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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

AUG 14 2012

Richard B. Robins, Jr., Chairman
Mid-Atlantic Fishery Management Council
Suite 201
800 State Street
Dover, DE 19901



Dear Rick:

The Mid-Atlantic Fishery Management Council (MAFMC) adopted Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) at its June 2012 meeting. As part of Amendment 14, the MAFMC passed motions to increase observer coverage up to 100 percent on limited access mackerel vessels using mid-water trawl gear, and to increase observer coverage to 100 percent, 50 percent, and 25 percent for small mesh bottom trawl trips on Tier 1, Tier 2, and Tier 3 mackerel vessels, respectively. The MAFMC also adopted a motion specifying that NOAA Fisheries Service and the Atlantic mackerel industry would share the cost of increased coverage, with the industry contributing up to \$325 per sea day. At its June 2012 meeting, the New England Fishery Management Council (NEFMC) passed a similar motion, as part of Amendment 5 to the Atlantic herring FMP, to increase observer coverage on vessels with Atlantic herring permits. The motion also requires the cost of increased coverage to be shared between NOAA Fisheries Service and the Atlantic herring industry, with the industry contributing \$325 per sea day.

As we have noted, the development of an observer cost sharing program will be challenging since laws pertaining to funding and contracting are complex. I believe that the MAFMC, NEFMC, and NOAA Fisheries Service should work together through the Council process to develop a cost sharing program. Since a cost sharing program would require the industry to pay for observer coverage, industry representatives must be included in the development of the cost sharing program. In order to engage industry representatives, while still complying with regulations regarding public participation, I recommend that the MAFMC and NEFMC form a joint plan development team (PDT)/fishery management action team (FMAT) to develop an observer coverage cost sharing program and bring it to the MAFMC and NEFMC for consideration.

NOAA Fisheries Service staff will serve on the joint PDT/FMAT and will provide information and guidance on funding and contracting requirements. We have already discussed the concept with General Counsel, NOAA Fisheries Service's contract attorneys, and other regions, and my staff will continue to investigate ways to develop an observer cost sharing program. If you choose to form a joint PDT/FMAT, I will provide a list of NOAA Fisheries Service staff to serve on the joint PDT/FMAT.

Finally, the MAFMC's selected alternative regarding industry funding suggests that the final funding mechanism will be enacted through the specifications process, presumably the process

cc: LS, CBK (8/16)



that will develop specifications for the 2014 fishing year. While we hope to develop a funding solution in a timely manner, we encourage the Council to build flexibility into the potential regulatory mechanisms that can be used to implement these solutions (i.e., framework adjustments are not held to the same strict timing constraints as the specifications process).

I appreciate the time and effort that the MAFMC and MAFMC staff have put into Amendment 14, and I look forward to working with the MAFMC on these important issues in the Atlantic mackerel fishery.

Sincerely,



fs John K. Bullard
Regional Administrator

cc: Rip Cunningham, Jr.
Bill Karp



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AUG 14 2012



C.M. "Rip" Cunningham, Jr., Chairman
New England Fishery Management Council
50 Water Street
Newburyport, MA 01950

Dear Rip:

The New England Fishery Management Council (NEFMC) adopted Amendment 5 to the Atlantic Herring Fishery Management Plan (FMP) at its June 2012 meeting. As part of Amendment 5, the NEFMC passed a motion to increase observer coverage up to 100 percent on vessels with Atlantic herring Category A and B limited access permits. The motion also specified that NOAA Fisheries Service and the Atlantic herring industry would share the cost of increased coverage, with the industry contributing up to \$325 per sea day. At its June 2012 meeting, the Mid-Atlantic Fishery Management Council (MAFMC) passed a similar motion, as part of Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish (MSB) FMP, to increase observer coverage on vessels with Atlantic mackerel permits. The motion also requires the cost of increased coverage to be shared between NOAA Fisheries Service and the Atlantic mackerel industry, with the industry contributing \$325 per sea day.

As we have noted, the development of an observer coverage cost sharing program will be challenging since laws pertaining to funding and contracting are complex. The NEFMC specified that the cost sharing program is to be implemented within one year of the implementation of Amendment 5, but it did not specify the process for reviewing the cost sharing program or the vehicle to implement the cost sharing program. I believe that the NEFMC, MAFMC, and NOAA Fisheries Service should work together through the Council process to develop a cost sharing program. Since a cost sharing program would require the industry to pay for observer coverage, industry representatives must be included in the development of the cost sharing program. In order to engage industry representatives, while still complying with regulations regarding public participation, I recommend that the NEFMC and MAFMC form a joint plan development team (PDT)/fishery management action team (FMAT) to develop an observer coverage cost sharing program and bring it to the NEFMC and MAFMC for consideration.

NOAA Fisheries Service staff will serve on the joint PDT/FMAT and will provide information and guidance on funding and contracting requirements. We have already discussed the concept with General Counsel, NOAA Fisheries Service's contract attorneys, and other regions, and my staff will continue to investigate ways to develop an observer cost sharing program. If you choose to form a joint PDT/FMAT, I will provide a list of NOAA Fisheries Service staff to serve on the joint PDT/FMAT.

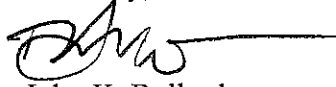
CC: LS, CBK (8/17)



Finally, as part of Amendment 5, the NEFMC passed a motion to consider establishing a river herring catch cap through the next appropriate action. While Amendment 1 to the Atlantic Herring FMP identified catch caps as management measures that could be implemented via a framework or the specifications process, Amendment 5 contains a specific alternative that considers implementing a river herring catch cap through a framework or the specifications process. Because of the explicit consideration of a river herring catch cap, and the accompanying analysis, in Amendment 5, it is more appropriate to consider a river herring catch cap in a framework under Amendment 5. The Council may begin development of the river herring catch cap framework immediately, but the framework cannot be implemented prior to the approval and implementation of Amendment 5.

I appreciate the time and effort that the NEFMC and NEFMC staff have put into Amendment 5, and I look forward to working with the NEFMC on these important issues in the Atlantic herring fishery.

Sincerely,



John K. Bullard
Regional Administrator

cc: Rick Robins
Bill Karp



Mid-Atlantic Fishery Management Council

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Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

August 27, 2012

Mr. John Bullard
Regional Administrator
National Marine Fisheries Service
Northeast Region
55 Great Republic Drive
Gloucester, MA 01930-2276

Dear Mr. Bullard: *John*

The Mid-Atlantic Fishery Management Council recently took action to begin development of Amendment 15 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. This amendment will consider adding river herrings and/or shads as species directly managed by the Council.

This letter serves to request that you identify the appropriate NMFS staff to serve on a Fishery Management Action Team (FMAT) for this amendment. I have attached an approximate Amendment 15 timeline for your reference.

In addition, in regard to your August 14, 2012 letter discussing the need for a joint FMAT/Plan Development Team to examine observer funding issues connected to Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan, the Council agreed such an approach was warranted. As a result, we request you identify the staff members who will participate in this group as well.

We look forward to working with your staff on these issues. Please call or write if you have any questions.

Sincerely,

Christopher M. Moore, Ph.D.
Executive Director

cc: Lee Anderson, Jason Didden, Rick Robins, Aja Szumylo

Preliminary AM 15 Timeline/Action Plan - River Herrings/Shads as Stocks in the Fishery

June 2012 Council initiates Amendment

Aug 2012 Action Plan Created, FMAT assigned

Sept 2012 Workshop with Management Partners & FMAT on management approach

Oct 2012 Staff completes scoping document

Nov 2012 Scoping Comment Period & Scoping Hearings

Dec 2012 FMAT develops alternatives, DEIS writing begins

Mar 2013 FMAT provides recommendations re: required alternatives.

April 2013 Joint Committee & AP Meeting to get input on alternatives

May-Jul 2013 DEIS Creation concluded, FMAT Informal Review, Edits

Aug 2013 Council approves DEIS for Submission to NMFS, selects preferred alternatives (if any)

Sep 2013 Document perfection

Nov 2013 FR the DEIS, Public hearings for Am 15 with DEIS

Jan 2014 Council receives comments

Feb 2014 Committee meets to select alternatives to recommend to Council

April 2014 Council selects preferred alternatives for submission

May 2014 Document Perfection w/ NMFS

July 2014 Proposed Rule

Sept 2014 Comment Period Closes

Dec 2014 Final Rule

Jan 2015 Final Rule Effective