

DOCUMENT # 4

**[Additional Item Added to Chapter 6, Preferred and Other Alternatives Under Consideration]**

**6.5. Item 5: Changes to the Framework Adjustment and/or Annual Adjustment Provisions**

**6.5.1. Alternative 5.1 – Status Quo**

Under the status quo, and notwithstanding the current framework adjustment provisions of any FMP, changes to the provisions of the SBRM implemented by this amendment could only be made through an amendment to the FMPs subject to this action. The SBRM Amendment would not modify the current framework adjustment or annual adjustment/specification provisions of the subject FMPs to explicitly include any of the new SBRM provisions as items that may be modified through either a framework adjustment or an annual adjustment/specification.

**6.5.2. Alternative 5.2 – Modify the Framework Adjustment Provisions**

Under this alternative, certain provisions of the SBRM implemented under this amendment could be changed by the Councils through a framework adjustment to an affected FMP. Subject to the framework adjustment provisions established in each FMP, the following management measures or provisions of the Northeast Region SBRM may be implemented and/or modified through a framework adjustment to the applicable FMP:

- The CV-based performance standard. This includes changes to the CV level established as the SBRM performance standard for a particular fishery, fishing mode, or combination of species and fishing mode(s). The intent of this provision is to provide an efficient means for a Council to change the performance standard in certain circumstances when a higher level of precision (i.e., reducing the CV to less than 30 percent) is desired for a particular fishery or management program (e.g., a Special Access Program (SAP) under the Northeast Multispecies FMP).
- The means by which discard data are collected/obtained in a fishery. This includes implementation of new data collection technologies or procedures and/or changing current data collection technologies or procedures. The intent of this provision is to provide an efficient means for a Council to implement new collection protocols, to the extent that such implementation would require changes to fishing regulations. Changes implemented through this provision could include electronic video monitoring or electronic catch reporting, in one or more fisheries when and if the technologies become sufficiently mature for such use and there is an appropriate need in the subject fishery.

- Fishery stratification for the SBRM. This includes adding to or removing from the list of fishing modes that comprise the analytical framework for the SBRM. The intent is to provide an efficient mechanism for a Council to modify the basis by which SBRM-related analyses are conducted and by which observer effort is allocated across all fisheries. These changes are necessary as management measures create, eliminate, or modify fishery programs identified as independent fishing modes for the purposes of applying the Northeast Region SBRM.
- SBRM reporting. This includes changes to the requirements for periodic reports of discards occurring in New England fisheries, as well as changes to the requirements for periodic reports on the effectiveness of the Northeast Region SBRM. The intent is to provide an efficient mechanism for a Council to change the frequency at which they receive SBRM-related reports, as well as to change the minimum required contents of all such SBRM-related reports.
- Industry-funded observers and/or observer set-aside programs. This change would only be made to the provisions of New England Council FMPs, and authorizes the establishment of an industry-funded observer program and observer set-aside provisions. For more information, see section 6.7.3.

#### **6.5.3. Alternative 5.3 – Modify the Framework Adjustment and Annual Adjustment/Specification Procedures**

Under this alternative, certain provisions of the SBRM implemented under this amendment could be changed by the Councils through a framework adjustment to an affected FMP or through the annual adjustment or annual or multi-year specification process established by an FMP. Subject to the appropriate framework adjustment, annual adjustment, annual specifications, and/or multi-year specifications provisions established in each FMP, the following management measures or provisions of the Northeast Region SBRM may be implemented and/or modified through one of these mechanisms of the applicable FMP:

- The CV-based performance standard. This includes changes to the CV level established as the SBRM performance standard for a particular fishery, fishing mode, or combination of species and fishing mode(s). The intent of this provision is to provide an efficient means for a Council to change the performance standard in certain circumstances when a higher level of precision (i.e., reducing the CV to less than 30 percent) is desired for a particular fishery or management program (e.g., a Special Access Program (SAP) under the Northeast Multispecies FMP).
- The means by which discard data are collected/obtained in a fishery. This includes implementation of new data collection technologies or procedures and/or changing current data collection technologies or procedures. The intent of this provision is to provide an efficient means for a Council to implement new collection protocols, to the extent that such implementation

would require changes to fishing regulations. Changes implemented through this provision could include electronic video monitoring or electronic catch reporting, in one or more fisheries when and if the technologies become sufficiently mature for such use and there is an appropriate need in the subject fishery.

- Fishery stratification for the SBRM. This includes adding to or removing from the list of fishing modes that comprise the analytical framework for the SBRM. The intent is to provide an efficient mechanism for a Council to modify the basis by which SBRM-related analyses are conducted and by which observer effort is allocated across all fisheries. These changes are necessary as management measures create, eliminate, or modify fishery programs identified as independent fishing modes for the purposes of applying the Northeast Region SBRM.
- SBRM reporting. This includes changes to the requirements for periodic reports of discards occurring in New England fisheries, as well as changes to the requirements for periodic reports on the effectiveness of the Northeast Region SBRM. The intent is to provide an efficient mechanism for a Council to change the frequency at which they receive SBRM-related reports, as well as to change the minimum required contents of all such SBRM-related reports.
- Industry-funded observers and/or observer set-aside programs. This change would only be made to the framework adjustment provisions of New England Council FMPs, and authorizes the establishment of an industry-funded observer program and observer set-aside provisions. For more information, see section 6.7.3.

#### **6.9.5. Item 5: Changes to the Framework Adjustment and/or Annual Adjustment Provisions**

For this item, three alternatives are considered: (1) The status quo (no action); (2) authorizing changes to certain provisions of the Northeast Region SBRM through framework adjustments to the FMPs; and (3) authorizing changes to certain provisions of the Northeast Region SBRM through framework adjustments, annual adjustments, and/or annual or multi-year specifications. None of these alternatives would affect the procedures already stipulated in each FMP regarding framework adjustments, annual adjustments, and/or annual or multi-year specifications. The only changes considered under this item relate to supplementing the lists of management measures that may be modified through one of these types of actions.

Under the status quo, any changes to the provisions of the Northeast Region SBRM would require another amendment to an affected FMP. Neither Council would be able to employ a more streamlined process, such as for framework adjustments, annual adjustments, or annual or multi-year specifications, to make changes to the provisions of the SBRM. This may create problems with the implementation and operation of future

management programs that are developed and implemented through one of the more efficient processes, but which would rely upon concurrent changes to the SBRM to be effective.

With the second alternative, certain aspects of the SBRM could be modified via a framework adjustment to the affected FMP, including: (1) The CV-based performance standard; (2) the means by which discard data are collected/obtained in a fishery; (3) fishery stratification; (4) SBRM reporting; and (5) industry-funded observers and/or observer set-aside programs. The intent of this alternative is to ensure that as the Councils modify management measures through framework adjustments to adapt to changing conditions in the fisheries, that they retain the flexibility to make the needed changes to the SBRM to ensure adequate data on discards.

For example, under Amendment 13 to the Northeast Multispecies FMP, the New England Council may utilize the framework adjustment process to develop and implement new SAPs and/or new sector allocations. Under this alternative, the Council could use the framework developed for a new SAP to also modify the SBRM to ensure sufficient data are collected on the discards occurring in the SAP. Without this alternative, the Council could implement a new SAP through a framework, but would have to use the full amendment process to address the SBRM provisions associated with the SAP. This would create a substantial inconsistency in the process and a delay in the timeliness of implementing necessary management measures.

With the third alternative, all the changes proposed in the second alternative, with one notable exception, would also be authorized to be made through an annual adjustment or annual/multi-year specifications. This alternative would provide the Councils with the most flexibility to update and/or modify the provisions of the Northeast Region SBRM as conditions in the fisheries or management programs change. For FMPs that utilize an annual adjustment or specifications process (annual or multi-year), these actions may be a more appropriate vehicle to implement necessary changes to the SBRM. For example, the Mid-Atlantic Council often modifies the provisions of the scup gear restricted areas (GRAs) through the summer flounder, scup, and black sea bass specifications. This alternative would allow the Council to also incorporate appropriate changes to the SBRM to support the GRA modifications in the subject action, without the need for a separate framework adjustment or amendment to modify the SBRM. The exception noted above is the industry-funded observers and/or observer set-aside programs, which would require a framework adjustment. The industry-funded observers and/or observer set-aside program provisions apply only to the New England Council (see section 6.7.3).

## **6.10. Rationale for Selecting the Preferred Alternative**

The specific rational for the preferred alternatives can be summarized as follows:

- Framework Adjustment and/or Annual Adjustment Provisions – **TBD**

**7.2.5. Environmental Consequences of Item 5: Changes to the Framework Adjustment and/or Annual Adjustment Provisions**

This item includes three alternatives addressing whether to authorize changes to certain aspects of the Northeast Region SBRM through other than a full amendment to an FMP. The status quo alternative would continue to require a full amendment to modify or update the provisions of the SBRM. The other alternatives would authorize changes to the SBRM through either a framework adjustment to an FMP, or through a framework adjustment, annual adjustment, and/or annual/multi-year specifications. The provisions of the SBRM subject to such changes include: (1) The CV-based performance standard; (2) the means by which discard data are collected/obtained in a fishery; (3) fishery stratification; (4) SBRM reporting; and (5) industry-funded observers and/or observer set-aside programs.

**7.2.5.1. Effects on Biological Resources**

Due to the nature of the alternatives under consideration for this item, which are limited to decisions regarding the appropriate mechanisms that may be used to develop and implement potential changes to the Northeast Region SBRM, there are no direct or indirect effects on any biological resources (fishery resources, protected resources, or other non-fishery resources) anticipated for any of the alternatives. Any impacts that may be associated with actually implementing a change to the SBRM through one of these mechanisms (a full amendment, a framework adjustment, an annual adjustment, and/or an annual/multi-year specifications) would be fully analyzed in the documents supporting the action.

**7.2.5.2. Effects on the Physical Environment**

Due to the nature of the alternatives under consideration for this item, which are limited to decisions regarding the appropriate mechanisms that may be used to develop and implement potential changes to the Northeast Region SBRM, there are no direct or indirect effects on any physical environment (including EFH) anticipated for any of the alternatives. Any impacts that may be associated with actually implementing a change to the SBRM through one of these mechanisms (a full amendment, a framework adjustment, an annual adjustment, and/or an annual/multi-year specifications) would be fully analyzed in the documents supporting the action.

**7.2.5.3. Socio-Economic Effects**

Due to the nature of the alternatives under consideration for this item, which are limited to decisions regarding the appropriate mechanisms that may be used to develop and implement potential changes to the Northeast Region SBRM, there are no direct or indirect socio-economic effects on fishing vessels, fleets, or ports anticipated for any of the alternatives. Any impacts that may be associated with actually implementing a change to the SBRM through one of these mechanisms (a full amendment, a framework

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adjustment, an annual adjustment, and/or an annual/multi-year specifications) would be fully analyzed in the documents supporting the action.