

DOCUMENT # 5

[Additional Item Added to Chapter 6, Preferred and Other Alternatives Considered]

6.6. Item 6: Prioritization Process for SBRM Observer Allocations

6.6.1. Alternative 6.1 – Status Quo

Currently, there is no specified process for prioritizing observer coverage allocations in years in which the available funding is insufficient to cover the necessary observer coverage levels. As a result, the allocation can be made through any of several ad hoc mechanisms, but most frequently are the result of discussions between the Regional Administrator and the Science and Research Director. The Councils may or may not be consulted, and the proposed allocations may or may not be vetted through a public review process (most frequently they are not). Under the status quo alternative, this ad hoc process would continue following implementation of the SBRM Amendment.

6.6.2. Alternative 6.2 – Council Consultation of Proposed SBRM Observer Allocations

Under this alternative, in any year in which there are insufficient resources available to fully fund the required at-sea observer coverage levels, the Regional Administrator and Science and Research Director would be required to develop a proposed prioritization of how the available resources should be allocated across the fisheries. In these years, the Regional Administrator and Science and Research Director would provide the Councils, at the earliest practicable opportunity, the at-sea observer coverage levels required to attain the SBRM performance standard in each applicable fishery, and identify the coverage levels that would be achieved if the resource shortfall is allocated proportionately across all applicable fisheries. In addition, the Regional Administrator and Science and Research Director would provide a recommended prioritization that is based on immediate and anticipated needs for upcoming stock assessments, and that takes into account any legal mandates, either under a Northeast Region FMP or under any other applicable laws (such as the ESA or MMPA). The Councils would consider the recommendations of the Regional Administrator and Science and Research Director at a public meeting, and may choose to recommend additional considerations.

6.9.6. Item 6: Prioritization Process for SBRM Observer Allocations

For this item, two alternatives were considered: (1) The status quo (no action); and (2) specifying a consultation process to provide the Councils the opportunity to review and comment on the priority observer sea day coverage allocations proposed by the Regional Administrator and Science and Research Director. The alternative selected

under this item only applies in those years in which the available budget is insufficient to fully fund the observer coverage levels calculated through the Northeast Region SBRM.

While the SBRM clearly identifies the methodologies to be used to calculate observer coverage levels needed to achieve the CV-based SBRM performance standard on an annual basis, these coverage levels can only be implemented if the annual Federal budget provides sufficient resources to NOAA Fisheries Service to allocate the necessary coverage. The methodologies were established and are intended to function independently from any decisions regarding available budgets. However, the SBRM Amendment would be remiss if it did not address the contingency of an insufficient budget that imposes external operational constraints on the Regional Office and Science Center.

Under the status quo, should the Federal budget allocation for at-sea fisheries observers be insufficient to fully cover the necessary observer sea days, the Regional Administrator and Science Center Director would allocate the available coverage levels on an ad hoc basis. This approach could be interpreted as insufficient under the Court orders resulting from *Oceana v. Evans I and II*, which expressed concern over leaving the setting of observer coverage levels to the discretion of the Regional Administrator.

With the second alternative, the SBRM Amendment would establish a formal consultation process to provide the Councils and the public with the opportunity to review, and provide comment on, the proposed prioritization recommended by the Regional Administrator and the Science and Research Director. This approach recognizes the need for the agency to develop an initial prioritization based on the needs of stock assessments and other legal mandates requiring fisheries monitoring and reporting, but includes the Councils in the process to develop the observer coverage allocations that adjust for any external operational constraints.

6.10. Rationale for Selecting the Preferred Alternatives

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

- SBRM Prioritization Process – **TBD**.

7.2.6. Environmental Consequences of Item 6: Prioritization Process for SBRM Observer Allocations

This item includes two alternatives addressing how observer coverage allocations would be prioritized and determined in years in which the available Federal budget is insufficient to fully fund the observer coverage levels calculated under the Northeast Region SBRM. The status quo would continue an ad hoc approach to allocate available resources across fisheries if there is a budget shortfall. The alternative to the status quo would establish a consultation process, whereby the Regional Administrator and Science

and Research Director would develop a prioritization based on stock assessment needs and other legal mandates, and consult with the Councils in order to provide an opportunity for the Councils to publicly review, and provide comments on, the recommendations of the Regional Administrator and Science and Research Director.

7.2.6.1. Effects on Biological Resources

Due to the nature of the alternatives under consideration for this item, which are limited to a decision regarding the appropriate process to follow in order to prioritize available funding for the purpose of allocating observer coverage levels, there are no direct or indirect effects on any biological resources (fishery resources, protected resources, or other non-fishery resources) anticipated for either of the alternatives.

7.2.6.2. Effects on the Physical Environment

Due to the nature of the alternatives under consideration for this item, which are limited to a decision regarding the appropriate process to follow in order to prioritize available funding for the purpose of allocating observer coverage levels, there are no direct or indirect effects on the physical environment (including EFH) anticipated for either of the alternatives.

7.2.6.3. Socio-Economic Effects

Due to the nature of the alternatives under consideration for this item, which are limited to a decision regarding the appropriate process to follow in order to prioritize available funding for the purpose of allocating observer coverage levels, there are no direct or indirect socio-economic effects on fishing vessels, fleets, or ports anticipated for either of the alternatives.