The contractor shall meet all requirements of the SOW.

C.4.1 Management Requirements

C.4.1.1 Project Management

The contractor shall perform all Project Management functions including contract, technical, personnel, administrative, logistic, quality, business, and other management functions that are necessary to execute the total effort required by this SOW. The contractor shall provide all personnel and other resources, except as otherwise specified in this SOW, necessary to accomplish these functions. The contractor shall effect these management functions through an integrated management approach, including cost, schedule, and technical performance within an acceptable project management framework. The contractor shall develop and submit to NMFS a Project Management Plan (as further defined in Section F.5.2) for approval that details how the contractor will manage the contract and its At-Sea Monitor program.

C.4.1.2 Project Manager

The contractor shall assign a Project Manager to be the focal point for communications between NMFS and the contractor. The assigned Project Manager shall be designated as Key Personnel for this contract (per Section H.7). Ensure that all key personnel attend any refresher trainings for At-Sea Monitors. For a specific job description see Section J, Attachment 2, Labor Category Classifications and Job Descriptions.

C.4.1.3 Coordinators

The contractor shall assign coordinators as needed to coordinate At-Sea Monitor deployment and provide At-Sea Monitor support services. The coordinator shall be designated as key personnel under this contract (per section H.8). All coordinators are required to maintain current At-Sea Monitor Certification. Ensure that all key personnel attend any refresher trainings for At-Sea Monitors. For a specific job description see Section J, Attachment 2, Labor Category Classifications and Job Descriptions.

C.4.1.4 Management Reporting and Coordination

The contractor shall prepare and submit to the Contracting Officer (CO) , Contracting Officer's Technical Representative (COTR) a monthly Status Report, as listed in Section F.5.1, that provides information on project status to include, contract award-to-date financial expenditures; At-Sea Monitor retention status; any problems or issues encountered; and other information as may be requested by the COTR.

C.4.1.5 Performance Measures

The contractor shall monitor and meet all requirements as stated in the SOW.

C.4.2 Operational Requirements

At-Sea Monitors are deployed, in accordance with coverage rates developed by NMFS and as assigned through the Pre-Trip Notification System (PTNS), to vessels. Due to availability of funding, changes in the fishery management, such as emergency closures, court ordered closures, weather, and unforeseen events must remain flexible. Additional funding for sea days may be added to the contract within the scope and maximum allowable sea days.

The following items define the operational services to be provided by the contractor under this contract.

C.4.2.1 At-Sea Monitor Recruitment and Retention Requirements

The recruitment and retention of fully qualified At-Sea Monitors is essential to successful performance under the contract. At-Sea Monitors shall be employees of the contractor. The contractor shall provide sufficient qualified At-Sea Monitors to complete the mandated coverage requirement by selecting the best candidates.

The contractor shall describe their strategy for recruiting qualified candidates and retaining their services, as referenced in Section F.5.4. The contractor shall manage its At-Sea Monitors to retain both experienced and new At-Sea Monitors. The contractor is encouraged to provide incentives for superior performance demonstrated by their work force.

C.4.2.2 Eligibility Requirements

C.4.2.2.1 Educational Qualifications

Collecting marine fisheries data during fishing activities requires speed and accuracy. At-Sea Monitors must possess the minimum educational and experience requirements and specific psychological and physical qualities cited in the Minimum At-Sea Monitor Qualifications for educational requirements (Section J, Attachment 3, NMFS At-Sea Monitor Eligibility Requirements).

C.4.2.2.2 Non-Conflict of Interest

Section J, Attachment 4 (Statement of Non-Conflict of Interest)

C.4.2.2.3 Physical/Medical Condition

Section J, Attachment 5 (Physical Standards & Acknowledgement of Risks)

C.4.2.2.4 Communication Skills

At-Sea Monitor candidates must be able to clearly and concisely communicate verbally and in writing in English.

C.4.2.2.5 Citizenship or Ability to Work Legally in the United States

At-Sea Monitor must be a U.S. Citizen, or a non-citizen who has a green card, TN Authorization, H1 visa, or valid work visa, and a social security card.

C.4.2.2.6 Statement of No Criminal Conviction

Section J, Attachment 6 (Statement of No Criminal Conviction)

C.4.2.2.7 CPR and First Aid Requirements

At-Sea Monitors shall obtain and maintain current certification for CPR by the American Red Cross or American Heart Association (AHA) or other as approved by the COTR. Completion of a basic First Aid class is also required before the start of training. A copy of CPR and First Aid certification(s) for all At-Sea Monitors will be provided to NMFS 7 calendar days prior to the first day of training and annually thereafter.

C.4.2.2.8 At-Sea Monitor Standards of Conduct

At sea, At-Sea Monitors work in a self-supervised capacity and shall maintain high standards of conduct. At-Sea Monitors shall maintain a professional, objective demeanor at all times. At-Sea Monitors shall comply with these standards and those set forth in the Standards of Conduct (Section J, Attachment 7, At-Sea Monitor Standards of Conduct).

C.4.2.3 Observer/At-Sea Monitor Duties and Data Collection Requirements

1) General Observer Duties and Data Collection Requirements - Fishery Observer I, II, and III

- a) Observers/At-Sea Monitors shall collect scientific, management, compliance, and other data at sea through interviews of vessel captains and crew; observations of fishing operations; sampling catch; measuring selected portions of the catch and fishing gear; and collecting samples. Observer/At-Sea Monitor coverage is mandated by a number of statutes and is an integral part of the regulations. These authorities empower the observer/At-Sea Monitor to perform certain functions aboard vessels as well as afford protection to the observer/At-Sea Monitor against interference and intimidation in the course of performing his/her duties.
- b) Observer/At-Sea Monitors shall collect data on fishing effort, location, retained catch and discarded catch for each gear deployment that occurs while the observer/At-Sea Monitor is aboard the vessel. The At-Sea Monitor Sampling Manual describes data collection protocols for gear deployment that the observer/At-Sea Monitor sees as well as those not observed.
- c) Observer/At-Sea Monitors shall collect length samples from segments of the catch. Observer/At-Sea Monitor protocols, priorities, and data/sample collection procedures are detailed in the At-Sea Monitor Manual.
- d) Observer/At-Sea Monitors shall collect information on any incidentally captured sea turtles, including, but not limited to, location of take, biopsies, measurements, photos, and any other information. Observer/At-Sea Monitors shall also collect information on any marine mammals or other protected species interactions. When protected species are caught, the primary responsibility of the observer/At-Sea Monitor shall be to handle and release the protected species.
- e) Observers shall participate in all training, briefings and debriefings as required by the COTR. Observer/At-Sea Monitors shall participate in port orientations, if offered by NMFS and requested by the COTR (Section B - Supplies or Services and Prices/Costs Training CLIN 0003, 1003, and CLIN 2003. Debriefing of the observer/At-Sea Monitor ensures that the data are complete and as accurate as possible before computer

audits are run. Debriefing also provides immediate feedback to the observer/At-Sea Monitor in the field and errors can be corrected immediately. Debriefings shall occur on a regular basis and as frequently as possible either by email, phone or in person. Debriefings shall consist of but are not limited to:

- i) Reviewing sampling methods and answering Observer/At-Sea Monitor questions;
 - ii) Reviewing preliminary data;
 - iii) Correcting any data errors;
 - iii) Reviewing any other past errors or changes in sampling techniques or recorded on forms;
 - iv) Reviewing any logistical problems or concerns encountered by the observer/At-Sea Monitor; and
 - v) Testing observer/At-Sea Monitor ability to adhere to sampling protocol
 - vi) Checking gear calibration
 - vii) Providing the observer/At-Sea Monitor with any updates on modifications to sampling procedures or other program information.
- f) Observer/At-Sea Monitors who encounter captains or vessels' owners operating in fisheries requiring mandatory observer/At-Sea Monitor coverage that refuses to accept the observer/At-Sea Monitor on their vessel for deployments shall provide documentation of the refusal to NMFS. This documentation shall be provided via e-mail or hard copy to the Branch Chief of the Fisheries Sampling Branch on the day of the event. This documentation shall be of sufficient substance and detail to be usable for NMFS enforcement actions. Narrative shall be provided to completely answer the following guideline questions: who, what, when, and where. This shall be reported on the Incident Report Form (Section J, Attachment 8, Incident Report Form).
- g) Observer/At-Sea Monitors shall send in the whole animal or take a photo of all species encountered the Species ID Verification Program quarterly to NMFS (Section J, Attachment 9, Species Verification Program). Failure to do so may result in an observer/At-Sea Monitor's change in status (i.e., pre-probation, probation, and decertification).
- 2) Fishery Observer/At-Sea Monitor I - Performance Requirements and Labor Category Definition - The Fishery observer/At-Sea Monitor I shall meet and perform all the General Requirements specified in C.4.3.2a and the following:
- a) Performs routine tasks associated with recurring and continuing work according to prescribed or established procedural standards and technical methods assigned.
 - b) Assures that tasks are completed, data developed, methods used in securing and verifying data are technically accurate and in compliance with instructions and established procedures.
 - c) Makes estimates of amounts and species composition of fish caught, retained and discarded, using at a minimum, simple, single stage sampling techniques and dichotomous keys.
 - d) According to established standards and detailed procedures, records data on appropriate forms and logs, some of which may be electronic.
 - e) Maintains field equipment and supplies.
 - f) Collects scientific, management, compliance information, and make observations of fishing operations.
 - g) Use and complete a pre-boarding vessel safety checklist.

- h) Measures selected portions of catch including incidentally caught marine mammals, sea birds and sea turtles.
 - i) Uses calculator and/or PC for calculations and recording data.
 - j) Obtains, enters and transfers data electronically.
 - k) Obtains and records information on gear characteristics of fishing gear types while working either on board vessels, on an alternative platform, or at a shore-based facility.
 - l) Uses interpersonal and communication skills to contact fishermen and schedule observer/At-Sea Monitor sampling trips.
 - m) Observes and documents compliance with fishery regulations, and write affidavits as required.
- 3) Fishery Observer/At-Sea Monitor II - The Fishery observer/At-Sea Monitor II shall meet and perform all the General Requirements specified in C.4.3.2a, perform all duties of Fishery observer/At-Sea Monitor I and the following additional duties:
- a) Independently executes duties, while learning when and how to resolve exceptions and special problems.
 - b) Estimate amounts and species composition of fish caught, retained and discarded, utilizing knowledge of various statistically valid sampling methods and dichotomous keys.
 - c) Measure selected portions of catch including incidentally caught marine mammals, sea birds and sea turtles.
 - d) Uses calculator and/or PC for calculations and recording data.
- 4) Fishery Observer/At-Sea Monitor III - The Fishery Observer/At-Sea Monitor III shall meet and perform all the General Requirements specified in C.4.3.2a, perform all duties of Fishery observer/At-Sea Monitor II and the following additional duties:
- a) May act as field coordinator of lower graded fishery observer/At-Sea Monitors.
 - b) Demonstrates extensive familiarity of methods, procedures and management to ensure proper day-to-day operations.
 - c) Shifts from one type of responsible technical assignment to other types, which are different in terms of equipment used, of data used, and uses to which data will be put.
 - d) Makes estimates of amounts and species composition of fish caught, retained and discarded, utilizing knowledge of various statistically valid sampling, sub-sampling methods and dichotomous keys.
 - e) According to established standards and detailed procedures, records data on appropriate forms and logs, some of which may be electronic and provide recommendations for updates.
 - f) Oversees the maintenance of field equipment and supplies.
 - g) Collect scientific, management, compliance information, observations of fishing operations, measure selected portions of catch including incidentally caught marine mammals, sea birds and sea turtles.

C.4.2.3.1 Data Deliverables

Electronic data entry by At-Sea Monitors is required in addition to required paperwork, and shall be managed by the contractor in coordination with the COTR. Submission of At-Sea Monitor data to the NMFS shall be accomplished in a timely manner. The contractor shall work with the COTR to establish the appropriate means to transfer the electronic data to the COTR.

- 5) Delivery of paper log data shall be received within 5 calendar days (120 hours) of the vessel landing as referenced in Section F.5.5.

2) Delivery of electronic data shall be received within 2 calendar days (48 hours) of the vessel landing as referenced in Section F.5.6.

3) Delivery of biological specimens (whole fish samples) shall be received within 5 calendar days (120 hours) of the vessel landing as referenced in Section F.5.7.

At-Sea Monitors shall send any written data and biological specimens directly to NMFS. The Government will provide shipping and supplies. At-Sea Monitors shall assure that biological samples or whole animals requiring freezing are received by the nearest NMFS freezer facility within twenty-four (24) hours of vessel landing. NMFS has freezers located in major fishing ports (Section J, Attachment 10, Freezer Locations). The transfer or transport of the frozen samples or animals must be received by NMFS (At-Sea Monitor Training Center) within 5 calendar days of the trip landing, unless a delay is authorized by the COTR. Costs for travel associated with transport of biological samples will be reimbursed under the travel provision section herein (Section B Supplies or Services and Prices/Costs Travel CLINS 0002, 1002 and 2002).

C.4.2.3.2 At-Sea Monitor Communication

At-Sea Monitors shall maintain regular contact with their assigned NMFS editor/debriefer. All At-Sea Monitors shall call their editor/debriefer prior to making a trip in a fishery or program covered for the first time or as requested. At-Sea Monitors shall return phone calls or reply to email questions as soon as realistically possible (i.e., before departing on a multi-day trip). NMFS can request that an in-person meeting occur with an At-Sea Monitor at any time. These meetings will take priority over accomplishment of the sea day schedule. All travel costs associated with required in person debriefings, exit interviews and meetings with NMFS will be reimbursed under the travel provision section herein (Section B Supplies or Services and Prices/Costs Travel CLINS 0002, 1002 and 2002) and the At-Sea Monitor hourly rate will be reimbursed under the hourly rate provision section herein (Section B Supplies or Services and Prices/Costs Hourly Rate At-Sea Monitor CLINS 0004, 1004 and 2004). NMFS staff will provide written memo updates to the contractor regarding any new or changed sampling protocols, data collection procedures, or other collection or reporting procedures. The contractor shall make certain that At-Sea Monitors comply with changes, as applicable.

Require that any At-Sea Monitor who leaves the program come into the At-Sea Monitor Training Center complete all exit procedures including an in-house exit interview with NMFS (Section J, Attachment 11, Exit Procedures) within 30 days from landing from their last trip.

Provide the primary port, contact information(full name, mailing address, residential address, e-mail address, cell phone number, home number, emergency contact name and phone number, and working status (full time or part time). If there is a change made to any variables in the list, an updated list shall be provided to NMFS immediately (Section F.5.8).

C.4.3 At-Sea Monitor Support Services

C.4.3.1 Logistic and Operation Support for At-Sea Monitor Deployment

The contractor shall provide complete logistical and operational support to At-Sea Monitors throughout their employment. The contractor's approach to supporting At-Sea Monitors shall be detailed in the proposal.

C.4.3.2 Training and Debriefings

Attachment 34, HR Bulletin 103, provides policy and guidance on training for non-government employees. At least 95% of new At-Sea Monitor recruits are expected to pass the required training course (Section J, Attachment 12, ASM Training Standards) and the required physical examination (Section J, Attachment 5, Physical Standards & Acknowledgement of Risk).

Training costs are reimbursable and are intended to include all costs associated with At-Sea Monitor training (both initial training and refresher trainings), including, but not limited to, salary during the training period, per diem (meals & reimbursements and lodging), miscellaneous equipment for use during training (as authorized or requested by the Government - Section B Supplies or Services and Prices/Costs Training CLINS 0003, 1003 and 2003).

At-Sea Monitor candidates shall undergo an initial 2-week certification training session with NMFS. A series of tests will be administered during this training that candidates must pass prior to certification. Candidates must demonstrate their potential to collect accurate field data, and react to unfamiliar situations at sea in a professional manner. NMFS personnel as well as specialists in other areas such as vessel safety shall conduct training. Refresher training sessions will be conducted when data logs or protocols change, at the discretion of the COTR, or when there has been over six months service interruption for the At-Sea Monitor. At-Sea Monitors shall be required to attend an annual refresher course for data collection, species identification, and vessel safety. In order for the At-Sea Monitor to maintain a current certification they must successfully complete the recertification training. Three trainings are scheduled for each year (planned trainings will be posted on the FSB website). The contractor shall provide NMFS with at least 45 calendar days prior notice when a training session is needed and identify any foreign nationals that may be attending training (it takes a minimum of 30 working days for foreign national clearance) as referenced in Section F.5.9. For extenuating circumstances, additional trainings may be scheduled at the Government's discretion. Attendance by key personnel at training is required for at least two days each week of training.

The contractor shall submit to NMFS, at least 30 calendar days before the beginning of the training, the following information as referenced in Section F.5.10:

- a list of the potential candidates names for review by NMFS
- a hard copy (mailed to the COTR) of each candidates resume
- a hard copy (mailed to the COTR) of the candidates college transcript
- a hard copy (mailed to the COTR) of reference checks from three individuals for each candidate (name of individual providing reference, association with At-Sea Monitor, how long they have known the candidate, contact information (phone number, e-mail), and information about the At-Sea Monitor's past performance)

The contractor shall submit to NMFS, at least 14 calendar days before the beginning of the training, the following information as referenced in Section F.5.11:

- an updated list of candidates
- a medical report for each candidate substantiating the individual's medical qualifications for the job
- online security clearance electronic forms must be initiated by candidates (Section J, Attachment 13, Security Background Instructions)

The contractor shall submit to NMFS, at least 7 calendar days before the beginning of the training, the following information as referenced in Section F.5.12:

- Final list of candidates attending upcoming training session
- CPR and First AID Certificate

NMFS may require additional information regarding At-Sea Monitor candidates and should be consulted regarding any for which proposed candidate there is some question regarding qualifications. Should substitution of At-Sea Monitors be required, the contractor shall also provide their pertinent information to the COTR prior to such substitution. The Government retains the right to reject any At-Sea Monitor proposed by the contractor if his or her qualifications do not meet the qualifications specified in paragraph C.4.2.2, Eligibility Requirements, or if their work has been performed at an unsatisfactory level on previous projects, or if their behavior on other projects has been disruptive.

The contractor shall provide the status of its At-Sea Monitor training approvals completed and in process in its Monthly Status Report (Section F.5.1).

NMFS training curriculum is detailed in the ASM training agenda (Section J, Attachment 14, ASM Training Agenda).

An At-Sea Monitor's first 4 deployments and the resulting data shall be immediately edited and approved after each trip by NMFS prior to any further deployments by that At-Sea Monitor (Section J, Attachment 15, ASM Training Trip Policy). During the At-Sea Monitor's first 4 deployments, in order for them to go on their next trip, their data must be received, edited and the At-Sea Monitor must be "cleared" by NMFS to sail on their next trip. This notification will be sent via e-mail to the At-Sea Monitor's provider. The At-Sea Monitor cannot be deployed until the e-mail notification has been sent by NMFS. If the data quality is considered acceptable the At-Sea Monitor will become certified. If the data quality is not considered acceptable, the At-Sea Monitor will not be certified by NMFS at that time.

The first trip an At-Sea Monitor takes after completing the initial 2-week training course will be accompanied by either a NMFS member or a certified trip trainer. Certified trip trainers are current At-Sea Monitors under this contract and are certified by NMFS. In order to become a trip trainer, the contractor must request to NMFS the names of the At-Sea Monitor they would like certified. NMFS would then assign a NMFS staff member to accompany the trip trainer candidate on a future trip. If approved by NMFS the At-Sea Monitor would become a trip trainer. Contractor responsibilities consist of finding vessels that are willing to take two (2) At-Sea Monitors, setting up the logistics of the trip, and communicating with NMFS regularly providing updates on the status of the trip (Section J, Attachment 16, Trip Trainer Certification Program).

At-Sea Monitor trip trainers taking their training assignment trips with NMFS personnel may bill the cost of a seaday under CLINS 0003, 1003 and 2003. When two At-Sea Monitors are on a vessel for the days a certified At-Sea Monitor trip trainer is accompanying a new At-Sea Monitor then the new At-Sea Monitor should be billed under CLINS 0001, 1001 and 2001. The certified trainer would be billed as a seaday under CLINS 0003, 1003 and 2003. NMFS determines the number of trainers needed based on how many At-Sea Monitors are currently working, what the demand for new At-Sea Monitors is, and what the projected training schedule looks like. NMFS currently has 12 certified At-Sea Monitor trip trainers and would expect to maintain that level. At-Sea Monitors

certified as trip trainers must be geographically representative of the ports ASM At-Sea Monitors cover to accommodate all new trainees.

Key personnel will be expected to attend any other periodic NMFS required trainings related to the ASM program that could impact At-Sea Monitor protocols, such as program manual update trainings or changes to the Pre-Trip Notification System. One key personnel is required per all trainings, however, NMFS encourages all available staff attend periodic trainings that relate to changes in the ASM program or sampling protocols for their own education. A key personnel is required to attend two days per week of each training and all the days of refresher training.

Compensation for the At-Sea Monitor's time at the refresher training and all other training as well as meals & reimbursement (M&I) and lodging will be reimbursed by NMFS (Section B - Supplies or Services and Prices/Costs Training CLINS 0003, 1003, and 2003). Costs for travel to and from the training center will not be covered by NMFS.

Per Diem and lodging during weekends are reimbursable during trainings that occur over the course of multiple weeks. Weekend At-Sea Monitor salary costs are not covered under reimbursement, unless training (such as a weather-delayed training trip) occurs on a weekend day. A weekend make up day would be required if the building is closed during the week.

At-Sea Monitors shall be expected to remain as active At-Sea Monitors or serve in other capacities directly related to the Northeast Fisheries At-Sea Monitor Program (e.g. program management) for at least one (1) year after training. The contractor shall reimburse the Government for training expenses for any At-Sea Monitors terminating their At-Sea Monitor employment with the contractor within one (1) year of completing the NMFS training. This will be done by issuing a credit for the next training session. For example, if three (3) At-Sea Monitors leave the program prior to completing one (1) year of employment, at the next training, three (3) individuals' training costs (Section B Supplies or Services and Prices/Costs Training CLINS 0003, 1003, and 2003) and hourly wages associated with the training (Section B Supplies or Services and Prices/Costs Hourly Rate At-Sea Monitor CLINS 0004, 1004 and 2004) will not be billed to the Government.

At-Sea Monitors shall sign a non-disclosure statement (confidentiality agreement) at the commencement of training (Section J, Attachment 17, NEFSC Statement of Non-Disclosure) as referenced in Section F.5.24.

NMFS may request an At-Sea Monitor be accompanied by a NMFS staff member on a future trip. The contractor shall assist with the setting up these shadow trips (Section J, Attachment 18, Shadow Trip Program). The contractor shall make At-Sea Monitors available to NMFS (Enforcement and FSB staff) for the purposes of routine debriefings, requested meetings regarding data quality issues, investigating circumstances of alleged refusals by vessels to take an At-Sea Monitor or other violations of the Magnuson-Stevens Fishery Conservation Act (MSA), Marine Mammal Protection Act (MMPA), or the Endangered Species Act (ESA) recorded by the At-Sea Monitor in the course of his/her duties (Section B Supplies or Services and Prices/Costs Training CLINS 0003, 1003 and 2003) and hourly wages associated with the training (Section B Supplies or Services and Prices/Costs Hourly Rate At-Sea Monitor CLINS 0004, 1004 and 2004). All At-Sea Monitors shall call their editor/debriefer prior to making a trip in a fishery or program covered for the first time.

C.4.3.3 Data Quality Control

Data shall be collected and maintained in accordance with contractor's Quality Assurance Plan as incorporated in the contract (Section F.5.3).

The overall goal of quality control is to ensure the effectiveness and efficiency of collection efforts as well as the quality of data collected. Data quality is of utmost importance. As such the contractor shall ensure the highest quality in data collected by its At-Sea Monitors. NMFS will provide a data quality rating of At-Sea Monitors to the provider on a bi-annual basis (Section J, Attachment 19, Data Quality Rating). The contractor shall use the data quality rating of At-Sea Monitors in their Quality Assurance Plan (F.5.3).

C.4.3.4 At-Sea Monitor Equipment, Operation and Maintenance

The contractor shall provide all materials and equipment necessary for the collection of data and biological sampling (Section J, Attachment 20, ASM Gear List). The contractor shall maintain and replace lost gear to ensure the At-Sea Monitor is able to carry out his/her sampling duties. For items listed with a brand name, the contractor shall provide the equivalent quality to the brand listed.

The gear and equipment, purchased and charged to the Government in the performance of the contract becomes Government property at the end of the contract. Equipment and gear should be inspected and repaired in accordance with manufacturers specification as needed and at a minimum of once per year. Newly acquired gear must be of the same quality as the originally provided Government gear. At-Sea Monitor gear and contractor's tracking and maintenance of such gear is subject to periodic audit by the Government. The Government retains the right to modify gear specifications and requirements to meet research collection needs.

C.4.3.5 Travel and Lodging

The contractor is responsible for all travel arrangements and expenses, appropriate lodging, and all expenses associated with training, safety meetings, briefings, debriefings, and deploying At-Sea Monitors to assigned vessels. All travel costs and expenses incurred shall be reimbursed in accordance with the Government's Travel Regulations.

Travel costs are reimbursable and are intended to include costs associated with At-Sea Monitor travel to and from vessels and to and from the port if the At-Sea Monitor travels greater than fifty (50) miles, one way, from their primary port (Section B Supplies or Services and Prices/Costs CLINS 0002, 1002, and 2002).

Coordinator and support staff travel (related to At-Sea Monitor deployment) to and from vessels and to and from the port are reimbursable if travel meets Government Travel Regulations and At-Sea Monitor travel costs under CLINS 0002, 1002, and 2002. The contractor shall submit a travel voucher (Section J, Attachment 21, At-Sea Monitor Travel Voucher) clearly documenting all travel logistics and associated costs to the COTR.

While an At-Sea Monitor is out at sea, per diem is not reimbursable, unless authorized on a case-by-case basis by the COTR, such as if an At-Sea Monitor lands in a port other than their primary port.

C.4.3.6 Vessel Selection

The contractor shall strictly adhere to all sampling design requirements specified for the Northeast Fisheries At-Sea Monitor Program (ASM). NMFS will provide the contractor with a set of specific guidelines regarding vessel selection and placement considerations by various fisheries. The contractor shall make contact with vessels selected either by NMFS to arrange for At-Sea Monitor coverage and deployment scheduling as necessary. When the contractor/At-Sea Monitor makes initial contact with the vessel, the contractor/At-Sea Monitor shall verify with the captain that he has sufficient life raft capacity for an additional person (At-Sea Monitor). If not, the contractor shall immediately attempt to have one of the NMFS issued valise life rafts available for the At-Sea Monitor for that trip. If one is not available, and the captain still intends to sail without the At-Sea Monitor, an SDR shall be issued to the captain of the vessel (Section J, Attachment 22, Safety Deficiency Report). The contractor shall assign At-Sea Monitors to vessels without regard to preference expressed by vessel owners or operators with respect to At-Sea Monitor race, gender, age, religion, or sexual orientation nor shall the contractor consider At-Sea Monitor's expressed preference. The contractor shall not assign At-Sea Monitors who are showing symptoms of illness or who may be contagious. In the event that an At-Sea Monitor falls severely ill or injured at sea, and the vessel must prematurely cease fishing to return the At-Sea Monitor to port, the contractor shall propose a plan on how to work out a fair reimbursement for the vessel's fuel expenses.

Various regulated fisheries have a requirement for a vessel's representative to notify the ASM prior to making each fishing trip. Notification is required prior to the planned departure in a specific time frame, e.g., forty-eight (48). The vessel is then randomly assigned, by NMFS, an At-Sea Monitor or issued a waiver, relieving them of the requirement to carry an At-Sea Monitor for that specific trip. The contractor shall provide personnel or an automated answering service to handle notifications twenty four (24) hours a day, seven (7) days a week, for certain fisheries. Depending on regulations enacted by the NMFS, the notification requirement may require e-mails, telephone calls, or inputting into a website from the vessel's representative. The Groundfish fishery is required to notify NMFS, NMFS is responsible for the selection and informs the vessel and the contractor of trip details.

For the groundfish fishery (notifies NMFS when they are sailing), the contractor will be notified of trip selection via the website. The contractor may accept or decline trips within twenty four (24) hours. If a trip is accepted by a contractor, the contractor would make contact with the vessel for trip logistics. The COTR shall be notified all circumstances in which At-Sea Monitors were late or missed a scheduled trip for all fisheries as referenced in Section F.5.13.

Vessels must be covered randomly, without repeated deployments on the same vessels by the same At-Sea Monitor, unless waived by the COTR. For trips outside closed areas and other special access fishing programs there shall be no more than two (2) back to back trips by the same At-Sea Monitor on the same vessel. A vessel selection list may be provided by NMFS which will rank vessels in the order they should be covered.

Cost Reimbursement is authorized for At-Sea Monitors for the time associated with a "no show". The maximum amount of time for a no show is up to 2.5 hours. The At-Sea Monitor must arrive 30 minutes prior to the scheduled departure time and remain at the designated area for up to 2 hours following the

scheduled departure time. Travel to and from the site and per diem are not included unless conditions in C.4.3.5 are met. Any costs billed for a "no show" will be billed against CLINS 0004, 1004 and 2004. There will be no reimbursement for situations in which it is the At-Sea Monitor's fault for missing the trip or no attempt was made to communicate with the captain prior to taking the trip. A travel voucher (Section J, Attachment 21, At-Sea Monitor Travel Voucher) is required for proper reimbursement.

Cost Reimbursement is authorized for At-Sea Monitors for the time associated with a "cancellation" in instances where trips are cancelled at the dock or when an at-sea monitor is en-route to the vessel and cancellations occurs. The maximum amount of time for a cancellation is up to 2.5 hours. Travel to and from the site and per diem are not included unless conditions in C.4.3.5 are met. Any costs billed for a "Cancellation" will be billed against CLINS 0004, 1004 and 2004. A travel voucher (Section J, Attachment 21, At-Sea Monitor Travel Voucher) is required for proper reimbursement.

C.4.3.7 Safety Requirements

Vessels must be in compliance with the At-Sea Monitor Health and Safety Regulations before an At-Sea Monitor is deployed (http://www.nefsc.noaa.gov/fsb/Misc/Obs_Health_&_Safety_Regs.FR.11.01.07.pdf) . Vessels must pass the Pre-Trip Vessel Safety Checklist (Section J, Attachment 23) that will be performed by the At-Sea Monitor with the assistance of the captain or designee prior to deployment. If the vessel fails to pass the Pre-Trip Vessel Safety Checklist, the At-Sea Monitor shall not sail on the vessel and shall complete Safety Deficiency Report (Section J, Attachment 22, Safety Deficiency Report), which shall be provided to the captain and NMFS.

Valise life rafts will be issued to the contractor by NMFS upon award of the contract. It is expected that the contractor shall maintain the life rafts while in their care and ensure the life raft is up to date with service and inspections. When service and inspection dates are coming close to their expiration, the contractor shall contact NMFS to schedule a drop off of the raft. If there is evidence that the life raft is not treated properly while in their care (i.e., dragged on the ground resulting in holes in the raft) then the contractor will be liable for the cost of a replacement raft.

At-Sea Monitor safety is of paramount importance to ASM. If at any time an At-Sea Monitor feels that a vessel is unsafe prior to departure, they may decline the trip and report this on the Pre-Trip Vessel Safety Checklist (Section J, Attachment 23) to NMFS.

C.4.3.8 Communication

The contractor shall provide and employ a method for At-Sea Monitors to communicate vessel departure and arrival information; handle At-Sea Monitor emergencies and/or problems related to At-Sea Monitor logistics when they are at sea, in transit to the dock, or in port awaiting vessel departure. The contractor shall contact NMFS of all emergency situations, including medical, within twelve (12) hours of learning of the incident as referenced in Section F.5.14.

The contractor shall provide NMFS with access to a real time online At-Sea Monitor tracking system for At-Sea Monitor deployments (including vessel identifier information), leave schedules, and status (part-time vs. full-time) updates as referenced in Section F.5.15.

The contractor shall provide NMFS with all written documents/memos that are sent their At-Sea Monitors within 24 hours of when the document/memo is sent as referenced in Section F.5.25.

The contractor shall notify NMFS of when an At-Sea Monitor is subject to disciplinary action by the contractor (i.e., placed on probation, performance monitoring, etc...) within 24 hours of when the disciplinary action took place as referenced in Section F.5.26.

C.4.3.9 Notification of Potential Infractions

The contractor shall immediately notify the COTR of any potential violation of the Rules and Regulations that implement the Fishery Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act or Endangered Species Act or any regulations that govern the At-Sea Monitor program, including but not limited to: vessels failing to provide adequate notification prior to departing, failing to take an At-Sea Monitor, incidents of At-Sea Monitor interference, harassment, or intimidation. The contractor shall ensure that each returning At-Sea Monitor is debriefed for incidents of intimidation, interference, or harassment within twelve (12) hours of trip landing as referenced in Section F.5.14. Reported incidents of the vessel failing to take an At-Sea Monitor or incidences of the contractor failing to handle incidents of interference, harassment or intimidation of At-Sea Monitors will be investigated by NMFS.

C.4.3.10 Vessel Operations and Working Conditions

Fishing vessels routinely operate out of ports from New York to Maine (Section J, Attachment 24, Location of ASM Trips in 2010). Trips can range from 1-14 days in duration. The vessels operate in ocean waters, 3-200 miles offshore in all weather conditions. Vessels are generally 30-150 feet in length. Crew members and At-Sea Monitors live and sleep in cramped quarters, often in damp conditions and share common facilities. On some vessels, the crew does not speak English. At-Sea Monitors must be willing to travel occasionally to cover locations other than their primary ports.

At-Sea Monitor Health and Safety Regulations require sleeping areas for the At-Sea Monitor to be equal to those of the crew. Some vessels have no shower and may lack permanent toilets or bunks. Although vessels may not have separate facilities for women, federal regulations require reasonable privacy for female At-Sea Monitors. Female At-Sea Monitors on a vessel with an all-male crew must be accommodated with adequate privacy which can be ensured by installing a curtain or other temporary divider, in a shared cabin. Because of the size and responsiveness of these vessels to sea conditions, motion sickness can be debilitating for some individuals and should be seriously considered in all prospective At-Sea Monitor candidates. Most vessels carry no trained medical personnel aboard and rely upon first aid knowledge of the boat's operator in consultation with land-based physicians via radio.

Food is provided on multiday trips for the At-Sea Monitor and must be equal to the food being served to the rest of the crew. On single day trips, At-Sea Monitors must bring their own food and water.

C.4.3.11 Data Quality

The NMFS COTR will monitor all aspects of contractor performance as described below:

- Failure to deliver data from an observed sea day includes:

- All data must be delivered at the required time frame, as specified by NMFS.
- Data must not be fraudulent or of such poor quality as to be unusable (i.e. if determined to be fraudulent or unusable within 90 days of receipt of the data).

The contractor shall interact with vessels which have carried At-Sea Monitors. They shall interview the captain; using NMFS issued workbooks with a pre-determined set of questions (Section J, Attachment 25, Captain Interview Questions), and determine if the At-Sea Monitor performed his/her job in a professional manner and carried out all required tasks. Unless otherwise instructed by NMFS, a random selection of 10% of each At-Sea Monitor's trips each quarter will have follow-up interviews. Format questions will be provided by NMFS. Trip Interview Reports will be provided to NMFS electronically within two working days of the interview as referenced in Section F.5.16. The contractor shall report, in writing to the COTR, all complaints made by the industry regarding At-Sea Monitor activities, as well as any At-Sea Monitor injuries aboard vessels or on docks to NMFS.

An At-Sea Monitor's ability to work will be based on his/her certification. If an At-Sea Monitor does not adhere to NMFS protocols or meet the At-Sea Monitor Standards of Conduct (Section J, Attachment 7, At-Sea Monitor Standards of Conduct), they may be placed on pre-probation, probation or decertified, as described in the NMFS policy statement regarding certification (Section J, Attachment 26, ASM At-Sea Monitor Performance Monitoring, Review, Probation and Decertification).

NMFS will provide the contractor with a data quality rating for each At-Sea Monitor (Section J, Attachment 19, Data Quality Rating).

C.4.3.12 Contractor Standards of Conduct

The Contractor shall comply with the requirements of Clause H.2.2 At-Sea Monitors Preventing Personal Conflicts of Interest. The contractor shall assign at-sea monitors without regard to any preference expressed by representatives of vessels based on, but not limited to, at-sea monitor race, gender, age, religion or sexual orientation.

C.4.3.13 At-Sea Monitor Termination Documentation

The contractor shall notify the COTR when an At-Sea Monitor leaves the ASM for any reason as referenced in Section F.5.19. Reasons for termination, whether contractor initiated or At-Sea Monitor initiated, must be documented and provided to NMFS within 7 days of the At-Sea Monitor's departure and shall be used to determine trends and assist in improving retention of qualified At-Sea Monitors as referenced in Section F.5.20.

C.4.3.14 Emergency Action Plan

The contractor shall institute an Emergency Action Plan that documents what they will do in the case of an emergency. The purpose of an Emergency Action Plan is to facilitate and organize employer and employee actions during workplace emergencies. Well-developed emergency plans and proper employee training (such that employees understand their roles and responsibilities within the plan) will result in fewer and less severe employee injuries. The contractor shall provide NMFS with a copy of their Emergency Action plan as referenced in Section F.5.27.

C.4.3.15 Quality Assurance Plan

The contractor shall develop and submit to NMFS a contractor Quality Assurance Plan, as referenced in Section F.5.3, which details how the contractor will ensure effectiveness and efficiency of collection efforts as well as the quality of data collected by its At-Sea Monitors. The contractor shall further establish, implement, and maintain a Quality Assurance Management program to ensure consistent quality of all work products and services performed under this contract.

C.5 PERFORMANCE MONITORING

C.5.1 Quality Assurance Surveillance Plan

NMFS intends to monitor contractor performance against the Schedule of Deliverables (Section F.5.3).

C.6 SECURITY RISK LEVEL DESIGNATIONS

The risk levels under this contract have been determined by the Program Office as shown in the list below:

- Program Manager
SECURITY RISK = Low
- Coordinator
SECURITY RISK = Low
- Observer I, II, III
SECURITY RISK = Low

Investigation Packages

At-Sea Monitors and key personnel would be considered contractors and all undergo the required background investigation (Section J, Attachment 13, Security Background Instructions) and would be either U.S. Citizens, Naturalized Citizen, Green Card Holders (aka Permanent Resident Card), or Foreign Nationals. The following requirements will be completed prior to official hiring:

- 0 - 30 days = Security Worksheet, Finger Print Cards (FD 258 Cards)
- 31 - 179 days = Security Worksheet, SAC Form (OFI Form 86C), Finger Print Cards (FD 258 Cards)
- 180 or greater days = EQIP Package
 - Security Worksheet
 - Electronic Questionnaire (filled out after applicant has been placed in EQIP)
 - EQIP Signature pages (generated after applicant has completed Questionnaire in EQIP)
 - Declaration for Federal Employment (Optional Form 306)
 - Finger Print Cards (FD 258 Cards)
 - Fair Credit Reporting Form (filled out based on position sensitivity)

Foreign National (FN) Information (must be submitted along with Investigation Packages)

Foreign Nationals is anyone who is a non-U.S. citizen or non-green card holder (aka permanent resident card). Foreign Nationals fall into two categories: Visitors or Guests. Visitors are personnel onsite for up to 3 days; or whom will be attending a conference, workshop, or training (which can go up to 5 days). Guests are personnel who will be onsite over 3 days and who do not fall into the 5 day category listed above. All Foreign National Visitor/Guests information must be submitted through the Foreign National Registration System (FNRS) by NMFS.

C.7 CLAUSES INCORPORATED BY REFERENCE

C.7.1 CAR 1352.237-71 SECURITY PROCESSING REQUIREMENTS—LOW RISK CONTRACTS (APR 2010)

(Reference 48 CFR 1337.110-70)(c))

C.7.2 CAR 1352.237-73 FOREIGN NATIONAL VISITOR AND GUEST ACCESS TO DEPARTMENTAL RESOURCES (APR 2010)

Reference 48 CFR 1337.110-70)(e))

Attachment 3b: Electronic Monitoring

This section includes the standards and requirements for electronic monitoring (EM) programs; and a detailed description of the NOAA Fisheries EM audit model and maximized retention programs. A sector may adopt the NOAA Fisheries EM audit model and/or maximized retention program(s) in its operations plan. To adopt a NOAA Fisheries EM program, append the [EM Program Standards](#) and corresponding [NOAA Fisheries EM Program Description\(s\)](#) (below) to the sector's operations plan. Alternatively, a sector may use the NOAA Fisheries EM programs as a guide to design a new EM program in its operations plan. A sector may benefit from consultation and further refinement with NOAA Fisheries staff to ensure that any new plan meets the objectives of an EM Program and is suitable in place of ASM. The regulations documenting the EM program standards and requirements are described at § 648.11(l).

Definitions

Burn-In Trip: A “burn-in trip” is a trip taken by a vessel to demonstrate that the vessel’s EM system is functioning properly, camera views are sufficient, and that the crew is familiar with and is capable of complying with the vessel’s catch handling requirements.

Discard Event: With respect to audit model EM vessels, a discard event means any instance in which groundfish is discarded during fishing operations in a manner inconsistent with the VMP. Examples include, but are not limited to, failing to discard at designated discard control points, failing to retain discards for processing, or tripping a bag for safety reasons. With respect to maximized retention EM vessels, a discard event means any instance in which allocated groundfish are discarded during fishing operations. Examples include, but are not limited to, intentional discarding by captains or crew, or tripping a bag for safety reasons.

Dockside Monitor: Any person responsible for observing the offloads of groundfish by maximized retention EM vessels either directly to a federally permitted dealer or to a truck for later delivery to a federally permitted dealer, which may include the following duties: verifying that the fish hold is empty; collecting groundfish catch stock, weight, or market category information; and collecting biological samples (e.g., lengths, otoliths).

Duration of a Trip: From the vessel’s time of departure from a port until its return to a port. In addition, all discards have been processed for audit model vessels; and all catch has been offloaded to the dealer for maximized retention vessels.

EM Data: Data that are created in the collection of fishery-dependent data by EM systems during fishing operations, including the video, images, and other sensor data, as well as the metadata that provides information (e.g., trip sail date, vessel information) about the raw data.

EM Detail File: An EM service provider must submit all required data elements for a trip (i.e., groundfish discards and other information) as described in the [Video Review Guidance Document](#) via an EM Detail File. The EM Detail File must be developed in accordance with data requirements identified by the NMFS. The current specifications are available [HERE](#). The EM Detail File is a JSON file, a commonly used open standard file and data interchange format.

NEFSC Northeast Electronic Monitoring Information System (NEMIS) Application

Programming Interface (API): An EM service provider must submit EM Detail Files via the [NEMIS API](#), a software intermediary that allows two software applications to communicate. The

NEMIS API is used to access data in a variety of formats. Data submissions (i.e., EM Detail Files) must be formatted according to the API specifications. The API specifications documentation provided by the NEFSC ([HERE](#)) describes the data file format, the data structure, and all annotation codes required for data submission to the API. The API documentation is provided in a commonly used standardized format.

NOAA Fishery Monitoring Web Portal: The NOAA Fishery Monitoring [Web Portal](#) is a web-based interface that offers user-specific data access and content. The web portal allows various users (i.e., NOAA Fisheries staff and ASM/EM service providers) to use one system to track and manage monitoring information.

Observed: With respect to EM, means that all discards from a haul were viewable such that they could be adequately annotated in accordance with the Video Reviewer Guidance document. In this context, adequately annotated is defined as identification to the lowest taxonomic level possible and a count/weight can be collected, if applicable. If video cuts out, is missing, or obstructed and the catch cannot be tracked confidently to determine end disposition, then that haul would be unobserved.

Operational EM System: The EM system must be functional and in use, meaning that the system is recording fishing operations, including the video, images, and other sensor data, as well as the metadata that provides information (e.g., trip sail date, vessel information) onto a hard drive or other suitable video storage device.

Raw: With respect to EM, means the original, unaltered video footage, images, and other sensor data collected by an EM system.

Sector EM Trip: When a vessel takes a sector trip, as defined below, using a gear type for which it has an approved VMP. These trips are categorized as sector EM trips and all EM program requirements apply.

Sector Trip: With respect to the multispecies fishery, a sector trip means any trip for which a vessel declares into the multispecies fishery, including the use of No DAS, A DAS, regular B DAS, or reserve B DAS. This also includes monkfish trips in which a vessel declares the use of both monkfish and multispecies A DAS. A fishing trip of any kind is defined as port to port.

System Check (also known as a Function Test): Confirmation that all electronic monitoring system components are operating and recording properly.

Transition Period: The amount of time required for NOAA Fisheries to complete a change request (i.e., change a vessel's designated monitoring program, approve a new gear type). The transition period has yet to be determined and will depend on the total number of vessels enrolled in the program.

Vessel Monitoring Plan (VMP): The VMP describes in detail how an EM system is specifically configured on a particular vessel, reporting requirements, and how fishing operations on that vessel will be conducted to effectively monitor fishing activities onboard. The VMP will clearly define the roles and responsibilities of all parties, including provisions to which each party must adhere.

Vessel Monitoring Plan Document Management Application (VMAN): VMAN will be used to submit VMPs to NMFS for approval. VMAN will be the primary source for shared access, file storage, VMP corrections and updates, and documenting a service provider's compliance with

service provider performance criteria. Vessel operators and/or EM service providers will be provided VMAN login credentials by NMFS. VMAN is available as a web application and is accessible by desktop, tablet, and phone.

Video Reviewer: Any EM service provider staff approved/certified by NMFS for providing EM video review services consistent with EM program requirements.

Resources Available to Sectors

- [API Specifications](#)
- Guide to Catch Accounting (located in [Fishing Year 2021 Sector Report Guide v 12.0.0](#))
- [Vessel Monitoring Plan Document Management Application \(VMAN\)](#)
- Vessel Monitoring Plan Development and Guidance for EM Programs
- [Video Review Guidance Document](#)

EM Program Standards and Roles and Responsibilities

Attached are descriptions of the program standards and roles and responsibilities for sector EM programs. A sector utilizing either NMFS-designed EM program (Audit or MREM) must append the following language to their sector operations plan.

EM Program Standards

EM Program Duration

- A vessel must opt into an EM program for an entire fishing year, with the following exceptions:
 - A sector may allow a vessel a single opportunity to opt in/out of EM at any time during a fishing year. A sector must have both an approved ASM and EM plan included in its operations plan to offer its member vessels this flexibility if the vessel intends to continue fishing during the remainder of the fishing year. A vessel that opts in/out of EM mid-year should expect a transition period to accommodate changes to PTNS and other data systems, during which time it may continue fishing under its current monitoring program.
 - VMPs are approved by gear type. A vessel enrolled in an EM program is expected to acquire an approved VMP for all groundfish gear types used by the vessel. A vessel owner or operator that chooses to switch gear types (e.g., gillnet to trawl) mid-year must work with their service provider to reconfigure the EM system if necessary, and develop and submit a revised VMP for approval. Depending on the extent of the changes and assuming the vessel's sector also has an ASM contract, the vessel may be temporarily categorized as an ASM vessel until the VMP authorizing the use of the new gear type is approved. Trips taken by the vessel during this time would be assigned an ASM. If the vessel's sector does not hold an ASM contract, the vessel would not be authorized to fish until the revised VMP is approved.

EM Requirements

- The EM system must be operational on every sector EM trip taken by a vessel. A vessel may not fish a sector EM trip without an operational EM system onboard, unless:
 - Issued a waiver by NMFS: In the event that a vessel's EM system is not operational as required, the vessel operator should troubleshoot the issue as described in the vessel's VMP. If the vessel operator and/or EM service provider staff are unable to resolve the issue, they must notify NMFS and request a waiver through PTNS. Waivers will be granted at NEFSC's discretion.
 - Assigned an ASM: A vessel enrolled in an EM program that intends to fish with a gear type that it does not have an approved VMP for will be assigned an ASM. If the vessel's sector does not hold an ASM contract, the vessel would not be authorized to fish until the revised VMP is approved.
- The EM system must be operational for the entire duration of the trip.
- Vessels must conduct a system check prior to departing on a sector trip. Instructions for completing a system check, and guidance for troubleshooting issues, should be included in the vessel's VMP.
- No person may tamper with, disconnect, or destroy any part of the EM system, associated equipment, or data recorded by the EM system.

Vessel Operator Requirements

- A vessel using EM may still be selected for NEFOP or NEFOP Limited coverage and must carry a NEFOP or NEFOP Limited observer if selected. The NEFOP program is necessary to collect biological data and satisfy Standardized Bycatch Reporting Methodology, Marine Mammal Protection Act, and Endangered Species Act requirements. The EM system must be operational and the vessel operator and crew must comply with catch handling protocols when carrying a NEFOP or NEFOP Limited observer.
- The EM system, associated equipment, vessel trips reports, VMP, and other records must be available for inspection upon request by NOAA Fisheries staff.
- A vessel operator must ensure the EM system is fully operational during a sector trip, including:
 - Maintaining power to the EM system at all times for the duration of the trip.
 - Ensuring the EM system is operating, recording, and retaining the recording for the duration of every trip.
 - Maintaining clear and unobstructed camera views at all times.
 - Ensuring lighting is sufficient in all circumstances to illuminate catch so that catch and discards are visible and may be identified and quantified as required.
- A vessel operator and crew must comply with the NMFS-approved VMP at all times.
- A vessel owner or operator must submit all EM data for all EM sector trips to the EM provider in accordance with program requirements (e.g., method and timing):
 - Each trip's EM data must be submitted to the EM service provider within 7 calendar days following completion of the trip.

- Vessels using maximized retention electronic monitoring must retain all fish from each allocated regulated species, regardless of length.

Vessel Monitoring Plan Requirements

- A vessel electing to use EM as part of the sector's EM program may work with the sector's approved provider to develop a vessel- and gear-specific VMP for NMFS approval. If a vessel intends to fish with EM on May 1, the VMP must be submitted to NMFS for approval a minimum of 30 calendar days in advance of the fishing year. Otherwise, the VMP must be submitted to NMFS for approval a minimum of 10 business days prior to a vessel's intended start date.
- A vessel must have a NMFS-approved VMP to use EM for a given gear type on a sector trip. At a minimum, the VMP must incorporate these EM Program Standards by reference, and the following sections (below). Further details on the required information can be found in the VMP guidance template:
 - General vessel information, including gear type;
 - List of contacts;
 - EM system components and specifications;
 - Vessel reporting requirements;
 - Vessel operator responsibilities;
 - System operations and maintenance;
 - Catch handling requirements; and
 - Dockside monitoring requirements (if applicable);
 - EM system malfunction protocols; and
 - Troubleshooting guide.
- A copy of the approved VMP must be on board the vessel and accessible at all times.
- The captain and crew of a vessel must abide by catch handling protocols, and all other requirements of the VMP, at all times on a sector trip. The captain and crew of a vessel must sort catch and process any discards within the view of the cameras in a manner consistent with the VMP.
- Substantial modifications to the VMP must be approved by NOAA Fisheries prior to fishing. A vessel that intends to modify its fishing practices mid-year and requires VMP modifications must allow for a transition period to accommodate VMP review and approval by NOAA Fisheries.

Dockside Monitoring Requirements (Applicable to maximized retention EM vessels only)

- Vessels using maximized retention electronic monitoring must participate in either an independent third party dockside monitoring program approved by NMFS, or the dockside monitoring program operated by NMFS, as instructed by NMFS.
- The vessel operator must notify the DSM program of its intention to sail prior to beginning a sector EM trip. The notification schedule (e.g., upon sailing or in advance) and method (i.e., text, VMS) will depend on the nature of the vessel's activity (e.g., day boat vs trip boat vessels) and will be described in the vessel's VMP.
- The vessel operator or dealer must provide an offload time to the DSM program in advance of landing. The advance notice of landing and offload schedule will be dependent on the nature of the vessel's activity (e.g.,

day boat vs trip boat vessels) and will be defined in the vessel's VMP. The standard advance notice is as follows:

- 4 hours for day boat vessels.
- 48 hours for trip boat vessels.
 - For trip boat vessels, the vessel operator or dealer will provide the DSM program with a hail weight for the total catch of allocated groundfish 24 hours prior to offload.
- The vessel operator, crew, and dealer must offload all allocated groundfish in the presence of the DSM. The vessel operator and crew may not begin offloading unless a DSM is present or they have received a waiver from the DSM program.
 - In the event that a DSM is not available to observe an offload, the vessel operator may request a waiver by contacting the DSM coordinator. Waivers may be granted at the NEFSC's discretion.
- All fish below the minimum size must be offloaded before other fish that meet the minimum size and must be provided to the dockside monitor at the sampling station.
- The vessel operator and crew must retain all allocated groundfish categorized as LUMF and sort it separately from any sublegal catch to facilitate data collection by a dockside monitor.
- The vessel operator and crew, or dealer personnel, must separate sublegal allocated groundfish catch by species. The vessel operator and crew may NOT combine sublegal and terminal legal-sized market category catch for any species.
- The vessel operator must allow the DSM access to the fish hold immediately following the offload in order to confirm all allocated groundfish were offloaded. A vessel representative must observe/accompany the DSM during the hold inspection. The vessel representative must provide support for the DSM to safely embark and disembark the vessel (e.g., ladders/steps/assistance etc.).
- The primary dealer is required to retain all sublegal allocated groundfish catch in order to be weighed and sampled by the DSM.
- Dealers are required to clearly mark all containers containing sublegal catch to facilitate tracking, and are required to provide settlement documents to the DSM program for any allocated groundfish forwarded to secondary dealers.
- Dealers must report landings of all fish, including those below the minimum size.
- Dealers are required to provide DSMs with access to facilities equivalent to what is provided to the dealer's staff, including: A safe sampling station, with shelter from weather, for DSMs to conduct their duties and process catch; access to bathrooms; and access to facilities for washing equipment with fresh water.
- Dealers must provide settlement documents to the DSM program

EM Program Roles and Responsibilities

Below is a description of the rules and requirements applicable to a sector EM program.

Sector Responsibilities

- A sector that wishes to use EM to meet monitoring requirements for any of its member vessels must contract with a NMFS-approved EM service provider.
- For fishing year 2023, NMFS will administer a DSM program to support maximized retention EM vessels. In future years, a sector that wishes to use maximized retention EM to meet monitoring requirements will be required to contract with a NMFS-approved DSM service provider.
- If a sector opts to include both an ASM program and an EM program(s) in its sector operations plan, then it must submit a list detailing which member vessels will be enrolled in each program in advance of the fishing year.
 - In the event that a member vessel wishes to switch programs mid-year, the sector must notify NMFS of the change in writing.

Vessel Owner/Operator Responsibilities

- A vessel must have an operational EM system in order to fish in an EM program. In order to facilitate this, a vessel owner/operator may need to provide an EM service provider with vessel access to provide the following services:
 - Support development of the VMP;
 - Install the EM system and associated equipment;
 - Train the vessel owner/operator on EM system use; and
 - Provide technical support and field services as needed.
- A vessel must complete one burn-in trip after equipment installation, and before enrollment in the sector's EM program, that demonstrates the vessel's EM system is fully operational (i.e., the system is working properly, camera views are adequate, and the captain and crew are familiar with and capable of complying with the catch handling requirements). A vessel may need to complete additional burn-in trips to sufficiently demonstrate the EM system is fully operational. Additional information on burn-in trips is available in the VMP Development and Guidance document.
 - Burn-in trips may also be required for annual renewals or for certain VMP system modifications.
- A vessel must adhere to EM program requirements and follow catch handling protocols as described in the VMP at all times on EM sector trips. Noncompliance with EM program requirements (e.g., catch handling inconsistent with the VMP) may affect a vessel's eligibility to participate in the EM program.

Additional Monitoring and Reporting Requirements

- A vessel enrolled in an EM program must notify its intent to sail in the PTNS at least 48 hours prior to departure, consistent with existing requirements.

- A vessel enrolled in an EM program must carry a NEFOP or NEFOP Limited observer when selected for coverage, consistent with existing requirements.
- A vessel enrolled in an EM program must submit VTRs electronically (eVTR). The eVTRs must include an estimated total weight of each discarded groundfish species, consistent with existing requirements.

At-Sea Requirements

- The vessel operator and crew onboard a vessel enrolled in an EM program must maintain cameras' operability and functioning throughout the trip to ensure visibility (e.g., power, cleanliness).
- The vessel operator and crew onboard a vessel enrolled in an EM program must follow catch handling requirements as described in the VMP, including but not limited to discarding all species at designated discard control points on the vessel. Additionally:
 - Vessels participating in the audit model EM must process all groundfish discards using methods approved and outlined in the VMP (e.g., place groundfish discards on a measuring strip in view of cameras prior to discarding).
 - Vessels participating in maximized retention EM must retain all allocated groundfish categorized as LUMF and sort it separately from sublegal catch to facilitate data collection by a dockside monitor.
- The owner or operator of a vessel enrolled in the EM program must submit:
 - The eVTR for the trip to GARFO in a manner consistent with existing VTR requirements; and
 - All EM data for the trip to the EM service provider within 7 calendar days following completion of the trip.

EM Service Provider Responsibilities

- An EM Service Provider contracted by a sector is responsible for developing a VMP(s) for that sector's member vessel(s) enrolled in the EM program, in collaboration with the owner(s)/operator(s). VMPs should be submitted to NMFS for approval using VMAN.
- An EM service provider is responsible for providing field and technical support services. This includes managing EM systems, installation, maintenance, hard drive retrieval (if applicable), and technical support. Field and technical support services should be available 24 hours a day/7 days a week.
- An EM service provider must submit an application to NMFS to be approved as an EM service provider. NMFS will solicit applications annually. Further details on the application process can be found at § 648.11(h)(3).
- Video reviewer training is conducted by NMFS personnel. Interest in (or requests for) training must include a justification of need and a firm commitment to a number of seats. The minimum size for a training class is 8 and the maximum class size is 24 (total candidates). NMFS may waive the class size depending on program needs. Training will include reviewers employed by multiple vendors. Refresher training is conducted when data logs or protocols change. Video reviewer training is infrequent; however attendance is mandatory.

- An EM service provider must provide of the following information pertaining to EM video reviewer candidates to NOAA Fisheries 30 working days before the beginning of the training:
 - A list of the individuals attending;
 - A copy of each person's resume;
 - Reference checks (name of individual providing the reference, association with the video reviewer, contact information (phone number, email), and information about the EM reviewer's past performance);
 - Security checks must be initiated (NOAA Fisheries will provide Form 65-7 Request for Security Assurance);
 - A copy of each candidate's transcripts; and
 - Supporting documentation to verify candidates.
- An EM service provider must provide a notification of new video review hires to NOAA Fisheries two weeks prior to the contractor/employee(s) projected start date for US Citizens. The notification requirement for all Foreign Nationals is a minimum of 30 days. The following information must be provided for each contractor/employee: Full name, phone number, and electronic mail address. NOAA Fisheries understands that a new hire list may change frequently before the start of training; however, a final list of candidates must be provided to NOAA Fisheries one week prior to the start of training. NMFS retains the right to reject any EM video reviewer proposed by the EM service provider if his or her qualifications or do not meet the standards or their work has been performed at an unsatisfactory level on previous projects, or if their behavior on other projects has been disruptive.
- EM video reviewer candidates must meet standards required by NOAA Fisheries consistent with EM regulations:
 - A high school diploma or legal equivalent.
 - All video review candidates employed by an EM service provider must undergo a training session with NMFS and be tested prior to certification (see § [648.87\(b\)\(4\)\(iv\)](#)). Video review candidates must meet all training standards and maintain these standards as certified video reviewers. Candidates must demonstrate their ability to collect accurate data, including the aptitude to accurately identify fish species by successfully completing and maintaining the Species Identification Verification Program requirements as specified by NMFS. Video reviewers may be required to attend refresher training sessions, at the discretion of NMFS, to maintain certification(s).
 - All video review staff employed by an EM service provider must follow NEFSC-established video review protocols. Documentation of the video review protocols is available.
 - EM provider staff must not have been decertified as an at-sea monitor, or an observer, due to problems with data quality or standards of conduct, in any NOAA Fisheries observer program. An EM provider staff's references of previous employment as NOAA Fisheries approved at-sea monitors or observers shall be verified by the EM provider to satisfy this requirement.
 - Absence of fisheries-related convictions, based upon a thorough background check;
 - Independence from fishing-related parties including, but not limited to, vessels, dealers, shipping companies, sectors, sector managers, advocacy groups, or research institutions to prevent conflicts of interest. This means EM provider staff may not have direct financial interest, other than the provision of monitoring services, in the fishery, including, but not limited to:

- Any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish;
 - Any business selling supplies or services to any vessel or processor in the fishery; and
 - Any business purchasing raw or processed products from any vessel or processor in the fishery.
- To ensure data quality and completion of the EM reviewer training and certification process, following completion of training, an EM video reviewer's first three reviews and the resulting data shall be immediately reviewed, edited and approved after each trip by NOAA Fisheries prior to any further trip reviews by that EM reviewer. During the EM reviewer's first three deployments their data must be received, edited, and the EM reviewer must be "cleared" by NMFS to review on their next trip. This notification will be sent via e-mail to the EM provider. The EM reviewer may not review additional trips until the e-mail notification has been sent by NMFS. If the data quality is considered acceptable, the EM reviewer would become certified. NMFS may require additional training trips (beyond three) if the data quality is not considered acceptable enough for certification. If the data quality is not considered acceptable at any point during the initial reviews the EM reviewer would not be certified by NMFS.
 - An EM video reviewer's ability to work will be based on his or her certification, which involves continual data quality assessments and recertification. If an EM reviewer does not adhere to NMFS protocols or meet standards they may be placed on pre-probation, probation or decertified, as described in the NMFS policy statement regarding certification (Section J, Attachment 26, ASM At-Sea Monitor Performance Monitoring, Review, Probation and Decertification).
 - An EM service provider must use NOAA Fisheries data systems in the management of EM data, including but not limited to:
 - An EM service provider must submit all required data elements for a trip (i.e., groundfish discards and other information) as described in the Video Reviewer Guidance document via an EM Detail File.
 - An EM service provider must submit EM Detail Files to NOAA Fishery Monitoring via the [NEMIS API](#). Data must be formatted according to the API specifications. The API documentation describes the data file format, the data structure, and all annotation codes required for data submission to the API. The API documentation is provided in a commonly used standardized format;
 - An EM service provider must use the NOAA Fishery Monitoring [Web Portal](#) to manage EM data, including but not limited to tracking: Trips, video review status, video review staff certifications, and more;
 - An EM service provider must use NOAA's VMP software, [VMAN](#), for VMP submittals, approvals, and updates; and
 - An EM service provider must sign a non-disclosure agreement to access government databases and systems.
 - An EM service provider must ensure all EM data is collected and transmitted in a manner that ensures data integrity and protects confidential business information.
 - An EM service provider must securely store EM data for a period of time as specified by NMFS' [policy directive](#). An EM service provider must retain and store the raw EM data, reports, and other vessel EM trip records for a period of 12 months after catch data is finalized for the

fishing year. NMFS will notify providers of the catch data finalization date for each year, typically occurring in July of the following year. EM data must be stored securely, whether on hard drives, local servers, or via cloud storage services. EM data must be released to NMFS personnel and authorized officers, or as otherwise authorized by the owner of the vessel.

- An EM service provider must provide NMFS, and its authorized officers and designees, access to all EM data immediately upon request.
- An EM service provider must provide NMFS with all software necessary for accessing, viewing, and interpreting the data generated by the EM system, including submitting the agency's secondary review data to the API and maintenance releases to correct errors in the software or enhance software functionality.
 - An EM service provider's software must support a "dual user" system that allows NMFS to complete and submit secondary reviews to the API.
 - An EM service provider's software must allow for the export or download of EM data in order for the agency to make a copy if necessary.
 - An EM service provider must provide a software training for NOAA Fisheries staff.
- An EM service provider must provide the following to NMFS upon request:
 - Assistance in EM system operations, diagnosing/resolving technical issues, and recovering lost or corrupted data;
 - Responses to inquiries related to data summaries, analyses, reports, and operational issues;
 - Access to video reviewers for debriefing sessions;
 - Technical and expert information, if EM data are admitted as evidence in a court of law. All technical aspects of a NOAA Fisheries-approved EM system may be analyzed in court for, inter alia, testing procedures, error rates, peer review, technical processes, and general industry acceptance. To substantiate the EM system data and address issues raised in litigation, an EM service provider must provide information, including but not limited to:
 - If the technologies have previously been subject to such scrutiny in a court of law, a brief summary of the litigation and any court findings on the reliability of the technology.
 - A copy of any contract between the EM service provider and sectors requiring EM services;
 - EM data and other records specified in the regulations at § 648.11(1)(ii).
- An EM service provider must provide feedback to vessels following a trip on the vessel operator and crew's catch handling and camera maintenance. The EM service provider must also provide a copy to NMFS upon request.
- An EM service provider must notify NMFS via an incident report submitted in the NOAA Fishery Monitoring [Web Portal](#) within 24 hours after the EM service provider becomes aware of any of the following:
 - Any information, allegations, or reports regarding possible harassment of EM program staff (e.g., video reviewers, technicians, dockside monitors);
 - Any information, allegations, or reports regarding possible EM system tampering;
 - Any information, allegations, or reports regarding EM service provider staff conflicts of interest; and

- Any other information pertaining to noncompliance with program requirements, as specified by NMFS.
- Performance issues may affect a provider's eligibility for approval as an EM service provider and/or individual EM video reviewer certifications.

NMFS Responsibilities

NMFS is responsible for the following:

- VMP review and approval.
- Review and approval of EM service provider applications.
- Data and formatting standards of EM programs.
- EM data collection training for service provider staff.
- Selecting trips for the service provider to review.
- Data quality, assurance, and integrity of EM data. This includes data validation and audits, conducting a secondary review on a subset of trips to monitor the EM service provider's performance, and providing feedback to the EM service provider.
- Providing feedback on vessel reporting via the sector manager regarding reviewed trips. Feedback forms will be distributed on a weekly basis via Kiteworks.
- Video and data storage when it takes possession of a copy of EM data as an agency record.
- For the audit model program, NMFS is also responsible for:
 - Conducting the audit, whereby the eVTR submitted by the vessel operator is compared to the EM Detail File submitted by the EM service provider.
- For the maximized retention program, NMFS is also responsible for:
 - Administering an agency-run DSM program in support of a maximized retention EM program (Fishing years 2022 and 2023 only).

NOAA Fisheries Audit Model EM Program

Program Goal

The goal of the audit model EM program is to use cameras to validate the groundfish discards reported on a vessel's eVTR for use in catch accounting.

Audit Model EM Program Description

Attached is a description of the Audit Model EM program. A sector utilizing the Audit Model EM program must append the following language to their sector operations plan.

Description of the Audit-Model Process

Under this model, the vessel operator and crew adhere to catch handling protocols for all sector EM trips (based on whether the vessel has an approved VMP for a given gear type). The vessel operator and crew hold groundfish discards on a measuring board and under a camera prior to discarding, and discard other species in view of cameras at designated discard control points. The vessel operator estimates the total weight of groundfish discards on an eVTR, and submits the video footage to the EM service provider. The EM service provider reviews trips selected for audit

and develops an independent estimate of groundfish discards for the trip. The EM data is compared to the eVTR for the purposes of catch accounting.

- During each sector EM trip taken by a vessel, the EM system records all fishing activity onboard the vessel. The vessel captain and crew sort, measure, and discard fish within view of the cameras and in accordance with catch handling protocols.
- The captain and crew must adhere to the following catch handling requirements:
 - Legal-size groundfish must be kept and sublegal-size groundfish must be discarded, consistent with regulations;
 - Sublegal-size and unallocated groundfish must be sorted by species and measured (e.g., on a measuring board) within view of cameras prior to being returned to the sea. A more complete description of measuring protocols is included in the VMP guidance template. VMP measuring protocols may vary by vessel.
 - Groundfish flounders must be placed on a measuring strip on both the dorsal and ventral sides to ensure proper identification. If flatfish are grouped by species and measures, only the first five fish should be measured on both sides for identification;
 - When discarding wolffish, the vessel operator or crew member may opt not to measure the fish if doing so would present a safety risk; and
 - If the vessel encounters a high volume of discards, the captain and crew may employ:
 - A subsampling methodology. If there are more than 20 discards of a given species (e.g., haddock), the vessel operator and crew may measure 20 fish at random and discard the rest one at a time so as to allow the video reviewer to count the total number of fish; or
 - A volumetric estimate methodology, if approved by NMFS. NMFS is currently working with EM vessels to develop volumetric protocols.
 - LUMF may be discarded, if authorized by the vessel's sector LOA. LUMF should be displayed in view of the measuring camera prior to discarding. The estimated weight of LUMF (i.e., present weight, not estimated whole weight) should be reported by the vessel operator on the eVTR.
 - Non-groundfish species should be discarded at designated discard control points, consistent with the vessel's VMP.
- The vessel operator must estimate the total weight of discarded groundfish on the eVTR. The operator must create a new eVTR sub-trip each time the vessel changes statistical area, gear category, or mesh size.
- NMFS selects sector trips for audit when it receives the eVTR for a trip. Trips will be randomly selected and each trip has the same probability of being selected for audit. The video review rate for fishing year 2023 will be announced at a later date
- The sampling unit selected for audit will be a complete trip.
- A list of trips selected for audit are loaded into the NOAA Fishery Monitoring [Web Portal](#) on a weekly basis. EM service providers must access the primary selection list via the [Web Portal](#).
- The EM service provider must complete the primary video review, which includes:

- Review of all raw sensor and image data to confirm completeness of trip;
- Review of sensor data to annotate start and end times, start and end locations, and identify the number of hauls;
- Review hauls to annotate catch and generate the EM Detail File according to [specifications](#); and
- Submit the EM Detail File to the NEMIS API.
- The EM service provider should complete the primary video review and submit the EM Detail Report within 10 business days of the trip selection.
- NMFS will compare the EM Detail File submitted by the EM service provider to the eVTR submitted by the vessel using the following business rules:
 - Minimum requirements for use in catch accounting:
 - Sub-trip is fully observed;
 - Number of efforts match; and
 - Less than 10 percent of annotated catch is unidentified ("fish, nk").
 - If the minimum requirements are met, the groundfish discards reported on the EM Detail File and the eVTR will be compared to support NMFS's delta model. If the minimum requirements are not met, an alternative data source (i.e., adjusted VTR, discard rate) is used to account for the trip's groundfish discards.
- NMFS will use the delta model for catch accounting. The delta model is a vessel- and species-specific estimation of the precision and accuracy of a vessel's self-reported discards. The delta model is used to adjust the vessel's self-reported discards to account for over- or under-reporting of discard estimates. Additional guidance on discard catch accounting for EM audit model vessels is located in the Sector Report Guide: Appendix D and a summary is included below:
 - For trips that are not selected for review, the vessel's self-reported discards, as adjusted by the delta model, will be used for catch accounting;
 - For trips that are selected for review and meet the minimum requirements described above, the discards reported by the service provider in the EM Detail File are used for catch accounting.
 - For trips that are selected for review and do not meet the minimum requirements described above, the vessel's self-reported discards, as adjusted by the delta model, will be used for catch accounting. In instances of chronic poor performance that prevents adequate monitoring, a vessel may be assigned a discard rate.
- After completion of the audit, a feedback report summarizing the results of the audit will be generated and distributed to the vessel via the sector manager. Reports will be distributed on a weekly basis.

NOAA Fisheries Maximized Retention EM Program

Under this model, the vessel operator and crew are required to retain and land all catch of allocated groundfish, including fish below the minimum size that they would otherwise be required to discard, on all sector EM trips. Unallocated groundfish and non-groundfish species must be handled in accordance with standard commercial fishing operations. Any allowable discards must occur at designated discard control points described in the vessel's VMP. EM data from the trip will be reviewed by the EM service provider to verify that the vessel operator and

crew complied with the catch retention requirements. A DSM will meet the vessel at port upon its return from each trip to observe the offload and collect information on the catch.

Program Goal

The goal of the maximized retention EM program is to verify compliance with catch retention requirements and collect information on allocated groundfish discards shoreside that would normally be collected at sea.

Maximized Retention EM Program Description

Attached is a description of the Maximized Retention Model EM program. A sector utilizing the Maximized Retention EM program must append the following language to their sector operations plan.

Description of the Maximized Retention Process

- During each sector EM trip taken by a vessel, the EM system records all fishing activity onboard the vessel. The vessel operator and crew sort fish and make any allowable discards within view of the cameras in accordance with the catch handling protocols described in the vessel's VMP.
- The vessel operator and crew must adhere to the following catch handling requirements:
 - Retain and land all catch of allocated groundfish, including any sublegal-size catch;
 - Discard unallocated groundfish stocks (i.e., windowpane flounder, ocean pout, wolffish, Atlantic halibut) at designated discard control points;
 - Handle all other species in accordance with standard commercial fishing operations, including adhering to possession limits for halibut (i.e., one fish per trip) and non-groundfish species; and
 - Retain allocated groundfish categorized as LUMF. All LUMF must be kept and landed. LUMF must be sorted separately from sublegal-size groundfish catch.
- The vessel operator and crew must adhere to the following reporting requirements:
 - Communicate with the DSM to facilitate the data collection process at the end of each trip. This includes:
 - The vessel operator must notify the DSM program of its intention to sail prior to beginning a sector EM trip. The notification schedule (e.g., upon sailing or in advance) and method (i.e., text, VMS) will depend on the nature of the vessel's activity (e.g., day boat vs trip boat vessels) and will be described in the vessel's VMP.
 - The vessel operator or dealer must provide an offload time to the DSM program in advance of landing. The advance notice of landing and offload schedule will be dependent on the nature of the vessel's activity (e.g., day boat vs trip boat vessels) and will be defined in the vessel's VMP. The standard advance notice is as follows:
 - 4 hours for day boat vessels.
 - 48 hours for trip boat vessels.

- For trip boat vessels, the vessel operator or dealer will provide the DSM program with a hail weight for the total catch of allocated groundfish 24 hours prior to offload.
- The vessel operator must report any discard events on the eVTR, consistent with standard eVTR reporting requirements.
- The vessel operator and crew and the offloading dealer of a maximized retention vessel must accommodate the DSM program:
 - The vessel operator, crew, and dealer must offload all allocated groundfish in the presence of the DSM. The vessel operator and crew may not begin offloading unless a DSM is present or they have received a waiver from the DSM program.
 - In the event that a DSM is not available to observe an offload, the vessel operator may request a waiver by contacting the DSM coordinator. Waivers may be granted at the NEFSC's discretion.
 - The vessel operator must allow the DSM access to the fish hold immediately following the offload in order to confirm all allocated groundfish were offloaded. A vessel representative must observe/accompany the DSM during the hold inspection. The vessel representative must provide support for the DSM to safely embark and disembark the vessel (e.g., ladders/steps/assistance etc.).
 - The vessel operator and crew or dealer personnel must separate sublegal allocated groundfish catch by species. The vessel operator and crew may NOT combine sublegal and terminal legal-sized market category catch for any species.
 - The vessel operator and crew must retain all allocated groundfish categorized as LUMF and sort it separately from any sublegal catch to facilitate data collection by a dockside monitor.
 - In the event of a truck offload, sublegal catch must be loaded into totes, sealed and tagged for inspection by DSM. Totes will be tagged on camera and opened by DSM at inspection site to prevent tampering.
 - In the event of multiple offloads, the vessel operator and crew must arrange for a DSM to be present at each one.
- Dealers must allow dockside monitors access to their premises, scales, and any fish received from vessels participating in the maximized retention electronic monitoring program.
- Dealers must facilitate dockside monitoring for vessels participating in a maximized retention electronic monitoring program, including:
 - Provide a safe sampling station, including shelter from weather, for dockside monitors to conduct their duties and process catch, that is equivalent to the accommodations provided to the dealer's staff.
 - Allow dockside monitors access to bathrooms equivalent to the accommodations provided to the dealer's staff.
 - Allow dockside monitors access to any facilities for washing equipment with fresh water that are provided to the dealer's staff.
- Dealers must process fish for vessels participating in a maximized retention electronic monitoring program consistent with the following requirements:
 - Offload all fish below the minimum size, report fish below the minimum size by species, and provide the dockside monitor access to those at the safe sampling station.

- Sort by species all unmarketable fish from other fish, when identifiable to species.
- Clearly identify, mark, or label all containers with fish below the minimum size as containing undersized fish, the fishing vessel from which they were offloaded, and the date of offloading.
- Report all fish below the minimum size, and all unmarketable fish, as instructed by NMFS. Selection of maximized retention trips for review:
 - Sector EM trips are selected for review when NMFS receives the eVTR for a trip. Trips will be randomly selected and each trip has the same probability of being selected for review. The video review rate for fishing year 2023 will be announced at a later date.
 - The sampling unit selected for review will be a complete trip.
 - A list of trips selected for review are loaded into the NOAA Fishery Monitoring [Web Portal](#) on a weekly basis. EM service providers may access the trip selection list via the [Web Portal](#).
 - The EM service provider completes the primary video review, which includes:
 - Review of all raw sensor and image data to confirm completeness of trip;
 - Review of sensor data to annotate start/end times and locations, and identify number of hauls;
 - Review hauls to annotate any discard events and generate the EM Detail File according to specifications provided by NMFS; and
 - Submit the EM Detail File to the NEMIS API.
 - The EM service provider should complete the primary video review and submit the EM Detail Report within 10 business days of the trip selection.
- NMFS will use the same catch accounting methodology used for ASM vessels to account for discards for the maximized retention EM program (i.e., observed trips and discard rates):
 - Trips observed by a NEFOP observer will be charged ACE based on actual discards, if any are recorded by the observer; and
 - Trips that are not observed by a NEFOP observer will receive:
 - A discard rate of zero for allocated groundfish stocks; and
 - A non-zero discard rate based on NEFOP data for unallocated groundfish stocks.
 - The maximized retention EM program will be assigned a separate discard rate strata from ASM vessels.
- NMFS will use dealer data to account for all landed catch with regards to catch accounting, including sublegal-sized catch.
- DSM data will be compared to dealer data to verify that dealers are accurately reporting sublegal catch.