



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

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September 27, 2018

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Mr. Chris Oliver
 Assistant Administrator for Fisheries
 National Marine Fisheries Service/NOAA
 U.S. Department of Commerce
 1315 East-West Highway
 Silver Spring, MD 20910

Dear Chris:

During the February 2018 Council Coordination Committee meeting, NMFS presented a draft *Procedural Directive on Cost Allocation in Electronic Monitoring Programs for Federally Managed U.S. Fisheries* and requested comments from the regional fishery management councils. The Gulf of Mexico Fishery Management Council's (Gulf Council) comments are provided in this letter.

The Gulf Council appreciates fully the funding constraints placed on the NMFS related to the appropriations process, but notes that current language in the draft procedural directive would hinder the Gulf Council's ability to design and implement electronic monitoring programs moving forward. Specific comments are as follows:

The procedural directive states that "Even in situations where federally appropriated funds may cover the initial startup of a monitoring program, such a program must be designed to either cease or be adjusted should those funds expire or there must be a transition plan to require the cost be covered by non-appropriated funds upon expiration of federal funding." The directive further notes that "Councils should be aware that NOAA Fisheries cannot guarantee the availability of appropriated funds for EM program administrative costs. If NOAA Fisheries at any point determines that it no longer has sufficient authorized appropriated funds to cover the administrative costs of a program, NOAA Fisheries will not approve a new program (if it has yet to be approved) or would adjust or end an existing program (if it has already been approved)." These statements indicate that there is a likelihood that industry could have to support the entirety of a specified monitoring program's costs or have the program cancelled at some future point in time. However, if NMFS were able to provide minimum funding commitments, it would go a long way toward fostering the Gulf Council's and industry's willingness to develop and participate in future programs.

The cost categories and responsibilities detailed in the procedural directive include the development of vessel monitoring plans (VMP) and video processing and storage in sampling

costs to be borne by the industry. The development of VMPs includes “identification of camera placement, catch handling protocols, and other requirements to facilitate third party video review.” Because these items would be either designed by NMFS or subject to agency approval/certification, the Gulf Council suggests classifying these items as administrative costs supported by NMFS.

The procedural directive defines electronic monitoring (EM) as “– The use of technologies – such as vessel monitoring systems or video cameras – to passively monitor fishing operations through observing or tracking” and notes that “Video monitoring is often referred to as EM.” The Gulf Council suggests revising the EM definition to exclude vessel monitoring systems (VMS) which are typically used in our region as an electronic reporting instrument. Revisions to the EM definition would allow the policy to exclusively focus on video cameras, sensors, and related technologies used in electronic monitoring.

NMFS has informed the Gulf Council of the recent approval of the Generic Amendment to the Fishery Management Plans for Reef Fish Resources of the Gulf of Mexico and the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic Region. This for-hire reporting amendment establishes electronic reporting requirements for our federally-permitted charter fleet and modifies reporting requirements for federally-permitted headboats. Considering the inclusion of technologies such as VMS in the current definition for electronic monitoring, the Gulf Council seeks additional information on the potential implications of the procedural directive on the recently approved for-hire reporting amendment.

The Gulf Council looks forward to working with NMFS to develop electronic monitoring programs in our region. Thank you for the opportunity to comment on this draft procedural directive.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas R. Frazer".

Dr. Thomas Frazer
Council Chair

Cc: Gulf Council
Regional Fishery Management Councils EDs
Dr. Jessica Stephen
Dr. Jack McGovern