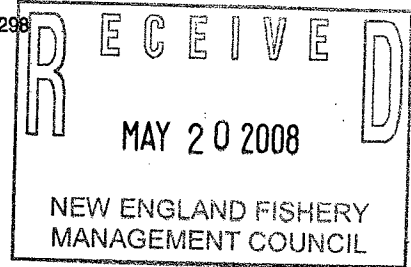




UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration #3
 NATIONAL MARINE FISHERIES SERVICE
 NORTHEAST REGION
 One Blackburn Drive
 Gloucester, MA 01930-2298

MAY 19 2008



Howard McElderry
 Archipelago Marine Research Ltd.
 Victoria, BC Canada

Dear Mr. McElderry:

Staff at both the Northeast Regional Office (NERO) and Northeast Fisheries Science Center (NEFSC) have reviewed the report you co-authored with Bruce Turriss, "*Evaluation of Monitoring and Reporting Needs for Groundfish Sectors in New England Phase I Report*." This letter presents some comments and concerns for your consideration in developing your Phase II report.

Use of Vessel Trip Report (VTR) Data

Your report noted that, "There does not appear to be much confidence in the accuracy of the data collected on discarding and species catch by area." The discussion about this statement focussed on shortcomings of the VTR data. The National Marine Fisheries Service (NOAA Fisheries Service) recognizes the limitations associated with the self-reported discard data in the VTR, so almost exclusively uses discard data collected through the Northeast Fisheries Observer Program to estimate discards for TAC monitoring and stock assessments. Further, NEFSC does not use absolute landings reported on VTRs to assess fishery removals.

The VTRs are used to allocate dealer-reported landings to stock area. NEFSC commenters emphasized that they do have confidence in the accuracy of data collected for species landings by stock area through the existing Vessel Trip Report (VTR) system. They made several specific points:

- (1) Analyses have been conducted to evaluate the accuracy of VTR landings with regard to stock landings. It was concluded that for the majority of the eight species managed and assessed as multiple stocks, the impacts on total stock landings are negligible (<5% differences in the overall species-stock allocations).
- (2) The number of vessels underreporting statistical areas on a frequent basis is small relative to the total number of vessels submitting VTRs (approx. 10% of vessels habitually under-report the statistical area fished). Given the manageable size of the problem and availability of existing tools to monitor these data, the quality of self-reported data could be monitored and improved through enforcement and outreach.

You propose to modify VTR reporting to require reports to be submitted within 7 days of offloading. We think there would be more benefit if VTR submissions were required



cc: TN, CBK, Council (5/20)

weekly, using the same reporting week and reporting deadline as the federal dealer report program. This would facilitate cross-checks between the two data sources to identify reporting problems.

Similarly, you propose to use existing dealer reports, but to modify the submission schedule. We recommend that you should maintain the existing dealer requirement to submit weekly reports by midnight of the first Tuesday following the end of each reporting week (0001 Sunday to 2400 Saturday). Maintaining this requirement would provide more timely information than the measure in the proposal, which would require reports to be submitted within 7 days of receiving fish.

Concern about Relation to Current Systems

A major failing of the report is the lack of discussion of the relation of the proposed sector monitoring programs to the existing regional monitoring program. Data elements are not discussed in detail, and we have assumed that the Dealer Report (DR) referred to in your options is the existing regional DR. It is not clear if you propose that the contractor would capture all of the data in the existing DR or just that needed for sector management. NERO requires timely landings data for non-multispecies fisheries because we have numerous responsibilities for monitoring and inseason management in fisheries other than NE multispecies. We presume that the current monitoring program would have to be maintained for both sector and non-sector vessels in the region in order to provide that data to NERO. It appears that the proposed sector monitoring program would not result in cost savings for the industry or the government, but would instead establish a duplicative sector monitoring program that would likely present new opportunities for constituent confusion and reporting problems.

If the intent is to develop a complementary system that is not duplicative of the existing program, it would mean that the information from both systems must ultimately be combined to provide comprehensive data for the NE multispecies fishery. In that case, it seems likely that additional agency resources would have to be dedicated to merging the two data sets. Reviewers noted that the report does not specify that the contractor will provide NMFS with the detailed data gathered through the sector monitoring program, but that would have to be a provision of such a system. If the sector monitoring program was to be the only source of NE multispecies data, there should be discussion of the relation of the program to NOAA as regards non-compliant vessels and dealers. Legal advice is needed about the possibility of using data collected by a contractor for enforcement actions carried out by NOAA's Office of Law Enforcement and prosecuted by NOAA's Office of General Counsel

Other General Concerns

The report addresses various vessel landing issues, for instance direct sale to a local dealer vs. catch that is trucked to a dealer. However, the report appears to assume that there is only one behavior on each trip; that is, the vessel either sells its catch to one dealer or trucks it to another. Many vessels sell the fish from a single trip to multiple dealers, and may sell some locally and truck the rest. Such activity needs to be addressed, either by specifying how it would be monitored or specifying that it would no longer be allowed.

There is no discussion of quality control of the data. There are references to edit checks and data merging, but no indication how inconsistencies in the data would be addressed. When there are data inconsistencies, who would determine what data is "valid" for sector management?

Because the monitoring program relies on a contractor, should a backstop measure be specified that would be enacted if there was not a contractor willing or able to conduct the program?

Comments on Option 1

Option 1 uses the existing system and adds contractor involvement. There is no basis for the conclusion that this is "low cost" and a minimal change from the current program. It establishes a duplicative program for the NE multispecies fishery that would be administered by a contractor. It maintains the current government system for all of the other fisheries in the region (and, as noted above, likely for the sector vessels as well). There should be more discussion of the benefits vs. costs.

Comments on Option 2

In Options 2 and 3, there is discussion about a Roving Monitor (RM), who would check and record the number of totes/boxes loaded onto trucks when catches are trucked from the landing port. It would be important to also record the size of the totes/boxes, as they are likely to be non-standard. It is not clear if this information is later used by the contractor.

In Options 2 and 3, RMs and DMs would attend offloads "often enough" so that the industry believes the probability of being observed is high. It would help to either explain how that would be determined or to note the coverage level that is contemplated.

The landing report seems somewhat redundant with the DR. Why can't the dockside monitor simply validate the DR?

Comments on Option 3

These options would involve contractor installation of electronic monitoring gear for selected trips within 24 hours of a request. There may be technical difficulties that could limit the feasibility of installing this gear on a trip-by-trip basis. In order to install Vessel Monitoring Systems, some vessels in the NE multispecies fleet had to modify their vessel electrical systems. Commenters expressed concern this could also be a problem for the electronic monitoring equipment.

It is unclear why trawl vessels would not be subject to mandatory retention. For gillnet and hook & line vessels, under some circumstances, Electronic Monitoring Program (EMP) data would replace VTR as the accurate record for the trip. Could you explain a bit more about your confidence in the use of EMP information for catch composition?

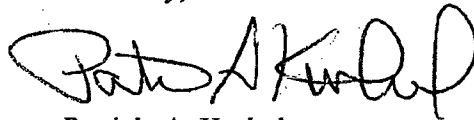
Comments on the Report Recommendations

Recommendation 2 suggests that sector monitoring should be phased in to allow the industry and government time to organize and develop the required infrastructure. This appears likely to increase costs because new requirements do not replace existing requirements, they are implemented in addition to them. It would be helpful to have more specific discussion of a phased in system. We also request that you specify what you view as the government responsibilities.

Recommendations 3 and 4 suggest that a single service provider should be selected for the initial 5-years of this program through a competitive bidding process coordinated by a government agency. It is not entirely clear how this would operate. How does your proposal for multi-source funding lead to the conclusion that the contracting entity should be a government agency. If it is a government contract, it is not clear that your proposal for industry to be involved in the bidding and selection process could be implemented. Procurement experts would have to advise about the legality of these recommendations.

In closing, we suggest that consideration should be given to the development of a fourth option that would identify improvements that could be made to the existing federally-managed monitoring programs (VTR, VMS, at-sea observers, dealer weighout reports). We have supported increased frequency of VTR reporting during the discussion of NE multispecies monitoring. The NERO is also undertaking activities to improve data quality assurance and compliance with reporting requirements. Many of the improvements relate to improving our ability to cross check between our databases in order to improve the quality of one or both databases. Specific suggestions along these lines could be helpful.

Sincerely,



Patricia A. Kurkul
Regional Administrator

Cc: Nancy Thompson, NEFSC
Paul Howard, NEFMC