NOAA FISHERIES

Sector Operations Plan, Contract, and Environmental Assessment Requirements

FISHING YEARS 2019-20

NOAA FISHERIES | Greater Atlantic Region

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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Introduction

Each sector is required to submit an operations plan and contract to NOAA's National Marine Fisheries Service (NOAA Fisheries) by October 1, 2018, for fishing year (FY) 2019, which starts on May 1. Each sector must do this to be considered for approval to fish, and to be allocated annual catch entitlements (ACE). The operations plan shows how the sector proposes to operate and may cover a period of 1 or 2 fishing years. (See the section Submitting the Required Information for more details about 1-year and 2-year operations plans.)

An appropriate National Environmental Policy Act (NEPA) analysis is necessary for all operations plans. NOAA Fisheries prepared a programmatic environmental assessment (PEA; Finding of No Significant Impact dated April 10, 2015) that assessed the impact of sector operations through FY 2020. We will review the information submitted with your FY 2019-20 operations plan and contract to ensure that the proposed activities are within the scope of what was previously analyzed. If necessary, we will develop a supplemental NEPA document to cover any activities not previously analyzed.

This document provides guidance for preparing operations plans, sector contracts, and the required information for the EA.

Confidentiality

The information required in the operations plan and NEPA document is not considered confidential information, as set forth in section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Versions of these documents will be available to the public upon publication of the proposed and final rules approving and implementing FY 2019 sectors, consistent with the Administrative Procedure Act, and final versions will be posted at the following web page:

Sustainable Fisheries Division (SFD) Multispecies.

Certain information required only for NOAA Fisheries use will be redacted in published versions.

Regulatory Basis

Amendment 16 to the Northeast (NE) Multispecies Fisheries Management Plan (FMP) made significant revisions to the requirements that apply to sectors, including expanding the requirements for operations plans. Subsequent framework adjustments have revised submission dates, monitoring requirements, and the list of exemptions sectors may request.

Citations that show you where you can find the corresponding regulatory requirements are included in this document.

Disclaimer

This document provides a plain-language summary of how to satisfy the requirements for each sector to submit an operations plan, contract, and the required information.

NOTE: Any language that NOAA Fisheries previously provided to the sectors is included (in italics) in the requirement descriptions in this document. This language must be included in the FY 2019 operations plan and contract, unless alternative language is approved by NOAA Fisheries in advance.

Submitting the Required Information

This section tells you what you need to know in order to fulfill the regulatory requirements for the operations plan.

What Information Do I Need to Provide?

Operations Plan

Each sector must submit a plan that explains how the sector will operate for the stated fishing period (1 or 2 years). The requirements for an operations plan are explained in this guidance document. You can find copies of previously approved operations plans from FY 2010-2018 on the web at the following web site: Sustainable Fisheries Division (SFD) Multispecies

Click on the **Sector** tab and then click on the tab **Approved Sectors**.

Contract

Sectors must submit a contract signed by all participants indicating their agreement to abide by the operations plan. The operations plan and contract may be a single document. However, some sectors choose to have separate documents for the operations plan and contract. Either of these approaches will satisfy the regulations, as long as you provide the required information.

EA Information

NOAA Fisheries has completed a PEA, as discussed in the previous section, but each sector must contribute information to ensure that the proposed activities are within the scope of what was previously analyzed. If necessary, we will develop a supplemental NEPA document to cover any activities not previously analyzed. You must submit this information along with the operations plan and contract. Guidance for preparing the EA information is included in this document.

Sector Roster Information

Sector roster information is part of the operations plan and contract, but the sector submits the roster information separately. This allows the roster to be submitted later, giving permit holders more time to decide whether or not to join a sector for the following FY. Think of the sector roster information as Part II of the operations plan and contract. Guidance for preparing the sector roster information is included in this document.

When Do I Submit the Information?

Following are some critical dates to be aware of:

Operations Plan

An operations plan may cover a 1- or 2-year period. Operations plans must be submitted to NOAA Fisheries by October 1, 2018 for Fishing Year 2019. If a 2-year operations plan is submitted and approved, a new operations plan does not need to be submitted for FY 2020. If an operations plan is submitted and approved for one year only, then that sector would need to submit a new operations plan for FY 2020 by September 1, 2019.

Sector Contract

A preliminary sector contract also must be submitted by October 1, along with the operations plan.

Sector Roster Information

A final signed sector contract must be submitted no later than 28 days (4 weeks) after FY 2019 PSC letters are issued to vessel owners.

If an operations plan is approved for both FY 2019 and FY 2020, the sector's roster may change for FY 2020. Therefore, you must submit a sector roster each year, even if your operations plan has been approved for a 2-year period. The sector will be required to submit a sector roster for the second year (FY 2020) no later than 28 days (4 weeks) after FY 2020 PSC letters are issued to vessel owners.

NOAA Fisheries Rulemaking Information

NOAA Fisheries will solicit public comment on the operations plans by publishing a proposed rule in the Federal Register. After the close of the comment period, the Regional Administrator will approve, partially approve, or disapprove sector operations plans and publish a final rule in the Federal Register.

How Do I Prepare the Information?

Operations Plan

The operations plan must be prepared as a Microsoft Word file.

Contract

Each signature page for the contract must be submitted as a searchable (i.e., run Optical Character Recognition [OCR]) file in Adobe Acrobat format. If the contract is a separate document from the operations plan it must be prepared as a separate Microsoft Word file.

EA Information

The EA information must be prepared as Microsoft Word files, as explained below.

Sector Roster Information

The sector roster information must be prepared as a Microsoft Excel file.

Copies of the documents being used to meet the rule of three requirement should be submitted as a searchable (i.e., run Optical Character Recognition [OCR]) file in Adobe Acrobat format.

Where Do I Send the Information?

Send electronic copies of all documents to: Kyle Molton and Claire Fitz-Gerald.

Also, submit a single paper copy of each electronic file to NOAA Fisheries at the following address:

Michael Pentony, Regional Administrator
c/o Sustainable Fisheries Division Sector Team
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Each printed document must be clearly titled. Operations plan information may be hand-delivered or mailed.

Preparing the Operations Plan

The operations plan and contract must contain all of the information listed in the following subsections.

- General Provisions
- At-Sea Monitoring Provisions
- Enforcement Provisions

General Provisions

Listed in this section are administrative requirements for operations plans. The requirements fall into the following general categories:

- Management and Membership
- Allocation of ACE
- ACE Management
- Discipline Procedures
- Reporting
- ACE Thresholds
- Other Administrative Requirements
- Confidential Data Statement
- Consolidation of ACE and Redirection of Effort

The requirements for each category are detailed in the following sections.

NOTE: These categories are provided for ease-of-reference only. You do not need to create these categories in your operations plan; you need only include all the individual provisions of each category.

Management and Membership

The operations plan must include the following management and membership information:

- Clearly specify member (MRI) commitment is for the entire fishing year and the voluntary nature of membership. Sectors may submit operations plans for 1-year or 2-year periods (§§ 648.87(a)(3), 648.87(b)(1)(iv)(B), and 648.87(b)(2)).
- A list of members, including permit holders, MRIs, and vessels [§§ 648.87(b)(2)(i)]. Preliminary rosters are due 4 weeks after PSC letters are mailed out. Final rosters are due May 1, 2019.
- The name of a designated representative or agent of the sector for service of process (§ 648.87(b)(2)(iv)). This must be a specific, named individual, that is, it is not acceptable to simply state "the manager."
    - Sectors must also submit a document listing the members of the Board of Directors of the sector, and identifying one individual, other than the sector manager, who is able to act on behalf of the sector. This is necessary so that NOAA Fisheries knows who to contact if the manager is unavailable, and from whom to accept official communications on the sector's behalf in addition to the sector manager. A single individual must be named. It is not acceptable to name a group.
    - The operations plan must also include a table of sector points of contact, and their responsibilities, as an appendix (see Table 1 for an example; please note that the information provided in the table is for example only and does not represent an actual sector). This will ensure that we contact the proper sector staff for issues beyond the sector manager's responsibility. This requirement can be fulfilled through the inclusion of an Excel table, similar to the following:

Table 1: Example of Sector Points of Contact (Sector Communications Contacts for SEAPORT SECTOR 1 for Fishing Year 2019)

Name	Title	Responsibility	Email	Phone	Street Address	City	State	Zip
John Doe	Manager	Day-to-day sector operations, policy issues, outreach	john.doe@email.net	555-555-5555	5 Rock Street	Gloucester	MA	01930
Henry King	Data Specialist	Data management, reporting	henry.king@email.net	555-555-5556	155 Pond Street	Rockport	MA	01966
William Conch	Public Relations Expert	Research	bill.conch@email.net	555-555-5557	709 Marlborough Road	Gloucester	MA	01930

NOTE: Additional staff, other than the manager, contracted by the sector will remain confidential.

Allocation of ACE

The operations plan must account for the original distribution of ACEs among member permits and/or vessels (§ 648.87(b)(2)(v) and (viii)). For example, at the start of the FY, how will ACEs be allocated among members, and in what amounts?

ACE Management

The operations plan must include a plan and analysis to show how the sector will avoid exceeding its allocated ACEs (§ 648.87(b)(2)(vi)). This plan should include provisions for monitoring and enforcement of the sector regulations, including documentation of both landings and discards. Please include the following text in this section to fulfill this requirement:

> *"The Sector manager (or his/her designated representative) will derive stock specific discards for each trip. If the trip is observed by either an at-sea monitor or a Northeast Fisheries Observer Program (NEFOP) observer, discards will be derived based on data collected during that trip and will account for all hauls (observed and unobserved) on that trip. If the trip is not observed, discards will be derived using the NOAA Fisheries-provided discard rate resulting from the NOAA Fisheries method to estimate 'in-season' discard rates, which may not include data from research trips or sector trips using certain exemptions"*

Discipline Procedures

The operations plan must include the following information about discipline procedures:

- A plan that describes the discipline procedures for sector members that do not abide by the sector rules (§ 648.87(b)(2)(vii)).
- Details (including method and timing) of the sector's plan for immediately notifying NOAA Fisheries if a member is expelled (§ 648.87(b)(2)(vii)).

Reporting

The operations plan must include the following reporting requirements:

- A statement explaining that the JIRA issue tracking application will be used to report all data quality issues to the appropriate personnel for research and resolution. The use of JIRA allows issues to be monitored throughout the correction process.
- A statement explaining that the sector manager will report weekly, or daily, to NOAA Fisheries (§ 648.87(b)(1)(vi)(B)). Required reports are:
  - Sector Manager Detail Report: This provides information down to the sub-trip level about each sector trip for a given week, regardless of the completeness of the data. The information includes stock, gear, mesh categories, landings, discards, and total catch.
  - Sector Manager Trip Issue Report: This provides information on enforcement or other issues for a given week. The Sector Manager Trip Issue Report allows the sector to briefly describe to NOAA Fisheries any enforcement or reporting compliance issues, violations of the sector operations plan and regulations, and general problems with monitoring or sector operations during the reporting period. The sector manager submits one Issue Report per reporting period.
  - Sector Manager ACE Status Report: This provides the means for sector managers to report their ACE status calculations. This allows NOAA Fisheries to cross-check totals, as stipulated in Amendment 16.

NOTE: A sector must increase the reporting frequency for its ACE Status Report from weekly to daily when 90% of any sector ACE is reached. The Sector Manager, or a designated representative, must notify NOAA Fisheries immediately by email or postal mail if the threshold that triggers daily reporting has been reached. During the period when a sector has reached or exceeded 90% of any of its ACEs, a daily ACE Status Report must be submitted only on a day when a member vessel lands, or when the sector engages in an ACE transfer of a stock that is exceeding the 90% threshold.

More detailed information on the requirements for the weekly report can be found in the publication, "Sector Report Guide FY 2018", available online at the following link:

Sustainable Fisheries Division (SFD) Multispecies.

More detailed information on the requirements for incident reporting can be found in the publication, "Sector Incident Report Guide", available online at the following link:

Sustainable Fisheries Division (SFD) Multispecies

ACE Thresholds

The operations plan must include the following information about ACE thresholds:

- ACE thresholds that may trigger revisions to reporting frequency (§ 648.87(b)(2)(xii)):

The reporting frequency for the sector manager's ACE Status Report will be increased to daily when 90% of any of the sector's ACEs is reached. The Sector Manager, or a designated representative, must notify NOAA Fisheries immediately by email if the threshold that triggers daily reporting has been reached. During the period when a sector has reached or exceeded 90% of any of its ACEs, a daily ACE Status Report must be submitted only on a day when a member vessel lands, or when the sector engages in an ACE transfer of a stock that is exceeding the 90% threshold.

An alternative threshold for triggering daily reporting may be implemented if agreed upon by the sector and NOAA Fisheries.

- Details (including method and timing) of the sector's plan for notifying NOAA Fisheries once the specified ACE threshold (above) has been reached (§ 648.87(b)(2)(xii)).
- A description of how groundfish will be avoided while participating in fisheries that have a bycatch of groundfish, if the sector does not have ACE for the stocks caught (§ 648.87(b)(2)(xiv)), "Fishing with no ACE."
    - Note: this is an optional provision.
    - Sectors may propose a plan to operate targeting allocated species, or in other fisheries, once the ACEs of one or more species are taken.
    - Sector proposals must include an analysis, using observer data, to demonstrate that their proposed operations (location, time, gear type) will have catch of any stock for which they do not have ACE that is less than 1 percent of the total catch by the proposed operations. Further, the ASM program proposed by the sector must include coverage of these operations to document catch of any stock for which they do not have ACE. This high standard is required to ensure all catch is accurately accounted for in sector ACEs.
    - We can only approve operations without ACE for one or more species if it is practical for us to implement those operations.
    - Sectors will be required to provide monitoring on 100 percent of trips using this provision.

Other Administrative Requirements

The operations plan must meet the following additional administrative requirements.

- Harvest Rules detailing sector operations and any additional exemptions requested by the sector beyond the universal exemptions approved in Amendment 16 (§ 648.87(b)(2)(xv)). The harvest rules must:
  - Include a brief rationale for all requested exemptions. The rationale is simply why the sector wants the exemption. What will the sector do differently if granted the exemption, and why? You do not need to provide a justification or analysis of the exemption in the operations plan. The justification should be provided separately to NOAA Fisheries for use in the analyses that will be incorporated into any future NEPA document. See the section labeled Preparing the Information Needed for NOAA Fisheries to Produce the EA later in this document for more details.
  - List and sort administrative provisions into the following categories:
    - Monitoring (At-Sea)
    - Quota Monitoring
    - Administrative
    - Gear Requirements
- Please use the following text to fulfill the requirement to clearly specify that sector members must comply with all rules not specifically exempted as part of the Letter of Authorization (§ 648.87(b)(1)(iv)):

  "Upon approval, each sector vessel will be issued a Letter of Authorization (LOA) specifying the exemptions granted. Vessels must comply with all requirements stipulated in the LOA and all applicable Federal regulations and laws not specifically exempted in the LOA."

Confidential Data Statement

NOAA Fisheries has drafted example text allowing for the release to the sector of confidential data collected under the provisions of the Magnuson-Stevens Act:

> *"Pursuant to section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C §1881a(b)(1)(F), the undersigned hereby authorizes the release to the manager of [SECTOR NAME] of information that may be or is considered to be confidential or privileged by the Magnuson-Stevens Act or other federal law regarding the catch of various species of fish associated with the limited access Northeast multispecies permit with the Moratorium Right Identifiers (MRIs) enrolled in the sector submitted to NOAA Fisheries that the undersigned has authority to access. This information includes data required to be submitted or collected by NOAA Fisheries, including but not limited to days-at-sea allocation and usage, vessel trip reports, dealer reports, Northeast Fishery Observer Program data, catch and landings history data, at-sea monitoring data, VMS information, and all other information associated with the vessel, MRI #, and/or permit records."*

You may alter this language to fit your sector's needs. In particular:

- Please specify information not associated with current sector activity, such as historic landings data, that is to be released.
- Please indicate the names of any staff in addition to the sector manager who are authorized to access confidential sector data.
- Please indicate if the confidential data statement applies to a 1- or 2-year period.

Consolidation of ACE and Redirection of Effort

The operations plan must include a detailed plan for the initial allocation of ACE among members that explains any consolidation and any redirection of effort that will result from sector operations [§ 648.87(b)(2)(v) and (viii)].

Consolidation of ACE

The operations plan must include the following template text regarding the quantity and duration of any redistribution of ACE within the sector:

Consolidation and Redistribution of ACE

In FY 2018, _____% of the permits enrolled in the [SECTOR NAME] for FYs 2019 and 20 are attached to vessels actively fishing for NE multispecies. For FYs 2019 and 20, the [SECTOR NAME] sector has (insert number of permits)_ permits currently enrolled. Of those permits (insert number of permits) are anticipated to actively fish for NE multispecies in FYs 2019 and 2020. While these numbers may change, the [SECTOR NAME] sector expects that, compared to FY 2018, there would be (insert either A or B)

A. A net consolidation beyond what previously occurred among the [SECTOR NAME]as the share of ACE contributed by member permits is fished by fewer active vessels than in FY 2018. It can be anticipated that fewer active fishing vessels would result in job losses for fishing crews and the associated negative impacts could spread to fishing communities and industries reliant on commercial fishing. While fishers who remain in the fishery may experience a positive benefit, there would be fewer active fishers in the NE multispecies fishery.

B. No change from the consolidation that previously occurred among the members during FY 2018. The member permits that are not attached to active NE multispecies vessels in FYs 2019 and 2020 are the same permits that did not fish in FY 2018. In (choose one: all/most) cases, a member who owns multiple permits fished the ACE (or DAS if in the common pool) of all those permits on fewer hulls and will now continue to fish the ACE contributed by all those permits on fewer hulls, resulting in (choose one: little/no) additional consolidation.

NOTE: If you are submitting an operations plan for ***one year only***, change each instance of the `FYs 2019 and 2020` text above to read `FY 2019`.

Redirection of Effort

The operations plan must propose limitations, if necessary, to eliminate adverse effects of any redirection of effort (§ 648.87(b)(2)(xiii)).

For FYs 2019 and 2020, this section must include the following template text regarding observations from FY 2017, observed qualitative changes in the first quarter of FY 2018, and predictions for FYs 2019 and 2020.

Redirection of Effort

During FY 2017, [SECTOR NAME] sector vessels switched fishing efforts into the following fisheries:

(Please list the fisheries and describe what gear(s) will be used)

During the first quarter of FY 2018, [SECTOR NAME] sector vessels switched fishing efforts into the following fisheries:

(Please list the fisheries and describe what gear(s) will be used)

During FYs 2019 and 2020, [SECTOR NAME] sector anticipates (choose A, B, C, or D, or some combination):

A. Similar redirection of effort to the fisheries listed above,

OR

B. Similar redirection of effort to fisheries listed above:

AND

(Please list the fisheries and describe what gear(s) will be used)

C. that some vessels may switch fishing efforts into the following fisheries:

(Please list the fisheries and describe what gear(s) will be used)

D. that no redirection of effort will take place.

At-Sea Monitoring Provisions

This section gives you information about the At-Sea Monitoring (ASM) Program that you need to supply as part of your operations plan. (§ 648.87(b)(4) and § 648.87(b)(5))

ASM Goals and Objectives

Any ASM program designed by sectors must meet the goals and objectives established by the Council. The monitoring goals are:

- Improving Documentation of Catch
- Reducing Monitoring Costs
- Reducing Discards
- Getting More Data Sources to Better Assess Stocks
- Improving Safety of Monitoring Program
- Performing Periodic Review of Monitoring Program for Effectiveness

Refer to Table 2 to review the goals and objectives for monitoring programs. (§ 648.11(l))

Table 2: Goals and Objectives for Monitoring Programs

Goal	Objectives
Improving Documentation of Catch	• Determine total catch and effort (for all sectors and the common pool) as accurately as possible. Leads to better understanding of how well the target or regulated species are faring. • Determine how much observer coverage is needed in order to minimize effects of potential "monitoring bias." • Maintain monitoring program flexibility in order to improve fleet viability.
Reducing Monitoring Costs	• Streamline data management operations and eliminate redundancies. • Explore options for cost-sharing with and deferment of cost to industry • Recognize the opportunity costs of insufficient monitoring.
Reducing Discards	• Determine discard rate by using the smallest possible strata while simultaneously maintaining cost-effectiveness. • Collect information by gear type in order to accurately calculate discard rates.
Getting More Data Sources to Better Assess Stocks	• Reduce management and/or biological uncertainty. • Perform biological sampling. That is, perform sampling if it can be used to improve the accuracy of mortality or recruitment calculations.
Improving Safety of Monitoring Program	• Improve the safety of the ASM program as necessary.
Performing Periodic Review Of Monitoring Program to Assess Effectiveness	• Periodically review the performance of the ASM program to ensure it is meeting these goals and objectives.

Each sector must employ an ASM program. The Regional Administrator will approve or disapprove proposed ASM programs in each sector's operations plan. A sector can choose either to employ a third-party program, or to employ the NOAA Fisheries ASM program. However, if the sector does not choose a particular ASM program or its proposed ASM program is not approvable, NOAA Fisheries will designate its own ASM program for that sector's use by default.

Attachment 3 includes a detailed description of the NOAA Fisheries ASM program. A sector may use the NOAA Fisheries ASM program as an example to design a new ASM program in its operations plan or choose to adopt the NOAA Fisheries ASM program in its operations plan. NOAA Fisheries will consider any ASM proposal in the October 1 operations plan to be a draft and will work with the sector to resolve any concerns.

Note any alternative ASM program proposed for FYs 2019 and 2020 must continue to use the PTNS to select trips for observer and ASM coverage.

If a sector proposes a new ASM program that NOAA Fisheries ultimately does not approve, then the sector will default to the NOAA Fisheries ASM program so the sector can be approved to operate in FYs 2019 and 2020. The goal of this approach is to allow the flexibility for sectors to develop ASM programs while providing a default ASM program as a fail-safe so that, if a sector designs an unapprovable ASM program, the sector relies on the default NOAA Fisheries-designed program.

Here is the ASM information you need to supply as part of your operations plan:

- Sectors will not be required to submit provider application materials in the operations plan. However, the following template text will fulfill the requirement for detailed information on ASM providers:

  "The [Insert Sector Name] will contract one or more of the companies approved by NOAA Fisheries to provide at-sea monitoring and will notify NOAA Fisheries of its selection no later than April 30, 2019."

- The following template text indicating that at-sea monitors will be deployed in such a way as to achieve the ASM coverage level of trips, as specified by NOAA Fisheries, that is random and representative of the fishing activities of the sector (§ 648.87(b)(1)(v)(B)(1)). This coverage level will be provided separately and must be used to complete the text below in the final operations plan:

  "The [Insert Sector Name] will deploy at-sea monitors in a way to achieve X% of trips that is random and representative of fishing activities of the sector."

- If the sector elects to use the NOAA Fisheries-designed program, attach the standards to the operations plan, and use the following template text to fulfill this requirement:

  "The [Insert Sector Name] will use the NOAA Fisheries-designed ASM program."

- If electing to design a program, please include the following statement indicating that the sector will use the NOAA Fisheries-designed program if the sector-designed program is not approved. Please also reference the standards, and attach the standards to the operations plan.

  "In the event that the sector-designed ASM program is not approved, the [Insert Sector Name] will use the NOAA Fisheries-designed ASM program."

Enforcement Provisions

You need to include the following enforcement provisions as part of your operations plan:

- Detailed information about overage penalties or other actions to be taken if the sector exceeds its ACE (§ 648.87(b)(1)(iii)). An ACE overage means the catches by a sector's vessels exceed the ACE possessed by the sector after considering all ACE transfers that take place for the current FY (including those that occur following reconciliation after the end of the fishing year, as allowed by the ACE transfer provisions).
- Detailed information about its individual administrative provisions that would not be subject to enforcement by NOAA Fisheries. This requirement is distinct from the grouping of harvest rules as "administrative," used for analyses in the EA. Operations plans must identify which provisions are exclusive to the administration of the sector, and would include provisions such as dues, allocations to individual members by the sector, etc.; but does not include required provisions such as reporting, ACE overages, and prohibited activities.
- A description of the discipline procedures for sector members that do not abide by the sector rules (§ 648.87(b)(2)(vii)).
- A statement that the sector is a legal entity (specify the type, e.g., corporation) and is therefore subject to NOAA Fisheries enforcement action for violation of sector regulations (§ 648.87(b)(1)(iv)(A)), <u>including proof of the sectors status as a legal entity, that is, state incorporation documentation (can be a print-out from state website)</u>.
- A statement that the sector and its members may be held jointly and severally liable for violations of the following operations plan requirements (§ 648.87(b)(1)(iv)(A)):
  - ACE overages
  - Discarding of legal-sized fish
  - Misreporting of catch (landings or discards)
- A statement that enforcement issues <u>must</u> be included in weekly reports, similar to the following text:

  "Weekly Sector Manager Trip Issue Reports must include any enforcement or reporting compliance issues, including violations of operations plans (exclusive of defined administrative provisions), violations of regulations, or general problems with monitoring or sector operations during the reporting period."
- A list of specific ports where members will fish. (§ 648.87(b)(2)(xi))
- Specific exceptions from landing ports should be noted (e.g., safety, weather) and allowed, provided there is reasonable notification of a deviation from the listed ports. (§ 648.87(b)(2)(xi))
- Explain how NOAA Fisheries will be notified of when the landing port exception is used. (§ 648.87(b)(2)(xi))
- The following template text describes hail requirements for short-duration trips or trips occurring within 6 hours of port:

  "For trips less than 6 hours in length or occurring within 6 hours of port, the estimated time of arrival to port must be provided in a trip start hail. The trip end hail will be sent upon completion of the last tow with required updated information. An alternative timing for the trip end hail may be implemented if agreed upon by the sector and NOAA Fisheries."

Preparing the Information Needed for NOAA Fisheries to Produce the EA

To prepare the EA information, create a Microsoft Word document separate from the operations plan. In the EA document, include information regarding fishing locations, membership, and justifications for requested exemptions. ***Submit the EA information with the sector operations plan***.

A PEA was completed by NOAA Fisheries for all sectors. However, each sector is responsible for providing the following documentation to NOAA Fisheries on an annual basis:

- Sector information similar to what was included in previous sector EAs. To fulfill this requirement, a blank Microsoft Word version of Table 3 will be e-mailed to you for you to complete. This information will only be used for the analysis in the NEPA document and is not binding on the sector.

Table 3: Summary of (INSERT SECTOR NAME) Sector and Operations Plan

Row	Sector Parameters	Description
1	Primary Fishing Locations (Broad Stock Areas)	Not applicable
2	Gear	• Trawl: (provide the percentage) • Hook Gear: (provide the percentage) • Gillnet: (provide the percentage) • Pot/trap: (provide the percentage)
3	Primary homeports and landing ports	EXAMPLE: Portland Harbor, Portland, Maine
4	Secondary homeports and landing ports	EXAMPLE: Gloucester, Massachusetts
5	Number of participants (due no later than 28 days or 4 weeks after PSC letters are issued to vessel owners.)	Provide the following information: • Total Permits Enrolled in Sector • Number of Active Vessels (those enrolled in this sector that are intended to land groundfish):

NOTE: For assistance in preparing the sector information, see the following section Instructions for Completing the EA Information,.

- Justification for all new exemption requests; justifications for most exemptions approved in FY 2017-18 are not required, but may be included.
- New exemption requests should include a citation of the specific regulation(s) from which an exemption is requested. If requesting an exemption for a specific gear type, please refer to the regulatory definitions provided later in this document in the section titled Attachment 1: Gear Definitions.
- If requesting one of the following exemptions, the sector's justification must include specific information on the use and utility of the exemption:
  - Prohibition on hauling another vessel's hook gear.
  - Prohibition on hauling another vessel's gillnet gear.

- For all exemptions requiring justification, including new exemptions and FY 2017-18 exemptions requiring justification, please answer the following questions:
  - How was the exemption used last fishing year? Please include information such as how many trips used the exemption, when the trips were taken, and where (statistical area) trips were taken that used the exemption. If this exemption is being proposed for future use, please estimate the information.
  - How many members and vessels of the sector used the exemption last year? If you are requesting a new exemption, how many members and vessels anticipate using the exemption if it is approved?
  - How did, or will, the exemption affect sector fishing operations? Please provide an explanation of how the exemption would be implemented, as well as how catch resulting from the exemption would be monitored.
  - What does the sector expect the resulting impact to be on sector operations? For example, will this exemption result in fewer trips being taken, or could it provide an opportunity for vessels to take additional trips?
  - Provide supporting data, if available.
- If a provision of the operations plan was not analyzed in the Amendment 16 final environmental impact statement or subsequent framework EAs, analysis must be provided for inclusion in the EA (§ 648.87(b)(2)(ix)).

Because sector roster information may be submitted as late as 28 days (4 weeks) after PSC letters are issued to vessel owners, information for the EA may be submitted in two parts.

1. Please submit Items 1-4 by October 1, 2018. Estimates of gear mix, fishing areas, and ports should be based on previous years' operations and an expectation of what may occur in FYs 2019 and 2020.
2. Please submit Item 5 (participant information) no later than 28 days (4 weeks) after PSC letters are issued to vessel owners and confirm the information for Items 1-4 previously submitted.

   For example, if an additional port is added due to a new member, please update the list of ports and provide no later than 28 days (4 weeks) after the date on the PSC letter to the sector.

NOTE: Requested exemptions and justifications must be provided in a separate document.

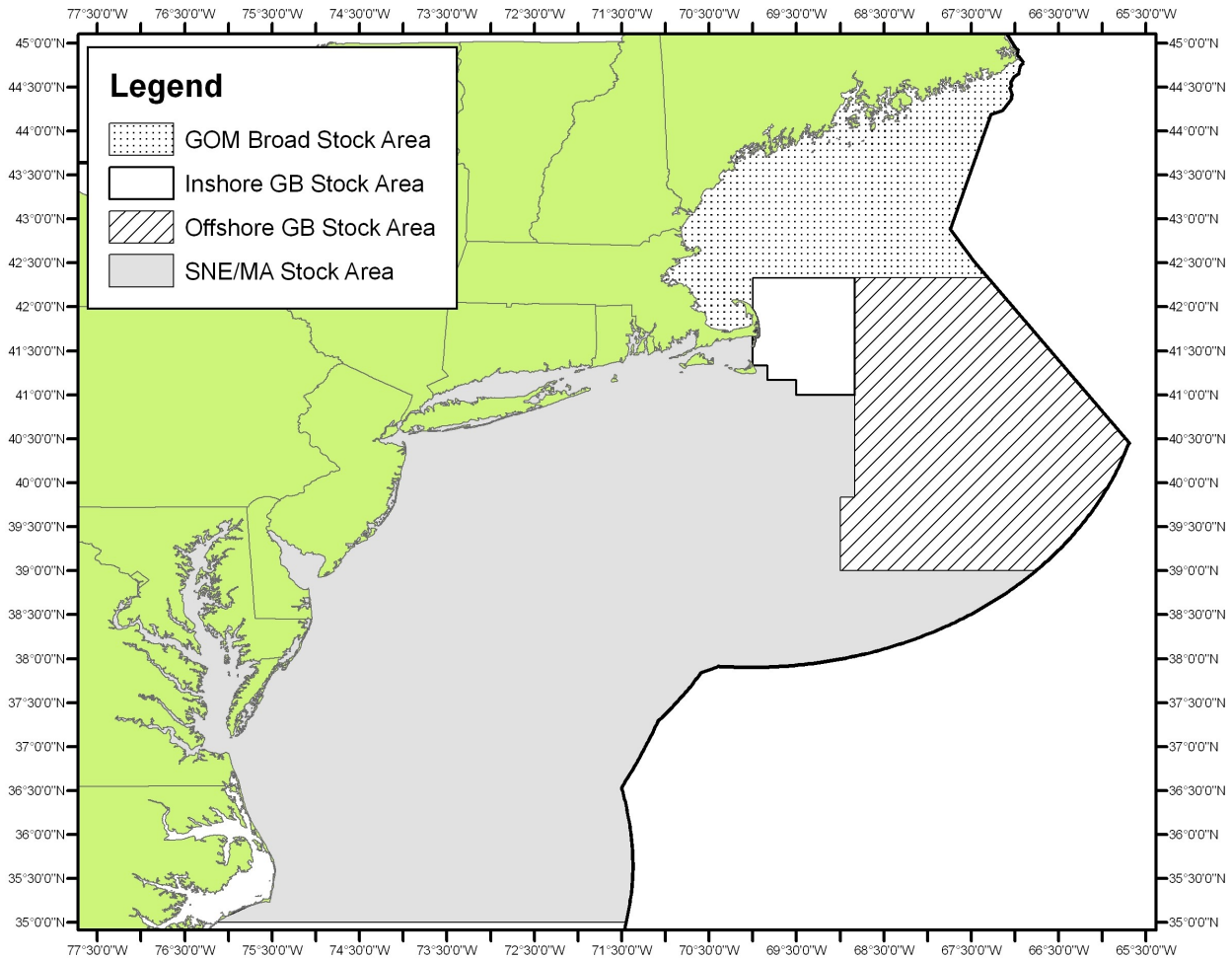
Instructions for Completing the EA Information

Please provide the following information using the template provided:

1. Primary Fishing Locations

   Please indicate the Broad Stock Areas, depicted in Figure 1 below, in which the majority of the active fishing vessels (vessels intending to land groundfish) will be fishing. The four Broad Stock Areas are: Gulf of Maine (GOM), Inshore Georges Bank (GB), Offshore GB, and Southern New England/Mid-Atlantic (SNE/MA).

Figure 1: Northeast Groundfish Broad Stock Areas



2. Gear

   Gear should be listed for active vessels only, and should be listed as a percentage of time used. Please see later in this document the section titled Attachment 1: Gear Definitions for gear types and definitions that may be included in each category. Bolded gear in Attachment 1: Gear Definitions should be included in your table. For those vessels using multiple gear types, information should be provided based on a rough estimation of their anticipated use, as indicated in the following two examples.

Completing the EA Information: Example 1

If there are 50 active vessels in a sector, with 20 vessels using trawl gear, 20 using gillnet, and 10 using hook, the sector should respond 40% trawl, 40% gillnet, and 20% hook.

20 **trawl** vessels ÷ 50 active vessels = 0.4

0.4 × 100 = 40%

20 **gillnet** vessels ÷ 50 active vessels = 0.4

0.4 × 100 = 40%

10 **hook** vessels ÷ 50 active vessels = 0.2

0.2 × 100 = 20%

40% + 40% + 20% = 100%

Completing the EA Information: Example 2:

If there are 50 active vessels in a sector with 10 using trawl gear exclusively, 20 using gillnet gear exclusively, 10 using hook exclusively, and 10 vessels using trawl gear 70% of the time and hook gear 30% of the time, the sector should respond 34% trawl, 40% gillnet, 26% hook.

10 **trawl-only** vessels ÷ 50 active vessels = 0.2

0.2 × 100 = 20%

20 **gillnet-only** vessels ÷ 50 active vessels = 0.4

0.4 × 100 = 40%

10 **hook-only** vessels ÷ 50 active vessels = 0.2

0.2 × 100 = 20%

10 mixed gear vessels ÷ 50 active vessels = 0.2

0.2 × 70% of the time using **trawl** gear = 0.2 × 0.7

0.2 × 0.7 = 0.14

0.14 × 100 = 14%

0.2 × 30% of the time using **hook** gear = 0.2 × 0.3

0.2 × 0.3 = 0.06

0.06 × 100 = 6%

trawl = 20% + 14% = 34%

gillnet = 40%

hook = 20% + 6% = 26%

34% + 40% + 26% = 100%

3. Primary Homeports and Landing Ports

   Provide only those ports used to land the majority of catch from active vessels.

4. Secondary Homeports and Landing Ports

   All remaining ports that may be used by sector vessels should be provided here.

5. Number of Participants

   Provide participant information no later than 28 days (4 weeks) after the date on the PSC letter to the sector, as an estimate of the total number of permits enrolled in the sector and the number of active vessels (vessels intending to land groundfish).

6. Exemptions Requested

   Sectors must submit a separate Microsoft Word copy of any exemption requests contained in their operations plan, either in the same document as the table, or in a separate document. Sectors are automatically granted the Universal Exemptions listed in the final rules for Amendment 16, Framework Adjustment 48 (see Attachment 2), and Framework Adjustment 55 and, therefore, these do not need to be requested. The non-universal exemptions granted during FY 2017-18 need to be specifically requested. Most non-universal exemptions granted during FY 2017-18 do not require additional justification, with the exception of the following:

   a. Prohibition on hauling another vessel's hook gear
   b. Prohibition on hauling another vessel's gillnet gear

   Sectors must include specific information on the use and utility of the exemption if requesting these exemptions. Any new exemption requests or modifications to previous exemption require justification.

NOTE: Disapproved exemption requests from previous years will not be granted a review unless new submissions of information or data are provided.

Preparing Sector Roster Information

Framework Adjustment 45 to the FMP altered the due date for sectors to submit some of the information required for inclusion in the operations plan. Any language that NOAA Fisheries provided to the sectors for FY 2017 and 2018 is included (in *italics*) in the requirement descriptions below. This language must be included in the FY 2019 and 2020 operations plan and contract, unless alternative language is approved by NOAA Fisheries in advance.

General Provisions for Roster Information

The following must be submitted to NOAA Fisheries no later than 28 days (4 weeks) after PSC letters are issued to vessel owners.

- A list of all participants and a contract signed by each participant indicating their agreement to abide by the operations plan (§§ 648.87(b)(2)(i) and 648.87(b)(2)(iii)).
- A list of **all** Federal **and** state permits held by sector members, including:
  - Whether the permit is enrolled in the sector or any other sector
  - An indication for each vessel of whether it would actively fish within the sector (§ 648.87(b)(2)(ii))
  - The following template text to show fulfillment of the ownership provision requiring at least three distinct owners has been met (§ 648.87(a)(4)):

    "Amendment 16 to the NE multispecies FMP defines a sector as a group of three or more persons, none of whom have an ownership interest in the other two persons in the sector. This criterion has been fulfilled with PERMIT NUMBER under the distinct ownership of OWNER NAME, PERMIT NUMBER under the distinct ownership of OWNER NAME, and PERMIT NUMBER under the distinct ownership of OWNER NAME."

NOTE: The corporate documents or Federal permits must explicitly list the name and address of each owner.

Copies of the corporate documents or Federal permits being used to meet this requirement should be in a **searchable** Adobe Acrobat file format (that is, **where Optical Character Recognition has been run**).

The regulations (§648.87(b)(2)(ii)) require that a sector roster be submitted as a list. Photocopies of permits will not be accepted. This requirement can be fulfilled through the inclusion of an Excel table, similar to the following:

Table 4: Sector Membership Requirement List

MRI	Vessel Permit No.	Vessel Name	Sector Member	Fed Permits	State Permits	Enrolled in Sector
1	123456	Thetis	Member A	Lobster, Fluke	Lobster, Mults	Yes
2	999999	Kalypso	Member A	Mults, Scallop	Scallop, Urchin	No
3	111111	Galateia	Member A	Mults	None	Enrolled in Sector B
4	654321	Panopeia	Member B	Mults, Monkfish	Mults	Yes

Attachment 1: Gear Definitions

Table 5 and Table 6 immediately following define the terminology used for gear and mesh definitions in § 648.2.

Table 5: Mobile Gear

Gear Type	Description
Trawl	Gear consisting of a net that is towed, including but not limited to beam trawls, pair trawls, otter trawls, and Danish and Scottish seine gear.

Table 6 Fixed Gear

Gear Type	Description
Hook gear	Fishing gear that is comprised of a hook or hooks attached to a line and includes, but is not limited to, longline, setline, jigs, troll line, rod and reel, and line trawl.
Jigging	With respect to the NE multispecies fishery, means fishing for regulated species with handgear, handline, or rod and reel using a jig, which is a weighted object attached to the bottom of the line used to sink the line and/or imitate a baitfish, which is moved ("jigged") with an up and down motion.
Longline gear	Fishing gear that is or is designed to be set horizontally, either anchored, floating, or attached to a vessel, and that consists of a main or ground line with three or more gangions and hooks.
Rod and reel	A hand-held (including rod holder) fishing rod with a manually operated reel attached.
Handgear	With respect to the NE multispecies fishery, means handline gear, rod and reel gear, and tub-trawl gear.
Handline or handline gear	Fishing gear that is released by hand and consists of one main line to which is attached no more than two leaders for a total of no more than three hooks. Handlines are retrieved only by hand, not by mechanical means.
Tub-trawl	With respect to the NE multispecies fishery, means gear designed to be set horizontally on the bottom, with an anchored mainline to which are attached three or more gangions and hooks. Tub-trawls are retrieved only by hand, not by mechanical means.
Gillnet gear	Gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at §648.81(f)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.
Flatfish gillnets	Gillnets that are either constructed with no floats on the float line, or that are constructed with floats on the float line and that have tie-down twine between the float line and the lead line not more than 48 inches (18.90 cm) in length and spaced not more than 15 feet (4.57 m) apart.
Roundfish gillnets	Gillnets that are constructed with floats on the float line and that have no tie-down twine between the float line and the lead line.
Pots and Traps	No specific definition is included in the regulations at 648.2 pertaining to the Northeast Multispecies fishery.

Attachment 2: Exemptions

Attachment 2 provides information about the exemptions that have previously been approved for those preparing the operations plan. There are two categories of exemptions to be aware of:

- Universal Exemptions
- Previously-Approved Sector Exemptions

Universal Exemptions

Sectors do not need to apply for the Amendment 16 universal exemptions. This section covers the universal exemptions that are still applicable, and any that no longer apply.

Universal Exemptions: Applicable in FY 2019

Following are the universal exemptions that currently apply.

1. Exemption from groundfish DAS requirements, including DAS reductions, differential groundfish DAS counting, the 3/15 rule for gillnets, and 24-hour DAS counting.
2. Exemption from trip limits on stocks for which a sector receives an allocation, except for the following:
   a. Halibut: Trip limit would continue to be one fish per trip;
   b. No vessel, whether in the Common Pool or in any sector, would be allowed to possess any windowpane flounder (both stocks), ocean pout, or wolffish on board at any time. When caught, these species must be discarded.
3. Exemption from any additional mortality controls adopted by Amendment 16, including additional seasonal or year-round closures, gear requirements, DAS reductions, differential DAS counting, and/or restricted gear areas.
4. The Gulf of Maine Cod Protection Closures IV and V.
5. Exemption from the requirement to use 6.5-inch mesh in the codend in haddock separator trawl/Ruhle trawl when targeting haddock in the Georges Bank Regulated Mesh Area to use 6-inch mesh in the codend.
6. Exemption from all or a portion of ASM coverage if the vessel is fishing with extra-large mesh gillnets (10-inch or greater mesh) exclusively in Inshore GB or SNE.

Universal Exemptions: Not Applicable in FY 2019

Following are the universal exemptions that no longer apply:

1. Exemption from the Georges Bank Seasonal Closure in May.

   The Omnibus Habitat Amendment 2, implemented in FY 2017, removed the Georges Bank Seasonal Closure. Therefore, this universal exemption is no longer necessary and will be removed from future versions of this document.

Previously-Approved Sector Exemptions

Sectors will need to include any previously approved exemptions, along with justification for novel FY 2020 exemption requests, in their FY 2019 operations plan.

Previously Approved Sector Exemptions and Justifications: Applicable in FY 2019

Following are previously-approved exemptions that expect to approve in FY 2019.

1. 120-Day Block Requirement Out of the Fishery for Day Gillnet Vessels.

   This measure was implemented in 1997 under FW 20 (62 FR 15381, April 1, 1997) to help ensure that management measures for Day gillnet vessels were comparable to effort controls placed on other fishing gear types (the proposed rule for this action erroneously stated that this action had been implemented in 1996 under Amendment 7). Regulations at § 648.82(j)(1)(ii) require that each NE multispecies gillnet vessel declared into the Day gillnet category declare and take 120 days out of the non-exempt gillnet fishery. Each period of time taken must be a minimum of 7 consecutive days, and at least 21 of the 120 days must be taken between June 1 and September 30. This measure was designed to control fishing effort and, therefore, is no longer necessary for sectors because sectors are restricted to an ACE for each groundfish stock, which limits overall fishing mortality. Because sector vessels are prohibited from discarding all legal-sized allocated fish when on a sector trip, and are restricted by their ACE, vessels will likely fish more selectively, which in turn, can increase each vessel's catch per unit of effort (CPUE) and reduce the number of days that fixed gear is in the water. Similarly, protected species (such as harbor porpoise and humpback whales) may benefit from less fishing effort and fewer gear days.

2. 20-Day Spawning Block

   Regulations at § 648.82(g) require vessels to declare out and be out of the NE multispecies DAS program for a 20-day period each calendar year between March 1 and May 31, when spawning of cod is most prevalent in the GOM. While this measure was designed to reduce fishing effort on spawning fish stocks, sector vessels will utilize an ACE to restrict their fishing mortality. Undersized fish caught by sector vessels cannot be kept and, additionally, the catch will count against the sector's ACE. This creates a strong incentive for sectors to avoid catching undersized fish. In addition, there are minimal temporal and spatial restrictions associated with this regulation, and allowing vessel owners to select any 20-day period out of the fishery does not necessarily prevent them from harvesting spawning fish.

3. Limitation on the Number of Gillnets for Day Gillnet Vessels Outside the Gulf of Maine

   Vessels are allowed to fish up to 150 gillnets (any combination of flatfish or roundfish nets) in each GB, SNE, and MA regulated mesh areas (RMAs). Current gear restrictions in the RMAs restrict Day gillnet vessels from fishing more than: 100 gillnets (of which no more than 50 can be roundfish gillnets) in the GOM RMA (§ 648.80(a)(3)(iv)(B)(2)); 50 gillnets in the GB RMA (§ 648.80(a)(4)(iv)(B)(2)); and 75 gillnets in the SNE and MA RMAs (§ 648.80(b)(2)(iv)(B)(1), and § 648.80(c)(2)(v)(B)(1), respectively). Regulations require nets to be marked with either one or two tags per gillnet depending on the type of net and RMA fished, for the purpose of enforcing gillnet limits. These restrictions were implemented in 1996 under Amendment 7 and revised in Amendment 13 to prevent an uncontrolled increase in the number of nets being fished, thus undermining the applicable DAS effort controls. Because this measure was designed to control fishing effort, NMFS believes that a net restriction is no longer necessary, since the sector is confined to an ACE for each stock, which caps overall fishing effort. Vessels are also exempt from the current tagging requirements and, instead, will be required to mark their gear with one tag per net. An LOA issued to the sector vessels that qualify for this exemption will specify the tagging provisions to ensure it is an enforceable provision. This exemption does not apply to the GOM RMA.

4. Prohibition on a Vessel Hauling Another Vessel's Gillnet Gear

   This exemption allows one vessel to hauling another vessel's gillnet gear (§§ 648.14(k)(6)(ii)(A) and 648.84). These sectors argued that the regulations pertaining to gear-marking controls, setting, and hauling responsibilities are no longer necessary, because the sector would be confined to an ACE for each stock, and that ''community'' fixed gear would allow vessel owners greater flexibility. In addition, the sectors argued that shared fixed-gear fishing effort could potentially reduce the amount of gillnet gear in the water and minimize the use of gear to ''hold'' additional bottom ground. Sectors specify in their operations plans that all vessels participating in community fixed gear will be held jointly liable for any violations associated with that gear. An LOA issued to the sector vessels that qualify for this exemption will specify the tagging provisions to ensure it is an enforceable provision.

5. Limitation on the Number of Gillnets That May Be Hauled on GB When Fishing Under a Groundfish/Monkfish DAS

   This is an exemption from the limit on the number of gillnets that may be hauled on GB when fishing under a groundfish/monkfish DAS. Current regulations at § 648.80(a)(4)(iv)(B), which prohibit Day gillnet vessels fishing on a groundfish DAS from possessing, deploying, fishing, or hauling more than 50 nets on GB, were implemented as a groundfish mortality control under Amendment 13. This exemption would increase efficiency of gillnet vessels by allowing them to haul additional nets per trip—nets which are already permitted in the water under the Monkfish FMP. This exemption allows nets deployed under existing net limits in the NE Multispecies and Monkfish FMPs to be hauled more efficiently by vessels dually permitted under both FMPs.

6. Limitation on the Number of Hooks that May Be Fished

   This is an exemption from the number of hooks that a vessel may fish on a given fishing trip. This measure, which was initially implemented through an interim action (67 FR 50292, August 1, 2002) and made permanent through Amendment 13, was designed to control fishing effort and, therefore, is no longer necessary because the sector is confined to an ACE for each stock, which restricts fishing mortality. Current regulations (§648.80) prohibit vessels from fishing or possessing more than 2,000 rigged hooks in the GOM RMA, more than 3,600 rigged hooks in the GB RMA, more than 2,000 rigged hooks in the SNE RMA, or more than 4,500 rigged hooks in the MA RMA. The potential for gear interactions between protected resources and longline/hook gear is much lower than the interaction potential from bottom trawl or gillnet gear. In addition, the use of longline/ hook gear minimizes fishing impacts on benthic habitat.

7. Length and Horsepower Restrictions of the DAS Leasing Program

   While Amendment 16 exempts sector vessels from the requirement to use NE multispecies DAS to harvest groundfish, some sector vessels will still need to use NE multispecies DAS under specific circumstances; for example, when fishing for monkfish. This is an exemption from the DAS Leasing Program length and horsepower restrictions. Sector ACEs eliminate the need to use vessel characteristics to control fishing effort and that removal of this restriction would allow sector vessels more flexibility. Leasing under this exemption is without regard to baseline characteristics and only occurs between vessels of the same sector or vessels of any other sector that is also granted this exemption.

8. Prohibition on Discarding

   Current regulations prohibit sector vessels from discarding legal-sized fish of any of the 14 stocks allocated to sectors while at sea (§ 648.87(b)(1)(v)(A)). Amendment 16 contained this provision to ensure that the sector's ACE is accurately monitored. NMFS approved a partial exemption from the requirement to retain all legal-sized fish, which will allow sector vessels to discard these fish. NMFS defined "unmarketable" fish as "any legal-sized fish the vessel owner/captain elects not to retain because of poor quality as a result of damage prior to, or from, harvest," and the determination of what fish should be discarded under this exemption is at the discretion of the vessel operator, but must be based on physical damage to the fish. The definition of unmarketable fish is included in the sector's LOA. All vessels in a sector opting for this exemption will be required to discard legal-sized unmarketable fish at sea on all trips (i.e., not just on select trips).

9. Trawl Gear Requirements in the U.S./Canada Management Area

   Current regulations require that a NE multispecies vessel fishing with trawl gear in the Eastern U.S./Canada Area must fish with a Ruhle trawl, a haddock separator trawl, or a flounder trawl net. The final rule implementing Amendment 13 clarified that the restriction to use a haddock separator trawl or a flounder trawl net was designed to "ensure that the U.S./Canada TACs are not exceeded. The requirement to utilize a Ruhle trawl in the Eastern U.S./Canada Area was implemented through several in-season actions, and made permanent in Amendment 16. These gear restrictions were authorized to allow the targeting of haddock, an under-harvested stock, while reducing bycatch of cod and yellowtail flounder stocks, which were identified as overfished. NMFS approved an exemption from these gear requirements, noting that any trawl gear not currently approved for the U.S./Canada Management Area, but utilized under this exemption, will be included in the standard otter trawl discard rate strata.

10. Prohibition On a Vessel Hauling Another Vessel's Hook Gear

    Current regulations prohibit one vessel from hauling another vessel's hook gear (§ 648.14(k)(6)(ii)(B)). The regulations were developed to facilitate the enforcement of existing hook regulations that were created as effort and mortality controls, and no provisions exist in the regulations allowing for multiple vessels to haul the same gear. The increased flexibility afforded by this exemption may increase efficiency. An exemption from the prohibition on a vessel hauling another vessel's hook gear was approved. This exemption will allow fishermen from within the same sector to haul each other's hook gear. The exemption from hook limits and implementation of ACE as a mortality control make it unnecessary to prevent a vessel from hauling another vessel's gear as an effort control. Consistent with the exemption approved for community gillnets, all vessels utilizing community hook gear will be jointly liable for any violations associated with that gear. This joint liability would assist in the enforcement of regulations. Additionally, each member intending to haul the same gear will be required to mark the gear, consistent with §§ 648.14(k)(6)(ii)(B) and 648.84(a).

11. Requirement to Declare Intent to Fish in the Eastern U.S./Canada Haddock SAP and the CA II Yellowtail Flounder/Haddock SAP Prior to Leaving the Dock

    NE multispecies vessels are required to declare that they will be fishing in either the Eastern U.S./Canada Haddock SAP or the CA II Yellowtail Flounder/Haddock SAP prior to leaving the dock (§§ 648.85(b)(8)(v)(D) and 648.85(b)(3)(v)). This measure was included in the final rule implementing Framework 40A to ensure that vessels fishing exclusively in those areas could be credited DAS for their transit time to and from these SAPs. Because sector catch is limited by ACE, DAS credit for trips in these SAPs is no longer necessary. An exemption from the requirement to declare intent to fish in the Eastern U.S./Canada Haddock SAP and the CA II Yellowtail Flounder/Haddock SAP prior to leaving the dock was granted to allow sector vessels to declare their intent to fish in these SAPs while at sea.

12. Seasonal Restriction for the Eastern U.S./Canada Haddock SAP

    The Eastern U.S./Canada Haddock SAP consists of a portion of the Eastern U.S./Canada Area and a portion of CA II. We implemented this SAP in FW 40A to provide a vessel with additional opportunity to target haddock while fishing on a Category B DAS in, and near, CA II (69 FR 67780, November 19, 2004) while reducing the catch of cod and other stocks of concern. In FW 42 (71 FR 62156; October 23, 2006), we extended the approval of this SAP and shortened the season to August 1 through December 31 to further reduce cod catch. Because a sector's catch is restricted by ACE, seasonal restrictions can be viewed as an unnecessary effort control. However, based on concern for spawning NE multispecies stocks, specifically GB winter flounder in March and April and GB cod between February and April, we approve an exemption to extend the SAP season to allow access to this area from May 1 through December 31.

13. Seasonal Restriction for the CA II Yellowtail Flounder/Haddock SAP

    We implemented the CA II Yellowtail Flounder SAP through Amendment 13 in 2004 to provide an opportunity for vessels to target yellowtail flounder in CA II on a Category B DAS. In 2005, we extended the approval of this SAP though FW 40B, but shortened the season to July 1 through December 31 to reduce interference with spawning yellowtail flounder (70 FR 31323, June 1, 2005). Through Amendment 16, we further revised this SAP in 2010 by opening the SAP to target haddock while avoiding cod from August 1 through January 31, when the SAP is not open for targeting of GB yellowtail flounder. We implemented gear requirements to limit vessels from catching yellowtail flounder when the SAP was open only for targeting haddock. Because a sector's catch is restricted by ACE, seasonal restrictions can be viewed as an unnecessary effort control. However, based on concern for spawning NE multispecies stocks, specifically GB winter flounder in March and April and GB cod between February and April, we approve an exemption to extend the SAP season to allow access to this area from May 1 through December 31.

14. Sampling Exemption

    Conducting scientific research on regulated fishing trips may require special permits, depending on the activities proposed. A temporary research permit authorizes a federally permitted fishing vessel that is accompanied by a research technician, typically staff for the principal investigator, to temporarily retain fish that are not compliant with applicable fishing regulations to collect catch data such as length and weight. Under a temporary possession permit, a vessel may be exempt from specific regulations, including minimum fish sizes, closures, and possession limits. Sampled fish are returned to the sea as soon as practicable after sampling. Some sectors proposed independent sampling programs, where data would be collected from fish that otherwise must be immediately discarded. We approved an exemption for temporary possession permits for research purposes for sectors with approved research activities to streamline the application and documentation process.

15. Minimum Mesh Size Requirement for Targeted Redfish Trips

    For FYs 2015-2018, we granted an exemption that allows a sector vessel to fish for Acadian redfish in the designated Redfish Exemption Area using nets with codend mesh no smaller than 5.5 inches. When fishing inside the Redfish Exemption Area all other restrictions applicable to trawl nets still apply. In order to use this exemption, a vessel must strictly adhere to conditions and restrictions that reduce the likelihood of negative impacts to Gulf of Maine cod and increase the ability to track catch under this exemption.

16. Prohibition on Combining Small Mesh Exempted Fishery and Sector Trips

    In FY 2014, we approved an exemption that would allow vessels to possess and use small-mesh and large-mesh trawl gear on a single trip within portions of the SNE RMA with modifications intended to address our concerns. First, we required that vessels used one of the following trawl gear modifications (suggested by sectors) when using small mesh in the two permitted areas: Drop chain sweep with a minimum of 12 inches (30.48 cm) in length; a large-mesh belly panel with a minimum of 32-inch (81.28-cm) mesh size; or an excluder grate secured forward of the codend with an outlet hole forward of the grate with bar spacing of no more than 1.97 inches (5.00 cm) wide. These gear modifications, when fished properly, have been shown to reduce the catch of legal and sub-legal groundfish stocks. Requiring these modifications is intended to also reduce the incentive for a sector vessel to target groundfish when fishing with small mesh on these trips. Finally, we approved monitoring a vessel using this exemption with the same NEFOP and ASM coverage as a standard groundfish trip. In FYs 2015 and 2016 we approved a revised version of this exemption that expanded the geographic area where vessels could participate in the small-mesh exempted fishery. In FY 2017, we further expanded the geographic area, and combined the two allowable areas into one area.

17. Exemption from Requirement to Fish Exclusively with 10-inch, or Larger, mesh gillnets when Targeting Dogfish on Groundfish Trips Excluded from At-Sea Monitoring (ASM) Coverage

    Starting in FY 2016, sector trips fishing with extra-large mesh gillnets (10 inches or greater) exclusively in the Southern New England/Mid-Atlantic and Inshore GB Broad Stock Areas are not subject to ASM. This exemption allows a sector vessel on these non-ASM sector groundfish trips to also target dogfish using 6.5-inch mesh gillnet gear within the footprint and season of either the Nantucket Shoals Dogfish Exemption Area (June 1 through October 15), the Eastern Area of the Cape Cod Spiny Dogfish Exemption Area (June 1 through December 31), or the Southern New England Dogfish Gillnet Exemption Area (May 1 through October 31).

18. Exemption from VMS Requirements for Handgear A vessels fishing in a single BSA.

    In FY 2017, we granted an exemption that allows Handgear A permitted vessels to fish in a single BSA on a sector trip without carrying a VMS. This exemption does not waive requirements to carry or report using a VMS unit when fishing in multiple BSA's, in the U.S/Canada Management Areas, or under any other requirements associated with using other sector exemptions or participating in Special Access Programs.

19. Exemption from the Day Gillnet Limit in the Gulf of Maine.

    In FY 2018 we granted an exemption that allows Day gillnet vessels to fish above the 100 gillnet limit, up to 150 nets total. Any nets above the existing 100-net limit must have a minimum mesh size of 10.0 inches (25.4 cm) and must be fished east of 70 degrees West longitude. Vessels are limited to no more than 50 roundfish gillnets. Vessels must comply with the net tagging requirements at § 648.80(a)(3)(iv)(B)(4), which requires roundfish gillnets to be tagged with two tags per net, while flatfish gillnets may be marked with one tag per net; all gillnets fished must be tagged.

Previously Approved Sector Exemptions and Justifications: Not Applicable in FY2019

Following are exemptions approved in FY 2017-2018 that no longer apply in FY 2019.

1. Daily Catch Reporting by Sector Managers for Vessels Participating in the CA I Hook Gear Haddock SAP

   The regulations at § 648.85(b)(7)(v)(C) require that sector vessels that declare into the CA I Hook Gear Haddock SAP submit daily catch reports to the sector manager, and that the sector manager report catch information to NMFS on a daily basis. This reporting requirement was originally implemented through Framework 40A, to facilitate real-time monitoring of quotas by NMFS. Amendment 16 granted authority to the Regional Administrator to determine if weekly sector reports were sufficient for the monitoring of most SAPs. For FY 2010 - 2013, the Regional Administrator alleviated reporting requirements for sector vessels participating in other Special Management Programs (SMPs), but reporting requirements were retained for the CA I Hook Gear Haddock SAP, because NMFS must continue to monitor an overall haddock TAC that applies to sector and common pool vessels fishing in this SAP. NMFS granted this exemption to sectors managers, provided that participating vessels submit daily VMS catch reports directly to NMFS, analogous to the requirements for common pool vessels, to satisfy this reporting requirement.

   This exemption was approved for FY 2012 – 2018. The Omnibus Habitat Amendment 2, implemented in FY 2017, removed Closed Area I. Therefore, this exemption is no longer necessary and will be removed from future versions of this document.

2. Prohibition on Fishing Inside and Outside the CA I Hook Gear Haddock SAP While on the Same Trip

   FW 40A established the CA I Hook Gear Haddock SAP to allow additional access to healthy stocks on a category B DAS using selective gears. This SAP had quotas for groundfish stocks to prevent overfishing. Under the rules implementing FW 40A, NE multispecies vessels fishing on a trip within this SAP were prohibited from deploying fishing gear outside of the SAP on the same trip when they declared into the SAP (§ 648.85(b)(7)(iv)(G)). This restriction was established to avoid potential quota monitoring and enforcement complications that could arise when a vessel fishes both inside and outside the SAP on the same trip. An exemption was granted from the prohibition on fishing inside and outside of the CA I Hook Gear Haddock SAP on the same trip. However, to ensure accurate accounting of catch in this SAP, vessels using this exemption are prohibited from hauling or setting fixed gear across the border of the SAP. The intent is that each haul of gear occurs entirely inside, or entirely outside, the SAP boundaries. Vessels participating in this SAP are already required to send a daily VMS catch report that NMFS will use to identify catch from inside the SAP separately from catch outside the SAP on the same trip. Vessels fishing both inside and outside this SAP on the same trip must report only catch within the SAP in their daily VMS catch report. Vessels will send their daily VMS catch report to NMFS if their sector is also granted an exemption from the requirement for daily catch reporting by the sector manager for vessels participating in the CA I Hook Gear Haddock SAP.

   This exemption was approved for FY 2012 – 2018. The Omnibus Habitat Amendment 2, implemented in FY 2017, removed Closed Area I. Therefore, this exemption is no longer necessary and will be removed from future versions of this document.

3. Prohibition on Groundfish Trips in the Nantucket Lightship Closed Area

   In FYs 2013 through 2016, we approved an exemption that allowed sector vessels access to the eastern and western portions of the Nantucket Lightship CA (Eastern and Western Exemption Areas). Under this exemption, a vessel is required to declare its intent to access the Eastern and Western Exemption Areas of the Nantucket Lightship CA by submitting a Trip Start Hail through its VMS unit prior to departure. The hail is used for monitoring and enforcement purposes. The central portion of the Nantucket Lightship CA is essential fish habitat (EFH) and is not open to sector vessels. Trawl vessels fishing in the Eastern Exemption Area are restricted to the use of selective trawl gear, including the separator trawl, the Ruhle trawl, the rope trawl, and any other gear authorized by the Council and NMFS in a management action. Flounder nets are prohibited. In the Western Exemption Area, all legal trawl gear is permitted. In both areas, gillnet vessels are restricted to fishing 10-inch (25.4-cm) diamond mesh or larger. This allows gillnet vessels to target monkfish and skates while reducing catch of flatfish. Because the western area lies within the SNE Management Area of the Harbor Porpoise Take Reduction Plan, gillnet vessels are required to use pingers when fishing in the Western Exemption Area between December 1 and May 31. Finally, we approved monitoring a vessel using this exemption with the same NEFOP and ASM coverage as a standard groundfish trip.

   This exemption was approved for FY 2013 – 2018. The Omnibus Habitat Amendment 2, implemented in FY 2017, removed the Nantucket Lightship Closure Area. Therefore, this exemption is no longer necessary and will be removed from future versions of this document.

Attachment 3: ASM Standards and Description of NMFS ASM Program

Sectors must develop, implement, and pay for an ASM program.

Program Goals and Objectives

Any ASM program designed by sectors must meet the goals and objectives established by the Council. The monitoring goals are :

- Improving Documentation of Catch
- Reducing Monitoring Costs
- Reducing Discards
- Getting More Data Sources to Better Assess Stocks
- Improving Safety of Monitoring Program
- Performing Periodic Review of Monitoring Program for Effectiveness

Refer to Table 7 to review the goals and objectives for monitoring programs.

Table 7: Goals and Objectives

Goal	Objectives
Improving Documentation of Catch	• Determine total catch and effort (for all sectors and the common pool) as accurately as possible. Leads to better understanding of how well the target or regulated species are faring. • Determine how much observer coverage is needed in order to minimize effects of potential "monitoring bias." • Maintain monitoring program flexibility in order to improve fleet viability.
Reducing Monitoring Costs	• Streamline data management operations and eliminate redundancies. • Explore options for cost-sharing with and deferment of cost to industry • Recognize the opportunity costs of insufficient monitoring.
Reducing Discards	• Determine discard rate by using the smallest possible strata while simultaneously maintaining cost-effectiveness. • Collect information by gear type in order to accurately calculate discard rates.
Getting More Data Sources to Better Assess Stocks	• Reduce management and/or biological uncertainty. • Perform biological sampling. That is, perform sampling if it can be used to improve the accuracy of mortality or recruitment calculations.
Improving Safety of Monitoring Program	• Improve the safety of the ASM program as necessary.
Performing Periodic Review Of Monitoring Program to Assess Effectiveness	• Periodically review the performance of the ASM program to ensure it is meeting these goals and objectives.

ASM Program Approval Process

The Regional Administrator will approve or disapprove proposed ASM programs through each sector's operations plan. This attachment includes the regulatory requirements for an ASM program and a detailed description of the NMFS ASM program. A sector may use the NMFS ASM program as an example to design a new ASM program in its operations plan or choose to adopt the NMFS ASM program. Please note that any alternative ASM program proposed for FYs 2019 and 2020 must continue to use the PTNS to select trips for observer and ASM coverage.

NMFS will consider any ASM proposal in the October 1 operations plan to be a draft and will work with the sector to resolve any concerns.

ASM Provider Approval Process

ASM providers must be approved by NMFS to provide ASM services to sectors. Applications should be submitted to:

Michael Pentony, Regional Administrator
c/o the Sustainable Fisheries Division Sector Team
55 Great Republic Drive
Gloucester, MA 01930

ASM Service Provider Standards

Qualifications

The regulations require the following information be submitted as part of an ASM application (see § 648.87(b)(4)(i)):

- Identification of corporate structure, including the names and duties of controlling interests in the company such as owners, board members, authorized agents, and staff; and articles of incorporation, or a partnership agreement, as appropriate;
- Contact information for official correspondence and communication with any other office;
- A statement, signed under penalty of perjury, from each owner, board member, and officer that they are free from a conflict of interest with fishing-related parties including, but not limited to, vessels, dealers, shipping companies, sectors, sector managers, advocacy groups, or research institutions and will not accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from such parties;
- A statement, signed under penalty of perjury, from each owner, board member, and officer describing any criminal convictions, Federal contracts they have had, and the performance rating they received on the contract, and previous decertification action while working as an observer or observer service provider;
- A description of any prior experience the applicant may have in placing individuals in remote field and/or marine work environments including, but not limited to, recruiting, hiring, deployment, and personnel administration;
- A description of the applicant's ability to carry out the responsibilities and duties of a sector monitoring/reporting service provider and the arrangements to be used, including whether the service provider is able to offer ASM services;

- Evidence of adequate insurance (copies of which shall be provided to the vessel owner, operator, or vessel manager, when requested) to cover injury, liability, and accidental death to cover dockside, roving, and at-sea monitors (including during training); vessel owner; and service provider. Based on prior insurance coverage levels it has approved, NMFS has determined such insurance to be adequate if it meets at least the following provisions and conditions:
  - Sufficient insurance to cover injury, liability, and accidental death for at-sea monitors;
  - A minimum amount of maritime employers' liability coverage of $5,000,000 to cover the at-sea monitors, vessel owners and ASM provider; and
  - A current insurance certificate.
- Proof of benefits and personnel services provided in accordance with the terms of each monitor's contract or employment status;
- Proof that the service provider's at-sea monitors have passed NMFS ASM training program;
- An Emergency Action Plan describing the provider's response to an emergency with an at-sea monitor, including, but not limited to, personal injury, death, harassment, or intimidation; and Evidence that the company is in good financial standing. This information can be obtained from the Secretary of State's Office in the state where the business is registered. Any legal business entity must be registered with a state.

Performance Requirements

The regulations require ASM Service providers be able to document compliance with the following criteria and requirements (see § 648.87(b)(4)(ii):

- A service provider must establish and carry out a comprehensive plan to deploy NMFS-certified at-sea monitors according to the coverage level specified by NMFS, including all of the necessary vessel reporting/notice requirements to facilitate such deployment, as follows:
  - A service provider must be available to industry 24 hours per day, 7 days per week, with the telephone system monitored a minimum of four times daily to ensure rapid response to industry requests;
  - A service provider must be able to deploy at-sea monitors to all ports in which service is required by sectors, or a subset of ports as part of a contract with a particular sector;
  - A service provider must report at-sea monitor deployments to NMFS and the sector manager in a timely manner to determine whether the predetermined coverage levels are being achieved for the appropriate sector;
  - A service provider must assign at-sea monitors without regard to any preference by the sector manager or representatives of vessels other than when the service is needed and the availability of approved/certified monitors;
  - A service provider's at-sea monitor assignment must be fair, equitable, representative of fishing activities within each sector, and able to monitor fishing activity throughout the fishing year;
- The service provider must ensure that at-sea monitors remain available to NMFS, including NMFS Office for Law Enforcement, for debriefing for at least 2 weeks following any monitored trip;
- The service provider must report within 12 hours any possible at-sea monitor harassment; discrimination; concerns about vessel safety or marine casualty; injury; and any information,

allegations, or reports regarding at-sea monitor conflict of interest or breach of the standards of behavior to NMFS and/or the sector manager, as specified by NMFS. Please see the section on Additional Laws Applicable for ASM Programs for further information.

- The service provider must submit to NMFS, if requested, a copy of each signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the service provider and those entities requiring services (i.e., sectors and participating vessels) and between the service provider and specific at-sea monitors;
- The service provider must submit to NMFS, if requested, within 5 days if possible, copies of any information developed and used by the service providers distributed to vessels, such as informational pamphlets, payment notification, description of duties, etc.
- A service provider may refuse to deploy an at-sea monitor on a selected fishing vessel for any reason including, but not limited to, the following:
  - If the service provider does not have an available at-sea monitor within the advanced notice requirements established by the service provider;
  - If the service provider is not given adequate notice of vessel departure from the sector manager or participating vessels, as specified by the service provider;
  - If the service provider has determined that the requesting vessel is inadequate or unsafe pursuant to the reasons described in § 600.746; and
  - Failure to pay for previous deployments of dockside, roving, or at-sea monitors.
- With the exception of a service provider offering reporting, dockside, and/or ASM services to participants of another fishery managed under Federal regulations, a service provider must not have a direct or indirect interest in a fishery managed under Federal regulations, including, but not limited to, fishing vessels, dealers, shipping companies, sectors, sector managers, advocacy groups, or research institutions and may not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who conducts fishing or fishing-related activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of service providers;
- A system to record, retain, and distribute the following information to NMFS, as requested, for a period specified by NMFS, including:
  - At-sea monitor deployment levels, including the number of refusals and reasons for such refusals;
  - Incident/non-compliance reports; and
  - Hail reports, landings records, and other associated interactions with vessels and dealers.
- All data collected by at-sea monitors must be reported electronically in a standard acceptable form from the at-sea monitors to NMFS within 48 hours of the completion of the trip. Electronic submissions must pass NMFS-programmed automated checks to be accepted into the system (i.e., all required fields must be complete, within range, and match with other databases such as with the permit number entered).
- A means to protect the confidentiality and privacy of data submitted by vessels, as required by the Magnuson-Stevens Act; and
- A service provider must be able to supply at-sea monitors with sufficient safety and data-gathering equipment, as specified by NMFS.

ASM Operational Standards

ASM programs developed as part of a sector operations plan must meet to following operational standards, in addition to the monitoring provider standards above (see § 648.87(b)(6)):

- Each at-sea monitor must be provided with all of the equipment specified by the NEFOP. A list of such equipment is available from the Northeast Fisheries Science Center upon request. At-sea service providers are responsible for the cost of providing such gear to at-sea monitors to the extent not funded by NMFS. This gear shall be inspected by NMFS upon the completion of training. Each at-sea monitor must be provided with all of the equipment in the Observer Equipment list at this web page: NEFSC Fisheries Sampling Branch.
- An at-sea monitoring program service provider must develop a formal vessel-selection protocol to deploy at-sea monitors in a statistically random manner consistent with the coverage level specified by NMFS. This protocol must include a method to allow for waivers in specific circumstances, including how waivers would be requested, assessed, and recorded.
- In advance of each sector trip, the operator of a vessel must provide the ASM provider with sufficient notice for the service provider to determine whether an at-sea monitor will be deployed on each trip and allow the at-sea monitor to prepare for the trip and get to port. The details of the timing, method (e.g., phone, email, etc.), and information needed for such pre-trip notifications shall be included as part of the sector's operations plan. The notice to the ASM provider must contain at least the following information:
  - Vessel name;
  - Permit number;
  - Trip ID number in the form of the VTR serial number of the first VTR page for that trip or another trip identifier specified by NMFS; and
  - An estimate of the date/time of departure.
- A vessel assigned an at-sea monitor may not leave port to begin that trip until the at-sea monitor has arrived and boarded the vessel.
- At-sea monitors who encounter captains or owners of vessels operating in fisheries requiring mandatory at-sea monitor coverage who refuse to accept them on their vessel for deployments shall provide documentation of the refusal to NMFS. This documentation shall be provided via an incident report to the specified personnel of the Fisheries Sampling Branch and the Office of Law Enforcement within 12 hours from the time the vessel owner refuses to accept them on his/her vessel. This documentation shall be of sufficient substance and detail as to be usable for NMFS Enforcement actions. Narrative shall be provided to completely answer the following guideline questions: who, what, when and where.
- Upon receipt of a pre-trip notification, an ASM provider must inform the vessel operator whether an at-sea monitor has been assigned or an ASM waiver is being issued for that trip.
- All at-sea monitoring programs in 2019 will be coordinated by the pre-trip notification system (PTNS) used to select vessels for NEFOP observer coverage.
- The operator of a sector vessel must detail and identify any safety hazards to any at-sea monitor assigned prior to leaving port. A vessel cannot begin a trip if it has failed a review of safety issues, until the identified safety deficiency has been resolved.

- An at-sea monitor must complete a pre-trip vessel safety checklist provided by NMFS before an at-sea monitor can leave port on board a vessel on a sector trip. If the vessel fails a review of safety issues, an at-sea monitor cannot be deployed on that vessel for that trip.

Individual At-Sea Monitor Requirements and Responsibilities

Qualifications

The regulations require ASM providers to demonstrate that each individual potential at-sea monitor meets the following standards (see § 648.87(b)(4)(iv)):

- A high school diploma or legal equivalent;
- Successful completion of all NMFS-required training and briefings before deployment;
- Physical and mental capacity for carrying out the responsibilities of an at-sea monitor on board fishing vessels, pursuant to standards established by NMFS such as being certified by a physician to be physically fit to work as an at-sea monitor after consideration of at least the following work-related issues:
    - Susceptibility to chronic motion sickness;
    - Ability to live in confined quarters;
    - Ability to tolerate stress;
    - Ability to lift and carry heavy objects up to 50 lb;
    - Ability to drag heavy objects up to 200 lb; and
    - Ability to climb a ladder.
- NMFS has set standards for the physical and mental capacity of an at sea monitor (see § 648.87(b)(4)(iv)(C)). NMFS retains the right to reject any at-sea monitor proposed by the ASM provider if his or her qualifications do not meet the required standards, or if their behavior on other projects has been disruptive. The established standards are:
    - A licensed physician must certify that the observer candidate is physically capable of serving as an observer not more than 12 months prior to the start of the observer training. Any physical condition that could limit an individual from completing any at-sea monitor duties while at sea or ashore may be grounds for a failed medical certification. The physician must understand the at-sea monitor's job and working conditions. Physical considerations include (in addition to those listed above), but are not limited to:
- Ability to climb a ladder.
- Ability to swim 100 meters;
- Ability to tread water for three (3) minutes;
- Ability to don an immersion suit in 60 seconds or less; and
- Ability to perform various water survival skills (i.e., boarding life raft, cold water skills, etc.).
    - An at-sea monitor must be able to work independently, while following technical instructions, and must be able to get along well with others.
    - An at-sea monitor must have the capability and aptitude to accurately identify fish species encountered and to demonstrate this ability by successfully completing and maintaining the Species Identification Verification Program requirements as specified by NMFS.

  - An at-sea monitor must never have been decertified as an at-sea monitor, or an observer, due to problems with data quality or standards of conduct, in any NMFS observer program. At-sea monitor's references of previous employment as NMFS at-sea monitors or observers shall be verified by the ASM provider as qualifying for this requirement.
  - An at-sea monitor must qualify for a Transportation Worker Identification Credential (TWIC). TWIC information is available at the following web site: Transportation Worker Identification Credential.
- A current Red Cross (or equivalent) CPR/first aid certification;
- Absence of fisheries-related convictions, based upon a thorough background check; and independence from fishing-related parties including, but not limited to, vessels, dealers, shipping companies, sectors, sector managers, advocacy groups, or research institutions to prevent conflicts of interest. This to mean an at-sea monitor may not have direct financial interest, other than the provision of observer services, in the fishery, including, but not limited to:
  - Any ownership, mortgage holder, or other secured interest in a vessel or processor involved in the catching, taking, harvesting or processing of fish;
  - Any business selling supplies or services to any vessel or processor in the fishery; and
  - Any business purchasing raw or processed products from any vessel or processor in the fishery.

At-Sea Monitor Training

At-sea monitor candidates must undergo a training session with NMFS and are tested prior to certification (see § 648.87(b)(4)(iv)). At-sea monitor candidates must meet all training standards and maintain these standards as certified at-sea monitors. Candidates must demonstrate their potential to collect accurate field data, exercise astuteness, and react to unfamiliar situations at sea in a professional manner. Training is conducted by NMFS personnel as well as specialists in fields such as vessel safety. Interest in (or requests for) training must include a justification of need and a firm commitment to a number of seats. The minimum size for a training class is 8 and the maximum class size is 16 (total candidates). NMFS may waive the class size depending on program needs. Trainings will include monitors employed by multiple vendors. Refresher trainings are conducted when data logs or protocols change. These trainings are infrequent; however attendance is mandatory. At-sea monitors may be required to attend refresher training sessions, at the discretion of NMFS, to maintain certification(s), such as annual trainings in safety, species identification, and updated data collection procedures. The service providers must have a representative at each day of training (initial, annual and refresher trainings). All coordinators and Program Managers must attend all refresher trainings.

NMFS training curriculum includes:

- At-sea monitors mission and purpose;
- At-sea monitors guidelines and responsibilities;
- At-sea monitors duties;
- Fishing operations;
- Data collection procedures;
- Cetacean identification;
- Pinniped identification;
- Sea turtle identification;
- Fish identification;
- Sub-sampling procedures;
- Safety aboard commercial fishing vessels;
- Conduct at sea;
- Electronic data submission;
- Vessel training trips;
- Regulatory compliance; and
- Conflict Resolution.

NMFS will create a schedule prior to training sessions for planning purposes for the ASM providers. NMFS will consider additional training times if needed by the ASM providers. Prior to each training session, NMFS will evaluate the number of trainees that will attend the training. Once the curriculum is stable, training at remote sites may be possible.

The ASM providers must submit to NMFS thirty working days before the beginning of the training the following information:

- A list of the individuals attending;
- A copy of each person's resume;
- Reference checks (name of individual providing reference, association with at-sea monitor, contact information (phone number, e-mail), and information about the at-sea monitor's past performance);
- Security checks must be initiated (NMFS will provide Form 65-7 Request for Security Assurance) ;
- A copy of each candidates transcripts; and
- Supporting documentation to verify candidates.

The ASM providers shall provide a notification of new hires to NMSF two weeks prior to the contractor/employee(s) projected start date for US Citizens. The notification requirement for all Foreign Nationals is a minimum of 30 days. The following information must be provided for each contractor/employee: Full name, phone number, and electronic mail address. NMFS understands that a new hire list may change frequently before the start of training; however, a final list of candidates and a copy of a valid CPR and first aid certificate must be provided to NMFS one week prior to the start of training. NMFS retains the right to reject any at-sea monitor proposed by the ASM providers if his or her qualifications do not meet the qualifications or if their work has been performed at an unsatisfactory level on previous projects, or if their behavior on other projects has been disruptive.

The ASM providers must provide NMFS with proof that a licensed physician has certified that each observer candidate is physically capable at initial training and with each subsequent renewal.

A pre-test will be developed and issued by NMFS to the potential trainees seeking ASM certification. The pre-test will be designed for adults to test basic reading, writing, and math skills. The entrance exam must be passed as outlined by NMFS for acceptance into the training program. At-sea monitor candidates will undergo an initial training provided by NMFS that will last 11 days. They are tested for understanding and ability to perform the required at-sea monitor duties.

An at-sea monitor's first 3 deployments and the resulting data shall be immediately edited and approved after each trip by NMFS prior to any further deployments by that at-sea monitor. One of the monitor's first 3 deployments will be accompanied by a NMFS staff member (shadow trip). The purpose of these shadow trips is to provide guidance to the new trainee. NMFS may request an additional shadow trip if they feel the at-sea monitor would benefit from it. During the at-sea monitor's first 3 deployments their data must be received, edited, and the at-sea monitor must be "cleared" by NMFS to sail on their next trip. This notification will be sent via e-mail to the ASM provider. The at-sea monitor cannot be deployed until the e-mail notification has been sent by NMFS. If the data quality is considered acceptable the at-sea monitor would become certified. NMFS may require additional training trips (beyond 3) if the data quality is not considered acceptable enough for certification. If the data quality is not considered acceptable at any point during the initial deployments the at-sea monitor would not be certified by NMFS.

At-sea monitors will be required to attend an annual refresher course (approximately a year after they are originally certified) for data collection, species identification, and vessel safety. This is expected to be 3 days long for at-sea monitors in good standing and will be provided by NMFS. Failure to attend the annual refresher course will result in an expiration of an at-sea monitor's certification.

Additional Laws Applicable for ASM Programs

The Magnuson Stevens Act (MSA) and the Marine Mammal Protection Act (MMPA) specifically cover and protect at-sea monitors.

The MSA uses the word "observers" synonymously with "at-sea monitors." Under the MSA, fishing vessels are prohibited from (see 50 CFR 600.725):

- Harassing or sexually harassing an authorized officer or an observer;
- Failing to show proof of passing the USCG Commercial Fishing Vessel Safety Examination or failing to maintain the vessel safety conditions necessary to pass the examination, when required by NMFS pursuant to § 600.746;
- Failing to provide to an observer, a NMFS employee, or a designated observer provider, information that has been requested pursuant to § 600.746, or fail to allow an observer, a NMFS employee, or a designated observer provider to inspect any item described at 600.746;
- Fishing without an observer when the vessel is required to carry an observer;
- Assaulting, opposing, impeding, intimidating or interfering with a NMFS-approved observer;
- Prohibiting or barring by command, impediment, threat, coercion or refusal of reasonable assistance, an observer from conducting his/her duties aboard a vessel; or tamper with or destroy samples or equipment; and
- Failing to maintain safe conditions for the protection of observers including compliance with all USCG and other applicable rules, regulations or statutes applicable to the vessel which pertain to safe operation of the vessel.

In addition, under NE Multispecies Fishery Management Plan, it is unlawful for any person to (see 50 CFR 648.14):

- Assault, resist, oppose, impede, harass (including sexually harass), intimidate or interfere with or bar by command, impediment, threat or coercion, any NMFS-approved observer or sea sampler aboard a vessel conducting his/her duties aboard a vessel, or an authorized officer conducting any search, inspection, investigation or seizure in connection with enforcement of this part, or any official designee of the Regional Administrator conducting his/her duties, including those duties authorized in 648.7(g).
- Refuse to carry an observer if requested to do so by the Regional Administrator.
- Refuse reasonable assistance to either a NMFS-approved observer conducting his/her duties aboard a vessel.

Coverage and Selection Protocols

Coverage Levels

Coverage levels for at-sea monitoring programs will be specified by NMFS, but will be less than 100 percent of all sector trips (see § 648.87(b)(1)(v)(B)(3)). The coverage levels must be sufficient to at least meet the coefficient of variation specified in the Standardized Bycatch Reporting Methodology and accurately monitor sector operations. In the event that a NMFS-sponsored observer and a third-party at-sea monitor are assigned to the same trip, only the NMFS observer must observe that trip.

Sector vessels must submit hail reports for a sector trip to their ASM provider. To fulfill the hail requirements, sector vessels will notify through the PTNS, and provide all required information. The PTNS was designed for the following reasons:

- To assign observer and at-sea monitor coverage randomly in fisheries were coverage is required.
- To provide an efficient, flexible and user friendly tool for vessels to notify of their intent to fish.
- For NMFS to notify observer and monitor service providers of trip selections;
- For observer and monitor service providers to report on their assignment activity;
- To estimate achieved coverage rates and compare to targeted rates; and
- To establish and report on vessel notification compliance levels.

Within the PTNS selection process there are levels of selection tiers that determine the type of coverage the vessel will receive. Many of the tiers are stratified by gear/mesh and fishing region. Once a trip is selected at one selection tier it exits the selection tier process. A coverage type is then assigned (i.e., NEFOP “complete” observer coverage for fish discards, NEFOP “limited” observer coverage for mammal bycatch, ASM coverage). Vessel selection in FYs 2019 and 2020 will follow a protocol similar to previous years.

Service providers can access and view trip details for all of their completed trips. After initial entry the service providers will also need to modify sail and land dates based on the actual dates the vessel sailed and landed. Trip cancellations known by the service providers must be reported by them to the PTNS Coordinator within 24 hours via e-mail.

Every sector should at a minimum be covered at the level specified by NMFS. At-sea monitors will be systematically assigned by NMFS to a vessel to ensure the coverage is fair and even. A monitored trip must be a sector trip, including those taken in which a NE multispecies day-at-sea is used to target other fisheries such as monkfish or skates. Coverage levels will be in terms of number of sea-days.

Pre-Trip Notification System (PTNS)

The owner, operator, or manager of a vessel (i.e., vessel manager or sector manager) fishing on a sector trip must provide advanced notice to NMFS at least 48 hours prior to departing port, as instructed by the Regional Administrator, for the purposes of selecting vessels for observer deployment (see § 648.ll(k)). The notice must include:

- Vessel name;
- Permit number;
- Contact name and telephone number for coordination of observer deployment;
- Date, time, and port of departure;
- Estimated trip duration;
- Area to be fished, including special management programs; and
- Gear type to be used.

Trip notification calls must be made no more than 10 days in advance of each fishing trip. The vessel owner, operator, or manager must notify NMFS of any trip plan changes at least 24 hours prior to the vessel's departure from port. A vessel may not begin the trip without being issued an observer notification or a waiver by NMFS.

NMFS will notify the vessel owner, operator, or manager whether the vessel is preliminarily selected for overage or if a waiver is issued 24 hours prior to the sail time of the prospective trip. All trip notifications will be issued a unique confirmation number. A vessel may not fish in an area with an observer waiver confirmation number that does not match the trip plan that was called in to NMFS. Confirmation numbers for trip notifications are valid for 48 hours from the intended sail date for multiday trips only.

In order to meet multiple coverage needs, NMFS uses an algorithm within the PTNS to randomly select individual trips based on their sector, broad stock area, and gear type. Target coverage levels for each selection tier are set at the start of the fishing plan year, monitored closely, and adjusted as needed to ensure coverage objectives are met.

NMFS ASM Program Description

Attached is a description of the contract NMFS made with at-sea monitoring providers to implement NMFS ASM program. This contract included provisions above and beyond the regulatory requirements.

The Northeast Fisheries At-Sea Monitor Program

National Marine Fisheries Service, Northeast Fisheries Science Center

C.1 BACKGROUND OVERVIEW

The National Oceanographic and Atmospheric Administration ’s (NOAA) mission is to understand and predict changes in the Earth’s environment and conserve and manage coastal and marine resources to meet our Nation’s economic, social, and environmental needs. NOAA’s National Marine Fisheries Service (NMFS) supports the overall NOAA mission by focusing on stewardship of living marine resources through science-based conservation and management and the promotion of healthy ecosystems.

NMFS is responsible for the management, regulatory compliance, economic data and protection of living marine resources within the United States Exclusive Economic Zone. NMFS also plays a supportive and advisory role in the management of living marine resources in coastal areas under state jurisdiction. It provides scientific and policy leadership in the international arena, and implements international conservation and management measures as appropriate.

Under this mission, the goal is to optimize the benefits of living marine resources to the Nation through sound science and management. This requires a balancing of multiple public needs and interests in the sustainable benefits and use of living marine resources, without compromising the long-term biological integrity of coastal and marine ecosystems.

Many natural and human-related factors affect the status of fish stocks, protected species and ecosystems. Although these factors cannot all be controlled, available scientific and management tools enable the agency to have a strong influence on many of them. Maintaining and improving the health and productivity of these species is the heart of the NMFS mission. These activities will maintain and enhance current and future opportunities for the sustainable use of living marine resources as well as the health and biodiversity of their ecosystems.

NMFS has three objectives in its mission to protect, restore, and manage the use of coastal and oceanic resources:

- **Protect and restore ocean, coastal, and Great Lakes resources**
- **Recover protected species**
- **Rebuild and maintain sustainable fisheries.**

NMFS will measure its performance against these objectives using the following measures:

1st: Increased number of coastal and marine ecosystems maintained at a healthy and sustainable level
2nd: Increased social and economic value of the marine environment and resources (e.g., seafood, recreation, and tourism)
3rd: Increased number of acres and stream-miles restored for coastal and ocean species
4th: Increased number of protected species in a stable condition or in an upward trend
5th: Increased number of managed species that are at optimum levels
6th: Improved ecological conditions in coastal and ocean protected areas

Additionally, Amendment 16 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) was developed by the New England Fishery Management Council (Council) as part of the biennial adjustment process established in the FMP to update status determination criteria for all NE multispecies (groundfish) stocks; adopt rebuilding programs for groundfish stocks newly classified as being overfished and subject to overfishing; and revise management measures necessary to end overfishing, rebuild overfished groundfish stocks, and mitigate the adverse economic impacts of increased effort controls. In addition, Amendment 16 would implement new requirements for establishing allowable biological catch (ABC), annual catch limits (ACLs), and accountability measures (AMs) for each stock managed by the FMP, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as revised. This action is necessary to address the results of the most recent stock assessment that indicates that several additional groundfish species are overfished and subject to overfishing and that stocks currently classified as being overfished require additional reductions in fishing mortality to rebuild by the end of existing rebuilding periods.

The Northeast Fisheries Science Center (NEFSC), National Marine Fisheries Service (NMFS) is required to collect scientific, management, regulatory compliance and economic data for fisheries by placing At-Sea Monitors aboard U.S. domestic fishing vessels participating in the groundfish multispecies Fisheries Management Plan. These data cannot be obtained at the dock or on Government research vessels. These data are needed for the management and monitoring of Annual Catch Limits and groundfish sectors.

Every sector should equally be covered at 25% (17% by At-Sea Monitors and 8% by NEFOP observers). The coverage rates apply to the seaday level. At-Sea Monitors will be systematically assigned by NMFS to a vessel to ensure the coverage is fair and even. Several types of fishing gear may be used: longline, trawl, and gillnet. A monitored trip must be a trip where landings of groundfish occur (a “groundfish”, “skate” or “monkfish” trip as defined in Amendment 16). Coverage levels will be in terms of number of seadays. At-Sea Monitoring standards will be consistent with the final regulations implemented under Amendment 16, unless further specified by NMFS. As described in the rule, Northeast Fisheries Observer Program (ASM) observers take precedence over At-Sea Monitors for vessel placement when deployments overlap.

C.2 AT-SEA MONITOR PROGRAM OBJECTIVES

NMFS has an extensive program to monitor and observe living marine resources and associated communities to provide information on biota, their habitats, and the human activities and actions that may impact coastal and ocean ecosystems. Data are the foundation of scientific advice, which provides information to management to support decision-making. A more consistent flow of high quality, credible information is required to improve decision-making. To collect the quantity and quality of data necessary, NMFS intends to improve its capacity to conduct surveys and to conduct research and studies for better understanding of ecosystems. These efforts rely on extensive collaboration with fisheries participants and other stakeholders in the living marine resource decision process.

At-Sea Monitors are the only independent data source for some types of at-sea information such as bycatch composition and mortality, and marine mammal, sea bird and sea turtle interactions. Although vessel self-reporting is often utilized, only limited data collection demands can reasonably be placed on the captain and crew. In addition, the reliability of self-reported

information is a concern for scientists and policy makers, who use the data to make fishery management decisions for the purpose of maintaining the nation's marine resources.

Currently, more than 500 At-Sea Monitors are deployed in 11 At-Sea Monitor programs most of which are administered through NMFS 6 regional Fisheries Science Centers (FSC). Increasing NMFS At-Sea Monitor data coverage is essential to reliably estimating catch and bycatch and helping to implement programs to reduce bycatch. Additional benefits of enhanced At-Sea Monitor programs are near real-time monitoring of biological and environmental conditions and sampling opportunities not available from dockside sampling. This includes information on marine mammals, turtles and seabirds, resource abundance, contaminants, habitat, life history, and other basic biological information.

NMFS is required to collect scientific, management, regulatory compliance, and economic data for fisheries by placing At-Sea Monitors aboard U.S. domestic fishing vessels. These data cannot be obtained at the dock or on Government research vessels. These data are needed for the management of fisheries occurring in the U.S. Exclusive Economic Zone (EEZ) and the high seas beyond the EEZ.

NMFS desires contractor support, as described below, to satisfy these requirements.

C.3 SCOPE AND OUTCOMES

The contractor shall provide and retain the necessary qualified personnel, material, equipment, services, and facilities (except as otherwise specified) to perform quality environmental, and fisheries operations data collection, data analysis, and information dissemination for the Northeast Fisheries Science Center (NEFSC) Data quality is of the utmost importance. Quality data collection, analysis, and dissemination are expected to increase the critical information gathered for stock assessments to manage the species.

This Statement of Work (SOW) defines the requirements and services necessary to provide program continuity, integrity, and productivity.

C.3.1 Policies and Regulations

In addition to the Federal Acquisition Regulation (FAR) clauses referred to and listed herein of this Request for Proposal (RFP), the contractor shall comply with the Federal Regulations, Acts, Executive Orders, Special Publications, Guidelines, NOAA Directives and Policies and standards listed below. This listing is not all-inclusive and is not intended to relieve the contractor of its responsibilities for identification of applicable statutes, regulations and procedures and compliance therewith, when performing work under this SOW.

- **Magnuson-Stevens Fishery, Management, and Conservation Act (MSA**
- **Marine Mammal Protection Act (MMPA)**
- **Endangered Species Act (ESA)**
- **Data Quality Control Act (P.L. 106-514)**
- **Information Technology Security Policy**
- **Fisheries Management Plans (FMP)**
- **Biological Opinions (BO)**
- **Take Reduction Team (TRT)**
- **NOAA Safety Standards**

- **Fair Labor Standards Act (FLSA)**
- **Service Contract Act (SCA)**
- **Department of Labor Wage Determinations**
- **Applicable Federal and State labor laws**
- **At-Sea Monitor Health and Safety regulations**
- **Federal, state, and local safety regulations**
- **Merchant Marine Act (Jones Act) and General Maritime Law**
- **U.S. Longshore and Harbor Worker's Compensation Act**

C.4 PERFORMANCE WORK STATEMENT

The contractor shall meet all requirements of the SOW.

C.4.1 Management Requirements

C.4.1.1 Project Management

The contractor shall perform all Project Management functions including contract, technical, personnel, administrative, logistic, quality, business, and other management functions that are necessary to execute the total effort required by this SOW. The contractor shall provide all personnel and other resources, except as otherwise specified in this SOW, necessary to accomplish these functions. The contractor shall effect these management functions through an integrated management approach, including cost, schedule, and technical performance within an acceptable project management framework. The contractor shall develop and submit to NMFS a Project Management Plan (as further defined in Section F.5.2) for approval that details how the contractor will manage the contract and its At-Sea Monitor program.

C.4.1.2 Project Manager

The contractor shall assign a Project Manager to be the focal point for communications between NMFS and the contractor. The assigned Project Manager shall be designated as Key Personnel for this contract (per Section H.7). Ensure that all key personnel attend any refresher trainings for At-Sea Monitors. For a specific job description see Section J, Attachment 2, Labor Category Classifications and Job Descriptions.

C.4.1.3 Coordinators

The contractor shall assign coordinators as needed to coordinate At-Sea Monitor deployment and provide At-Sea Monitor support services. The coordinator shall be designated as key personnel under this contract (per section H.8). All coordinators are required to maintain current At-Sea Monitor Certification. Ensure that all key personnel attend any refresher trainings for At-Sea Monitors. For a specific job description see Section J, Attachment 2, Labor Category Classifications and Job Descriptions.

C.4.1.4 Management Reporting and Coordination

The contractor shall prepare and submit to the Contracting Officer (CO) , Contracting Officer's Technical Representative (COTR) a monthly Status Report, as listed in Section F.5.1, that provides information on project status to include, contract award-to-date financial expenditures; At-Sea Monitor retention status; any problems or issues encountered; and other information as may be requested by the COTR.

C.4.1.5 Performance Measures

The contractor shall monitor and meet all requirements as stated in the SOW.

C.4.2 Operational Requirements

At-Sea Monitors are deployed, in accordance with coverage rates developed by NMFS and as assigned through the Pre-Trip Notification System (PTNS), to vessels. Due to availability of funding, changes in the fishery management, such as emergency closures, court ordered closures, weather, and unforeseen events must remain flexible. Additional funding for sea days may be added to the contract within the scope and maximum allowable sea days.

The following items define the operational services to be provided by the contractor under this contract.

C.4.2.1 At-Sea Monitor Recruitment and Retention Requirements

The recruitment and retention of fully qualified At-Sea Monitors is essential to successful performance under the contract. At-Sea Monitors shall be employees of the contractor. The contractor shall provide sufficient qualified At-Sea Monitors to complete the mandated coverage requirement by selecting the best candidates.

The contractor shall describe their strategy for recruiting qualified candidates and retaining their services, as referenced in Section F.5.4. The contractor shall manage its At-Sea Monitors to retain both experienced and new At-Sea Monitors. The contractor is encouraged to provide incentives for superior performance demonstrated by their work force.

C.4.2.2 Eligibility Requirements

C.4.2.2.1 Educational Qualifications

Collecting marine fisheries data during fishing activities requires speed and accuracy. At-Sea Monitors must possess the minimum educational and experience requirements and specific psychological and physical qualities cited in the Minimum At-Sea Monitor Qualifications for educational requirements (Section J, Attachment 3, NMFS At-Sea Monitor Eligibility Requirements).

C.4.2.2.2 Non-Conflict of Interest

Section J, Attachment 4 (Statement of Non-Conflict of Interest)

C.4.2.2.3 Physical/Medical Condition

Section J, Attachment 5 (Physical Standards & Acknowledgement of Risks)

C.4.2.2.4 Communication Skills

At-Sea Monitor candidates must be able to clearly and concisely communicate verbally and in writing in English.

C.4.2.2.5 Citizenship or Ability to Work Legally in the United States

At-Sea Monitor must be a U.S. Citizen, or a non-citizen who has a green card, TN Authorization, H1 visa, or valid work visa, and a social security card.

C.4.2.2.6 Statement of No Criminal Conviction

Section J, Attachment 6 (Statement of No Criminal Conviction)

C.4.2.2.7 CPR and First Aid Requirements

At-Sea Monitors shall obtain and maintain current certification for CPR by the American Red Cross or American Heart Association (AHA) or other as approved by the COTR. Completion of a basic First Aid class is also required before the start of training. A copy of CPR and First Aid certification(s) for all At-Sea Monitors will be provided to NMFS 7 calendar days prior to the first day of training and annually thereafter.

C.4.2.2.8 At-Sea Monitor Standards of Conduct

At sea, At-Sea Monitors work in a self-supervised capacity and shall maintain high standards of conduct. At-Sea Monitors shall maintain a professional, objective demeanor at all times. At-Sea Monitors shall comply with these standards and those set forth in the Standards of Conduct (Section J, Attachment 7, At-Sea Monitor Standards of Conduct).

C.4.2.3 Observer/At-Sea Monitor Duties and Data Collection Requirements

1) General Observer Duties and Data Collection Requirements – Fishery Observer I, II, and III

- **a) Observers/At-Sea Monitors shall collect scientific, management, compliance, and other data at sea through interviews of vessel captains and crew; observations of fishing operations; sampling catch; measuring selected portions of the catch and fishing gear; and collecting samples. Observer/At-Sea Monitor coverage is mandated by a number of statutes and is an integral part of the regulations. These authorities empower the observer/At-Sea Monitor to perform certain functions aboard vessels as well as afford protection to the observer/At-Sea Monitor against interference and intimidation in the course of performing his/her duties.**
- **b) Observer/At-Sea Monitors shall collect data on fishing effort, location, retained catch and discarded catch for each gear deployment that occurs while the observer/At-Sea Monitor is aboard the vessel. The At-Sea Monitor Sampling Manual describes data collection protocols for gear deployment that the observer/At-Sea Monitor sees as well as those not observed.**
- **c) Observer/At-Sea Monitors shall collect length samples from segments of the catch. Observer/At-Sea Monitor protocols, priorities, and data/sample collection procedures are detailed in the At-Sea Monitor Manual.**
- **d) Observer/At-Sea Monitors shall collect information on any incidentally captured sea turtles, including, but not limited to, location of take, biopsies, measurements, photos, and any other information. Observer/At-Sea Monitors shall also collect information on any marine mammals or other protected species interactions. When protected species are caught, the primary responsibility of the observer/At-Sea Monitor shall be to handle and release the protected species.**
- **e) Observers shall participate in all training, briefings and debriefings as required by the COTR. Observer/At-Sea Monitors shall participate in port orientations, if offered by NMFS and requested by the COTR (Section B – Supplies or Services and Prices/Costs Training CLIN 0003, 1003, and CLIN 2003. Debriefing of the observer/At-Sea Monitor ensures that the data are complete and as accurate as possible before computer**

audits are run. Debriefing also provides immediate feedback to the observer/At-Sea Monitor in the field and errors can be corrected immediately. Debriefings shall occur on a regular basis and as frequently as possible either by email, phone or in person. Debriefings shall consist of but are not limited to:

i) Reviewing sampling methods and answering Observer/At-Sea Monitor questions;
ii) Reviewing preliminary data;
iii) Correcting any data errors;
iv) Reviewing any other past errors or changes in sampling techniques or recorded on forms;
v) Reviewing any logistical problems or concerns encountered by the observer/At-Sea Monitor; and
vi) Testing observer/At-Sea Monitor ability to adhere to sampling protocols
vii) Checking gear calibration
viii) Providing the observer/At-Sea Monitor with any updates on modifications to sampling procedures or other program information.

f) Observer/At-Sea Monitors who encounter captains or vessels' owners operating in fisheries requiring mandatory observer/At-Sea Monitor coverage that refuses to accept the observer/At-Sea Monitor on their vessel for deployments shall provide documentation of the refusal to NMFS. This documentation shall be provided via e-mail or hard copy to the Branch Chief of the Fisheries Sampling Branch on the day of the event. This documentation shall be of sufficient substance and detail to be usable for NMFS enforcement actions. Narrative shall be provided to completely answer the following guideline questions: who, what, when, and where. This shall be reported on the Incident Report Form (Section J, Attachment 8, Incident Report Form).

g) Observer/At-Sea Monitors may be asked to perform various program support tasks (industry outreach activities, industry meetings, observer/At-Sea Monitor training sessions, port orientations, reconnaissance, other research project needs, etc.). Each observer/At-Sea Monitor should attend at least one (1) Fishery Council Meeting each year in their assigned area. The contractor shall invoice NMFS separately for these hourly costs in Section B Supplies or Services and Prices/Costs Hourly Rate observer/At-Sea Monitor CLINS 0004, 1004 and 2004, and travel costs in Section B Supplies or Services and Prices/Costs Travel CLINS 0002, 1002, and 2002.

h) Observer/At-Sea Monitors shall send in the whole animal or take a photo of all species encountered the Species ID Verification Program quarterly to NMFS (Section J, Attachment 9, Species Verification Program). Failure to do so may result in an observer/At-Sea Monitor's change in status (i.e., pre-probation, probation, and decertification).

2) Fishery Observer/At-Sea Monitor I – Performance Requirements and Labor Category Definition - The Fishery observer/At-Sea Monitor I shall meet and perform all the General Requirements specified in C.4.3.2a and the following:

a) Performs routine tasks associated with recurring and continuing work according to prescribed or established procedural standards and technical methods assigned.

b) Assures that tasks are completed, data developed, methods used in securing and verifying data are technically accurate and in compliance with instructions and established procedures.

c) Makes estimates of amounts and species composition of fish caught, retained and discarded, using at a minimum, simple, single stage sampling techniques and dichotomous keys.
d) According to established standards and detailed procedures, records data on appropriate forms and logs, some of which may be electronic.
e) Maintains field equipment and supplies.
f) Collects scientific, management, compliance information, and make observations of fishing operations.
g) Use and complete a pre-boarding vessel safety checklist.
h) Measures selected portions of catch including incidentally caught marine mammals, sea birds and sea turtles.
i) Uses calculator and/or PC for calculations and recording data.
j) Obtains, enter and transfer data electronically.
k) Obtains and record information on gear characteristics of fishing gear types while working either on board vessels, on an alternative platform, or at a shore-based facility.
l) Use interpersonal and communication skills to contact fishermen and schedule observer/At-Sea Monitor sampling trips.
m) Observes and documents compliance with fishery regulations, and write affidavits as required.

3) Fishery Observer/At-Sea Monitor II - The Fishery observer/At-Sea Monitor II shall meet and perform all the General Requirements specified in C.4.3.2a, perform all duties of Fishery observer/At-Sea Monitor I and the following additional duties:

a) Independently executes duties, while learning when and how to resolve exceptions and special problems.
b) Estimate amounts and species composition of fish caught, retained and discarded, utilizing knowledge of various statistically valid sampling methods and dichotomous keys.
c) Measure selected portions of catch including incidentally caught marine mammals, sea birds and sea turtles.
d) Uses calculator and/or PC for calculations and recording data.

4) Fishery Observer/At-Sea Monitor III - The Fishery Observer/At-Sea Monitor III shall meet and perform all the General Requirements specified in C.4.3.2a, perform all duties of Fishery observer/At-Sea Monitor II and the following additional duties:

a) May act as field coordinator of lower graded fishery observer/At-Sea Monitors.
b) Demonstrates extensive familiarity of methods, procedures and management to ensure proper day-to-day operations.
c) Shifts from one type of responsible technical assignment to other types, which are different in terms of equipment used, of data used, and uses to which data will be put.
d) Makes estimates of amounts and species composition of fish caught, retained and discarded, utilizing knowledge of various statistically valid sampling, sub-sampling methods and dichotomous keys.
e) According to established standards and detailed procedures, records data on appropriate forms and logs, some of which may be electronic and provide recommendations for updates.
f) Oversees the maintenance of field equipment and supplies.
g) Collect scientific, management, compliance information, observations of fishing operations, measure selected portions of catch including incidentally caught marine mammals, sea birds and sea turtles.

C.4.2.3.1 Data Deliverables

Electronic data entry by At-Sea Monitors is required in addition to required paperwork, and shall be managed by the contractor in coordination with the COTR. Submission of At-Sea Monitor data to the NMFS shall be accomplished in a timely manner. The contractor shall work with the COTR to establish the appropriate means to transfer the electronic data to the COTR.

1) **Delivery of paper log data shall be received within 5 calendar days (120 hours) of the vessel landing as referenced in Section F.5.5.**
2) **Delivery of electronic data shall be received within 2 calendar days (48 hours) of the vessel landing as referenced in Section F.5.6.**
3) **Delivery of biological specimens (whole fish samples) shall be received within 5 calendar days (120 hours) of the vessel landing as referenced in Section F.5.7.**

At-Sea Monitors shall send any written data and biological specimens directly to NMFS. The Government will provide shipping and supplies. At-Sea Monitors shall assure that biological samples or whole animals requiring freezing are received by the nearest NMFS freezer facility within twenty-four (24) hours of vessel landing. NMFS has freezers located in major fishing ports (Section J, Attachment 10, Freezer Locations). The transfer or transport of the frozen samples or animals must be received by NMFS (At-Sea Monitor Training Center) within 5 calendar days of the trip landing, unless a delay is authorized by the COTR. Costs for travel associated with transport of biological samples will be reimbursed under the travel provision section herein (Section B Supplies or Services and Prices/Costs Travel CLINS 0002, 1002 and 2002).

C.4.2.3.2 At-Sea Monitor Communication

At-Sea Monitors shall maintain regular contact with their assigned NMFS editor/debriefer. All At-Sea Monitors shall call their editor/debriefer prior to making a trip in a fishery or program covered for the first time or as requested. At-Sea Monitors shall return phone calls or reply to email questions as soon as realistically possible (i.e., before departing on a multi-day trip). NMFS can request that an in-person meeting occur with an At-Sea Monitor at any time. These meetings will take priority over accomplishment of the sea day schedule. All travel costs associated with required in person debriefings, exit interviews and meetings with NMFS will be reimbursed under the travel provision section herein (Section B Supplies or Services and Prices/Costs Travel CLINS 0002, 1002 and 2002) and the At-Sea Monitor hourly rate will be reimbursed under the hourly rate provision section herein (Section B Supplies or Services and Prices/Costs Hourly Rate At-Sea Monitor CLINS 0004, 1004 and 2004).

NMFS staff will provide written memo updates to the contractor regarding any new or changed sampling protocols, data collection procedures, or other collection or reporting procedures. The contractor shall make certain that At-Sea Monitors comply with changes, as applicable.

Require that any At-Sea Monitor who leaves the program come into the At-Sea Monitor Training Center complete all exit procedures including an in-house exit interview with NMFS (Section J, Attachment 11, Exit Procedures) within 30 days from landing from their last trip.

Provide the primary port, contact information(full name, mailing address, residential address, e-mail address, cell phone number, home number, emergency contact name and phone number, and working status (full time or part time). If there is a change made to any variables in the list, an updated list shall be provided to NMFS immediately (Section F.5.8).

C.4.3 At-Sea Monitor Support Services

C.4.3.1 Logistic and Operation Support for At-Sea Monitor Deployment

The contractor shall provide complete logistical and operational support to At-Sea Monitors throughout their employment. The contractor's approach to supporting At-Sea Monitors shall be detailed in the proposal.

C.4.3.2 Training and Debriefings

Attachment 34, HR Bulletin 103, provides policy and guidance on training for non-government employees. At least 95% of new At-Sea Monitor recruits are expected to pass the required training course (Section J, Attachment 12, ASM Training Standards) and the required physical examination (Section J, Attachment 5, Physical Standards & Acknowledgement of Risk).

Training costs are reimbursable and are intended to include all costs associated with At-Sea Monitor training (both initial training and refresher trainings), including, but not limited to, salary during the training period, per diem (meals & reimbursements and lodging), miscellaneous equipment for use during training (as authorized or requested by the Government – Section B Supplies or Services and Prices/Costs Training CLINS 0003, 1003 and 2003).

At-Sea Monitor candidates shall undergo an initial 2-week certification training session with NMFS. A series of tests will be administered during this training that candidates must prior to certification. Candidates must demonstrate their potential to collect accurate field data, and react to unfamiliar situations at sea in a professional manner. NMFS personnel as well as specialists in other areas such as vessel safety shall conduct training. Refresher training sessions will be conducted when data logs or protocols change, at the discretion of the COTR, or when there has been over six months service interruption for the At-Sea Monitor. At-Sea Monitors shall be required to attend an annual refresher course for data collection, species identification, and vessel safety. In order for the At-Sea Monitor to maintain a current certification they must successfully complete the recertification training.

Three trainings are scheduled for each year (planned trainings will be posted on the FSB website). The contractor shall provide NMFS with at least 45 calendar days prior notice when a training session is needed and identify any foreign nationals that may be attending training (it takes a minimum of 30 working days for foreign national clearance) as referenced in Section F.5.9. For extenuating circumstances, additional trainings may be scheduled at the Government's discretion. Attendance by key personnel at training is required for at least two days each week of training.

The contractor shall submit to NMFS, at least 30 calendar days before the beginning of the training, the following information as referenced in Section F.5.10:

- a list of the potential candidates names for review by NMFS
- a hard copy (mailed to the COTR) of each candidates resume
- a hard copy (mailed to the COTR) of the candidates college transcript
- a hard copy (mailed to the COTR) of reference checks from three individuals for each candidate (name of individual providing reference, association with At-Sea Monitor, how long they have known the candidate, contact information (phone number, e-mail), and information about the At-Sea Monitor's past performance)

The contractor shall submit to NMFS, at least 14 calendar days before the beginning of the training, the following information as referenced in Section F.5.11:

- **an updated list of candidates**
- **a medical report for each candidate substantiating the individual's medical qualifications for the job**
- **online security clearance electronic forms must be initiated by candidates (Section J, Attachment 13, Security Background Instructions)**

The contractor shall submit to NMFS, at least 7 calendar days before the beginning of the training, the following information as referenced in Section F.5.12:

- **Final list of candidates attending upcoming training session**
- **CPR and First AID Certificate**

NMFS may require additional information regarding At-Sea Monitor candidates and should be consulted regarding any for which proposed candidate there is some question regarding qualifications. Should substitution of At-Sea Monitors be required, the contractor shall also provide their pertinent information to the COTR prior to such substitution. The Government retains the right to reject any At-Sea Monitor proposed by the contractor if his or her qualifications do not meet the qualifications specified in paragraph C.4.2.2, Eligibility Requirements, or if their work has been performed at an unsatisfactory level on previous projects, or if their behavior on other projects has been disruptive.

The contractor shall provide the status of its At-Sea Monitor training approvals completed and in process in its Monthly Status Report (Section F.5.1).

NMFS training curriculum is detailed in the ASM training agenda (Section J, Attachment 14, ASM Training Agenda).

An At-Sea Monitor's first 4 deployments and the resulting data shall be immediately edited and approved after each trip by NMFS prior to any further deployments by that At-Sea Monitor (Section J, Attachment 15, ASM Training Trip Policy). During the At-Sea Monitor's first 4 deployments, in order for them to go on their next trip, their data must be received, edited and the At-Sea Monitor must be "cleared" by NMFS to sail on their next trip. This notification will be sent via e-mail to the At-Sea Monitor's provider. The At-Sea Monitor cannot be deployed until the e-mail notification has been sent by NMFS. If the data quality is considered acceptable the At-Sea Monitor will become certified. If the data quality is not considered acceptable, the At-Sea Monitor will not be certified by NMFS at that time.

The first trip an At-Sea Monitor takes after completing the initial 2-week training course will be accompanied by either a NMFS member or a certified trip trainer. Certified trip trainers are current At-Sea Monitors under this contract and are certified by NMFS. In order to become a trip trainer, the contractor must request to NMFS the names of the At-Sea Monitor they would like certified. NMFS would then assign a NMFS staff member to accompany the trip trainer candidate on a future trip. If approved by NMFS the At-Sea Monitor would become a trip trainer. Contractor responsibilities consist of finding vessels that are willing to take two (2) At-Sea Monitors, setting up the logistics of the trip, and communicating with NMFS regularly providing updates on the status of the trip (Section J, Attachment 16, Trip Trainer Certification Program).

At-Sea Monitor trip trainers taking their training assignment trips with NMFS personnel may bill the cost of a seaday under CLINS 0003, 1003 and 2003. When two At-Sea Monitors are on a vessel for the days a certified At-Sea Monitor trip trainer is accompanying a new At-Sea Monitor then the new At-Sea Monitor should be billed under CLINS 0001, 1001 and 2001. The certified trainer would be billed as a seaday under CLINS 0003, 1003 and 2003. NMFS determines the number of trainers needed based on how many At-Sea Monitors are currently working, what the demand for new At-Sea Monitors is, and what the projected training schedule looks like. NMFS currently has 12 certified At-Sea Monitor trip trainers and would expect to maintain that level. At-Sea Monitors certified as trip trainers must be geographically representative of the ports ASM At-Sea Monitors cover to accommodate all new trainees.

Key personnel will be expected to attend any other periodic NMFS required trainings related to the ASM program that could impact At-Sea Monitor protocols, such as program manual update trainings or changes to the Pre-Trip Notification System. One key personnel is required per all trainings, however, NMFS encourages all available staff attend periodic trainings that relate to changes in the ASM program or sampling protocols for their own education. A key personnel is required to attend two days per week of each training and all the days of refresher training.

Compensation for the At-Sea Monitor's time at the refresher training and all other training as well as meals & reimbursement (M&I) and lodging will be reimbursed by NMFS (Section B – Supplies or Services and Prices/Costs Training CLINS 0003, 1003, and 2003). Costs for travel to and from the training center will not be covered by NMFS.

Per Diem and lodging during weekends are reimbursable during trainings that occur over the course of multiple weeks. Weekend At-Sea Monitor salary costs are not covered under reimbursement, unless training (such as a weather-delayed training trip) occurs on a weekend day. A weekend make up day would be required if the building is closed during the week.

At-Sea Monitors shall be expected to remain as active At-Sea Monitors or serve in other capacities directly related to the Northeast Fisheries At-Sea Monitor Program (e.g. program management) for at least one (1) year after training. The contractor shall reimburse the Government for training expenses for any At-Sea Monitors terminating their At-Sea Monitor employment with the contractor within one (1) year of completing the NMFS training. This will be done by issuing a credit for the next training session. For example, if three (3) At-Sea Monitors leave the program prior to completing one (1) year of employment, at the next training, three (3) individuals' training costs (Section B Supplies or Services and Prices/Costs Training CLINS 0003, 1003, and 2003) and hourly wages associated with the training (Section B Supplies or Services and Prices/Costs Hourly Rate At-Sea Monitor CLINS 0004, 1004 and 2004) will not be billed to the Government.

At-Sea Monitors shall sign a non-disclosure statement (confidentiality agreement) at the commencement of training (Section J, Attachment 17, NEFSC Statement of Non-Disclosure) as referenced in Section F.5.24.

NMFS may request an At-Sea Monitor be accompanied by a NMFS staff member on a future trip. The contractor shall assist with the setting up these shadow trips (Section J, Attachment 18, Shadow Trip Program).

The contractor shall make At-Sea Monitors available to NMFS (Enforcement and FSB staff) for the purposes of routine debriefings, requested meetings regarding data quality issues, investigating circumstances of alleged refusals by vessels to take an At-Sea Monitor or other violations of the

Magnuson-Stevens Fishery Conservation Act (MSA), Marine Mammal Protection Act (MMPA), or the Endangered Species Act (ESA) recorded by the At-Sea Monitor in the course of his/her duties (Section B Supplies or Services and Prices/Costs Training CLINS 0003, 1003 and 2003) and hourly wages associated with the training (Section B Supplies or Services and Prices/Costs Hourly Rate At-Sea Monitor CLINS 0004, 1004 and 2004). All At-Sea Monitors shall call their editor/debriefer prior to making a trip in a fishery or program covered for the first time.

C.4.3.3 Data Quality Control

Data shall be collected and maintained in accordance with contractor's Quality Assurance Plan as incorporated in the contract (Section F.5.3).

The overall goal of quality control is to ensure the effectiveness and efficiency of collection efforts as well as the quality of data collected. Data quality is of utmost importance. As such the contractor shall ensure the highest quality in data collected by its At-Sea Monitors. NMFS will provide a data quality rating of At-Sea Monitors to the provider on a bi-annual basis (Section J, Attachment 19, Data Quality Rating). The contractor shall use the data quality rating of At-Sea Monitors in their Quality Assurance Plan (F.5.3).

C.4.3.4 At-Sea Monitor Equipment, Operation and Maintenance

The contractor shall provide all materials and equipment necessary for the collection of data and biological sampling (Section J, Attachment 20, ASM Gear List). The contractor shall maintain and replace lost gear to ensure the At-Sea Monitor is able to carry out his/her sampling duties. For items listed with a brand name, the contractor shall provide the equivalent quality to the brand listed.

The gear and equipment, purchased and charged to the Government in the performance of the contract becomes Government property at the end of the contract. Equipment and gear should be inspected and repaired in accordance with manufacturers specification as needed and at a minimum of once per year. Newly acquired gear must be of the same quality as the originally provided Government gear. At-Sea Monitor gear and contractor's tracking and maintenance of such gear is subject to periodic audit by the Government. The Government retains the right to modify gear specifications and requirements to meet research collection needs.

C.4.3.5 Travel and Lodging

The contractor is responsible for all travel arrangements and expenses, appropriate lodging, and all expenses associated with training, safety meetings, briefings, debriefings, and deploying At-Sea Monitors to assigned vessels. All travel costs and expenses incurred shall be reimbursed in accordance with the Government's Travel Regulations.

Travel costs are reimbursable and are intended to include costs associated with At-Sea Monitor travel to and from vessels and to and from the port if the At-Sea Monitor travels greater than fifty (50) miles, one way, from their primary port (Section B Supplies or Services and Prices/Costs CLINS 0002, 1002, and 2002.

Coordinator and support staff travel (related to At-Sea Monitor deployment) to and from vessels and to and from the port are reimbursable if travel meets Government Travel Regulations and At-Sea Monitor travel costs under CLINS 0002, 1002, and 2002. The contractor shall submit a travel voucher (Section

J, Attachment 21, At-Sea Monitor Travel Voucher) clearly documenting all travel logistics and associated costs to the COTR.

While an At-Sea Monitor is out at sea, per diem is not reimbursable, unless authorized on a case-by-case basis by the COTR, such as if an At-Sea Monitor lands in a port other than their primary port.

C.4.3.6 Vessel Selection

The contractor shall strictly adhere to all sampling design requirements specified for the Northeast Fisheries At-Sea Monitor Program (ASM). NMFS will provide the contractor with a set of specific guidelines regarding vessel selection and placement considerations by various fisheries. The contractor shall make contact with vessels selected either by NMFS to arrange for At-Sea Monitor coverage and deployment scheduling as necessary. When the contractor/At-Sea Monitor makes initial contact with the vessel, the contractor/At-Sea Monitor shall verify with the captain that he has sufficient life raft capacity for an additional person (At-Sea Monitor). If not, the contractor shall immediately attempt to have one of the NMFS issued valise life rafts available for the At-Sea Monitor for that trip. If one is not available, and the captain still intends to sail without the At-Sea Monitor, an SDR shall be issued to the captain of the vessel (Section J, Attachment 22, Safety Deficiency Report). The contractor shall assign At-Sea Monitors to vessels without regard to preference expressed by vessel owners or operators with respect to At-Sea Monitor race, gender, age, religion, or sexual orientation nor shall the contractor consider At-Sea Monitor's expressed preference. The contractor shall not assign At-Sea Monitors who are showing symptoms of illness or who may be contagious. In the event that an At-Sea Monitor falls severely ill or injured at sea, and the vessel must prematurely cease fishing to return the At-Sea Monitor to port, the contractor shall propose a plan on how to work out a fair reimbursement for the vessel's fuel expenses.

Various regulated fisheries have a requirement for a vessel's representative to notify the ASM prior to making each fishing trip. Notification is required prior to the planned departure in a specific time frame, e.g., forty-eight (48). The vessel is then randomly assigned, by NMFS, an At-Sea Monitor or issued a waiver, relieving them of the requirement to carry an At-Sea Monitor for that specific trip.

The contractor shall provide personnel or an automated answering service to handle notifications twenty four (24) hours a day, seven (7) days a week, for certain fisheries. Depending on regulations enacted by the NMFS, the notification requirement may require e-mails, telephone calls, or inputting into a website from the vessel's representative. The Groundfish fishery is required to notify NMFS, NMFS is responsible for the selection and informs the vessel and the contractor of trip details.

For the groundfish fishery (notifies NMFS when they are sailing), the contractor will be notified of trip selection via the website. The contractor may accept or decline trips within twelve (12) hours. The reasons to decline a trip must be related to limited At-Sea Monitor availability or reported safety concerns. The contractor must take the trip once they have claimed acceptance. If there is an unforeseen emergency that results in changing the contractor's acceptance of a trip, it shall be reported to the COTR. If a trip is accepted by a contractor, the contractor would make contact with the vessel for trip logistics. If a vessel informs the contractor that they are cancelling a trip selected to carry an At-Sea Monitor, the contractor shall report that to NMFS twenty-four (24) hours after the scheduled sail date. The

COTR shall be notified all circumstances in which At-Sea Monitors were late or missed a scheduled trip for all fisheries as referenced in Section F.5.13.

Vessels must be covered randomly, without repeated deployments on the same vessels by the same At-Sea Monitor, unless waived by the COTR. For trips outside closed areas and other special access fishing programs there shall be no more than two (2) back to back trips by the same At-Sea Monitor on the same vessel AND there shall be no more than two (2) trips on the same boat within one month. A vessel selection list may be provided by NMFS which will rank vessels in the order they should be covered.

Cost Reimbursement is authorized for At-Sea Monitors for the time associated with a "no show". The maximum amount of time for a no show is up to 2.5 hours. The At-Sea Monitor must arrive 30 minutes prior to the scheduled departure time and remain at the designated area for up 2 hours following the scheduled departure time. Travel to and from the site and per diem are not included unless conditions in C.4.3.5 are met. Any costs billed for a "no show" will be billed against CLINS 0004, 1004 and 2004. There will be no reimbursement for situations in which it is the At-Sea Monitor's fault for missing the trip or no attempt was made to communicate with the captain prior to taking the trip. A travel voucher (Section J, Attachment 21, At-Sea Monitor Travel Voucher) is required for proper reimbursement.

Cost Reimbursement is authorized for At-Sea Monitors for the time associated with a "cancellation" in instances where trips are cancelled at the dock or when an at-sea monitor is en route to the vessel and cancellations occurs. The maximum amount of time for a cancellation is up to 2.5 hours. Travel to and from the site and per diem are not included unless conditions in C.4.3.5 are met. Any costs billed for a "Cancellation" will be billed against CLINS 0004, 1004 and 2004. A travel voucher (Section J, Attachment 21, At-Sea Monitor Travel Voucher) is required for proper reimbursement.

C.4.3.7 Safety Requirements

Vessels must be in compliance with the At-Sea Monitor Health and Safety Regulations before an At-Sea Monitor is deployed (http://www.nefsc.noaa.gov/fsb/Misc/Obs_Health_&_Safety_Regs.FR.11.01.07.pdf) . Vessels must pass the Pre-Trip Vessel Safety Checklist (Section J, Attachment 23) that will be performed by the At-Sea Monitor with the assistance of the captain or designee prior to deployment. If the vessel fails to pass the Pre-Trip Vessel Safety Checklist, the At-Sea Monitor shall not sail on the vessel and shall complete Safety Deficiency Report (Section J, Attachment 22, Safety Deficiency Report), which shall be provided to the captain and NMFS.

Valise life rafts will be issued to the contractor by NMFS upon award of the contract. It is expected that the contractor shall maintain the life rafts while in their care and ensure the life raft is up to date with service and inspections. When service and inspection dates are coming close to their expiration, the contractor shall contact NMFS to schedule a drop off of the raft. If there is evidence that the life raft is not treated properly while in their care (i.e., dragged on the ground resulting in holes in the raft) then the contractor will be liable for the cost of a replacement raft.

At-Sea Monitor safety is of paramount importance to ASM. If at any time an At-Sea Monitor feels that a vessel is unsafe prior to departure, they may decline the trip and report this on the Pre-Trip Vessel Safety Checklist

(Section J, Attachment 23) to NMFS.

C.4.3.8 Communication

The contractor shall provide and employ a method for At-Sea Monitors to communicate vessel departure and arrival information; handle At-Sea Monitor emergencies and/or problems related to At-Sea Monitor logistics when they are at sea, in transit to the dock, or in port awaiting vessel departure. The contractor shall contact NMFS of all emergency situations, including medical, within twelve (12) hours of learning of the incident as referenced in Section F.5.14.

The contractor shall provide NMFS with access to a real time online At-Sea Monitor tracking system for At-Sea Monitor deployments (including vessel identifier information), leave schedules, and status (part-time vs. full-time) updates as referenced in Section F.5.15.

The contractor shall provide NMFS with all written documents/memos that are sent their At-Sea Monitors within 24 hours of when the document/memo is sent as referenced in Section F.5.25.

The contractor shall notify NMFS of when an At-Sea Monitor is subject to disciplinary action by the contractor (i.e., placed on probation, performance monitoring, etc….) within 24 hours of when the disciplinary action took place as referenced in Section F.5.26.

C.4.3.9 Notification of Potential Infractions

The contractor shall immediately notify the COTR of any potential violation of the Rules and Regulations that implement the Fishery Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act, Marine Mammal Protection Act or Endangered Species Act or any regulations that govern the At-Sea Monitor program, including but not limited to: vessels failing to provide adequate notification prior to departing, failing to take an At-Sea Monitor, incidents of At-Sea Monitor interference, harassment, or intimidation. The contractor shall ensure that each returning At-Sea Monitor is debriefed for incidents of intimidation, interference, or harassment within twelve (12) hours of trip landing as referenced in Section F.5.14. Reported incidents of the vessel failing to take an At-Sea Monitor or incidences of the contractor failing to handle incidents of interference, harassment or intimidation of At-Sea Monitors will be investigated by NMFS.

C.4.3.10 Vessel Operations and Working Conditions

Fishing vessels routinely operate out of ports from New York to Maine (Section J, Attachment 24, Location of ASM Trips in 2010). Trips can range from 1-14 days in duration. The vessels operate in ocean waters, 3-200 miles offshore in all weather conditions. Vessels are generally 30-150 feet in length. Crew members and At-Sea Monitors live and sleep in cramped quarters, often in damp conditions and share common facilities. On some vessels, the crew does not speak English. At-Sea Monitors must be willing to travel occasionally to cover locations other than their primary ports.

At-Sea Monitor Health and Safety Regulations require sleeping areas for the At-Sea Monitor to be equal to those of the crew. Some vessels have no shower and may lack permanent toilets or bunks. Although vessels may not have separate facilities for women, federal regulations require reasonable privacy for female At-Sea Monitors. Female At-Sea Monitors on a vessel with an all-male crew must be accommodated with adequate privacy which can be ensured by installing a curtain or other temporary divider, in a shared cabin. Because of the size and responsiveness of these vessels to sea conditions, motion sickness can be debilitating for some individuals and should be seriously

considered in all prospective At-Sea Monitor candidates. Most vessels carry no trained medical personnel aboard and rely upon first aid knowledge of the boat's operator in consultation with land-based physicians via radio.

Food is provided on multiday trips for the At-Sea Monitor and must be equal to the food being served to the rest of the crew. On single day trips, At-Sea Monitors must bring their own food and water.

C.4.3.11 Data Quality

The NMFS COTR will monitor all aspects of contractor performance as described below:

- **Failure to deliver data from an observed sea day includes:**
- **All data must be delivered at the required time frame, as specified by NMFS.**
- **Data must not be fraudulent or of such poor quality as to be unusable (i.e. if determined to be fraudulent or unusable within 90 days of receipt of the data).**

The contractor shall interact with vessels which have carried At-Sea Monitors. They shall interview the captain; using NMFS issued workbooks with a pre-determined set of questions (Section J, Attachment 25, Captain Interview Questions), and determine if the At-Sea Monitor performed his/her job in a professional manner and carried out all required tasks. Unless otherwise instructed by NMFS, a random selection of 10% of each At-Sea Monitor's trips each quarter will have follow-up interviews. Format questions will be provided by NMFS. Trip Interview Reports will be provided to NMFS electronically within two working days of the interview as referenced in Section F.5.16. The contractor shall report, in writing to the COTR, all complaints made by the industry regarding At-Sea Monitor activities, as well as any At-Sea Monitor injuries aboard vessels or on docks to NMFS.

An At-Sea Monitor's ability to work will be based on his/her certification. If an At-Sea Monitor does not adhere to NMFS protocols or meet the At-Sea Monitor Standards of Conduct (Section J, Attachment 7, At-Sea Monitor Standards of Conduct), they may be placed on pre-probation, probation or decertified, as described in the NMFS policy statement regarding certification (Section J, Attachment 26, ASM At-Sea Monitor Performance Monitoring, Review, Probation and Decertification).

NMFS will provide the contractor with a data quality rating for each At-Sea Monitor (Section J, Attachment 19, Data Quality Rating).

C.4.3.12 Vessel Compensation for At-Sea Monitor Food Reimbursement

Contractors shall compensate vessels at a rate of $40 per day (for every completed 24 hour period) to cover At-Sea Monitor accommodation and food costs while aboard the vessel for trips lasting longer than one (1) day (i.e., 24 hours) (Section B Supplies or Services and Prices/Costs Vessel Meal Reimbursement CLINS 0005, 1005 and 2005). The contractor shall provide NMFS with an example of the vessel reimbursement form the contractor develops as referenced in Section F.5.17. The contractor shall provide a report for all vessel meal reimbursements provided within the last monthly period. The contractor is encouraged to make all vessel compensation payments through Electronic Funds Transfer. If the contractor makes vessel meal reimbursement payment through check, the contractor shall provide proof that the check has been cashed within 90 days of vessel receipt of the check. If a check has not been cashed within 90 days of vessel receipt, the contractor shall cancel the

check and provide an offset to NOAA in the amount of the original check less any check cancellation fees (Section F.5.18). The contractor shall provide evidence for all check cancellation fees to the COTR.

C.4.3.13 Contractor Standards of Conduct

The Contractor shall comply with the requirements of Clause H.2.2 At-Sea Monitors Preventing Personal Conflicts of Interest. The contractor shall assign at-sea monitors without regard to any preference expressed by representatives of vessels based on, but not limited to, at-sea monitor race, gender, age, religion or sexual orientation.

C.4.3.14 At-Sea Monitor Termination Documentation

The contractor shall notify the COTR when an At-Sea Monitor leaves the ASM for any reason as referenced in Section F.5.19. Reasons for termination, whether contractor initiated or At-Sea Monitor initiated, must be documented and provided to NMFS within 7 days of the At-Sea Monitor's departure and shall be used to determine trends and assist in improving retention of qualified At-Sea Monitors as referenced in Section F.5.20.

C.4.3.15 Emergency Action Plan

The contractor shall institute an Emergency Action Plan that documents what they will do in the case of an emergency. The purpose of an Emergency Action Plan is to facilitate and organize employer and employee actions during workplace emergencies. Well-developed emergency plans and proper employee training (such that employees understand their roles and responsibilities within the plan) will result in fewer and less severe employee injuries. The contractor shall provide NMFS with a copy of their Emergency Action plan as referenced in Section F.5.27.

C.4.3.16 Quality Assurance Plan

The contractor shall develop and submit to NMFS a contractor Quality Assurance Plan, as referenced in Section F.5.3, which details how the contractor will ensure effectiveness and efficiency of collection efforts as well as the quality of data collected by its At-Sea Monitors. The contractor shall further establish, implement, and maintain a Quality Assurance Management program to ensure consistent quality of all work products and services performed under this contract.

C.5 PERFORMANCE MONITORING

C.5.1 Quality Assurance Surveillance Plan

NMFS intends to monitor contractor performance against the Schedule of Deliverables (Section F.5.3).

C.6 SECURITY RISK LEVEL DESIGNATIONS

The risk levels under this contract have been determined by the Program Office as shown in the list below:

- **Program Manager**

  SECURITY RISK = Low

- **Coordinator**

  SECURITY RISK = Low

- **Observer I, II, III**

  SECURITY RISK = Low

Investigation Packages

At-Sea Monitors and key personnel would be considered contractors and all undergo the required background investigation (Section J, Attachment 13, Security Background Instructions) and would be either U.S. Citizens, Naturalized Citizen, Green Card Holders (aka Permanent Resident Card), or Foreign Nationals. The following requirements will be completed prior to official hiring:

- **0 – 30 days = Security Worksheet, Finger Print Cards (FD 258 Cards)**
- **31 – 179 days = Security Worksheet, SAC Form (OFI Form 86C), Finger Print Cards (FD 258 Cards)**
- **180 or greater days = EQIP Package**
  - **Security Worksheet**
  - **Electronic Questionnaire (filled out after applicant has been placed in EQIP)**
  - **EQIP Signature pages (generated after applicant has completed Questionnaire in EQIP)**
  - **Declaration for Federal Employment (Optional Form 306)**
  - **Finger Print Cards (FD 258 Cards)**
  - **Fair Credit Reporting Form (filled out based on position sensitivity)**

Foreign National (FN) Information (must be submitted along with Investigation Packages)

Foreign Nationals is anyone who is a non-U.S. citizen or non-green card holder (aka permanent resident card). Foreign Nationals fall into two categories: Visitors or Guests. Visitors are personnel onsite for up to 3 days; or whom will be attending a conference, workshop, or training (which can go up to 5 days). Guests are personnel who will be onsite over 3 days and who do not fall into the 5 day category listed above. All Foreign National Visitor/Guests information must be submitted through the Foreign National Registration System (FNRS) by NMFS.

C.7 CLAUSES INCORPORATED BY REFERENCE

C.7.1 CAR 1352.237-71 SECURITY PROCESSING REQUIREMENTS—LOW RISK CONTRACTS (APR 2010)

(Reference 48 CFR 1337.110-70)(c))

C.7.2 CAR 1352.237-73 FOREIGN NATIONAL VISITOR AND GUEST ACCESS TO DEPARTMENTAL RESOURCES (APR 2010)

Reference 48 CFR 1337.110-70)(e))