



## New England Fishery Management Council

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### FINAL MEETING SUMMARY

#### Ad Hoc Standardized Bycatch Reporting Methodology (SBRM)

Sheraton Harborside, Portsmouth, NH

January 16, 2014

The Ad Hoc Standardized Bycatch Reporting Methodology Committee met in Portsmouth, New Hampshire to review the Draft Omnibus Standardized Bycatch Reporting Methodology (SBRM) Amendment. The Committee reviewed public comment and developed recommendations for the Council. Documents reviewed by the Committee included the draft amendment, a presentation on the amendment, and three public comment letters on the amendment.

**Meeting Attendance:** Committee members present were Mr. Terry Stockwell (Chair), Mr. John Quinn, Mr. Tom Dempsey, Mr. Vincent Balzano, Mr. Peter Kendall, and Ms. Mary Beth Tooley. They were supported by Tom Nies (NEFMC), Michael Pentony and Doug Potts (NMFS NERO), and Gene Martin (NOAA General Counsel). NEFMC staff Paul Rago, Susan Wigley, and Jessica Blaylock listened via a webcast and provided several clarification comments via the webcast chat feature.

#### ***Draft SBRM Amendment Presentation and Clarification***

After approval of the agenda, Doug Potts gave a presentation that summarized the draft SBRM amendment. Doug emphasized that the SBRM focused on addressing the issues raised by a recent court order that found the ad hoc prioritization approach gave NMFS too much discretion in the allocation of observer coverage. Committee members asked for several clarifications, with the responses in italics:

- How is the minimum pilot coverage determined? *The minimum coverage is based on either enough coverage to get a variance estimate in a quarter or 2 percent of trips, whichever is greater.*
- What is the justification for the 30 percent CV standard? *This CV was adopted during the original amendment. It is based on an agency technical memorandum that supported a CV of 20 to 30 percent as sufficient for management purposes, at the fishery level. Our standard is more stringent because it is applied at the fishing mode and species/species group level.*
- If this amendment is adopted, will NMFS still consult with the Councils on how to prioritize SBRM coverage? *Depending on the final decision, the formulaic approaches proposed in this amendment would be used to assign observer coverage if funds are not sufficient to meet the SBRM standard for all fishing modes. NMFS would no longer consult with the Council on how to prioritize observer coverage. There might be discretion for some non-SBRM coverage, such as ASM coverage above the level of SBRM needs.*

- Would the prioritization methods have been triggered in the past? *Yes, every year. The examples in the SBRM document use actual data from earlier years to illustrate the process. Part of the reason for frequent shortfalls is because of large variability in the discard estimates for certain species, such as red crab. To fully implement the SBRM may require a large amount of funding to reduce the CV on a small amount of discards.*
- Why does the SBRM use fishing modes rather than fisheries as the basis for its annual reports? *This is an issue that was first addressed in the original SBRM, and raised again by Council staff on the FMAT. The problem is that assigning discards to a specific fishery can be problematic given that many vessels participate in multiple fisheries on the same trip. In addition, before a trip starts, it is not always clear what fishery the vessel will participate in. Further work is needed on this issue.*
- It seems like the SBRM does not really address accuracy - why is that? *There is ongoing work on evaluating accuracy, for example work done recently for groundfish sector monitoring levels. Accuracy will always be inferred from weak inferences based on observable elements. The periodic reports do examine the data for differences between observed and unobserved trips.*

Public questions for clarification included (staff replies are in italics):

- Mr. Gib Brogan, Oceana: The SBRM uses fishing mode as its underlying concept. Was there any consideration of using fishery? *(see earlier discussion of this issue)* The SBRM ignores the link between the accuracy of discard estimates and the effect on the monitoring of Annual Catch Limits (ACLs). There is very little discussion of the data needs for accurately monitoring individual fisheries and the need to adjust management uncertainty buffers based on the accuracy and precision of discard estimates. With the exception of sectors, most FMPs monitor ACLs on an annual basis. *Errors in the catch would lead to uncertainty that is considered by the SSCs when setting ABCs; most FMPs do not explicitly calculate management uncertainty.* It would be helpful if the reports included error bars around the bycatch estimates so that it is clear how the CV affects the discard estimates.
- Mr. Tom Rudolph, Pew Charitable Trust: *What is the statutory requirement – is it for a process or for an outcome? How does the SBRM interact with the funding process – is it possible to get the SBRM estimates on coverage needs and then feed that into the funding process? Why was the decision made to exclude species like river herring and shad that are not managed by the Councils? Funding requests are submitted well in advance of the SBRM determinations for any given year. Additional funding could be applied if available to address shortfalls. With respect to species not covered by the SBRM, the data on these species is still collected but is not used to determine observer coverage levels. Changes could be made in the future through changes to the SBRM, either through a framework or an amendment. We would have to make sure an omnibus framework adjustment is consistent with the regulations; while we have done omnibus amendment we have not done an omnibus framework in the past.*

## *Committee Discussion*

After the clarification questions, the Committee discussed the document and how to proceed. While some Committee members recognized that several of the identified issues needed additional work, the general sense was that the draft amendment was a step forward as it addressed the specific concern raised by the court, and the Committee did not recommend delaying the SBRM amendment until these other issues were addressed. At the same time, a process needed to be developed to address the outstanding issues, such as fishery specific discard estimates. Some of these issues would need to be coordinated with the Mid-Atlantic Fishery Management Council. Committee members discussed whether some of the issues could be address through changes to the annual report (such as error bars on discard estimates and perhaps fishery specific discard estimates). A process needed to be identified to move those items forward. Mr. Pentony said there was some ability to work with the NEFSC to makes sure the SBRM reports provided the information that the Councils needed.

The Committee considered a motion to recommend the Council approve the SBRM amendment.

**Motion:** the Committee recommends the Council adopt the Northeast Region SBRM Omnibus Amendment as presented, with preferred alternatives as from the original SBRM Amendment (June 2006), with the following exceptions:

- Element 2, Analytical Techniques and Allocation of Observers:
  - Alternative 2.3 option C – Importance filters without grey cell filter
- Element 5, Framework Adjustment Provisions:
  - Alternative 5.4 – Frameworks and annual adjustments, excluding fishing modes;
- Element 6, Prioritization Process:
  - Funding Trigger Alternative 6.1.2 – Identify specific SBRM funding sources
  - Reallocation Alternative 6.2.3 – Penultimate cell approach
  - Less Than Minimum Pilot Coverage (MPC) Alternative 6.3.3 – Remove fleets with high MPC to days absent ratio

(Mr. Quinn/Ms. Tooley)

The motion **carried** on a show of hands (5-0-0).

The Committee the identified issues for the Council that should be addressed in a follow-on process, such as through the Council's newly formed Observer Committee or staff discussion with the NEFSC. This would probably be addressed through changes to the Annual Reports, but would require coordination between the two Councils and the NEFSC. These issues included:

- Uncertainty of discard estimates-some way to illustrate amounts
- Discard estimates provided by FMP (by stock?)
- Annual communication on agency budget request for SBRM monitoring