September 30, 2013

On behalf of our over 750,000 members, Environmental Defense Fund submits these comments on the National Marine Fisheries Service's Discussion Draft - Best Practices and Guidance Document for Electronic Monitoring (EM) and Electronic Reporting (ER) for Federally-Managed Fisheries. We feel the Guidance Document should:

- **Highlight the benefits of fishery-dependent data collection and monitoring for industry and other stakeholders.** Examples include: ensuring a more level playing field by reducing opportunities and incentives for misreporting; providing increased opportunity for industry involvement in management, research and enforcement; and improved product traceability, which can support fishery certification efforts and lead to new marketing opportunities.
- Include a discussion on the importance of establishing **incentives to comply with requirements and use monitoring tools correctly** in Phase III: Program Design.
- Add **incentives** to the checklist for Phase III: Program Design (pg.10).
- **Expand vision for co-management**, perhaps under section 4.1, to include examples or steps the Agency believes are appropriate to explore in the near-term.
- **Add a new row to the cost template** (pg.23) under Field Support to encompass costs of retrieving data (e.g. hard drives, landings data) directly from fishing vessels.
- **Describe the Agency's expectations with respect to pilot studies.** For example: Does NMFS expect a pilot to be done in every fishery prior to approval for implementation? What type of information needed from EM/ER pilot studies to support implementation?
- **Establish a transparent and public mechanism for tracking regional progress towards implementing the Guidance and Best Practices.**

We are pleased that NMFS is spending time and resources on EM and ER given the fundamental role fisheries monitoring has on effective management of our Nation's fisheries. While much work remains to be done at the regional and national levels to enable improvements in fisheries monitoring, NMFS leadership has demonstrated a commitment to improving fishery-dependent data collection through the implementation of well-designed monitoring programs by allowing for the incorporation of new and evolving monitoring tools such as EM and ER. There is an important nexus between accurate data and reliable science, without which catch accounting and effective fisheries management would not be possible. As such, EDF has a strong interest in helping NMFS, the fishing industry and other stakeholders improve the quality, timeliness and cost effectiveness of fishery monitoring programs.

There are many benefits to fishery dependent monitoring and to improving the quality and amount of fishery-dependent data collected. A well-designed monitoring program enables managers to set and monitor annual catch limits (ACLs), provides managers with a better understanding of the effectiveness and impact of management measures, and allows scientists to better account for total catch and understand characteristics of the catch. While the benefits of improved data collection are often clear to fisheries scientists and managers, there is a need for a greater concerted effort to communicate these benefits to the fishing industry and other stakeholders. Far too often, more or better data is equated with increased regulations or restrictions. Understanding that outreach of this nature is not the sole responsibility of NMFS, the guidance document and other related efforts to incorporate electronic technologies must acknowledge and take into consideration benefits of monitoring to fishing communities. Some benefits to industry that could be highlighted include: ensuring a more level playing field by reducing opportunities and incentives for misreporting; providing increased opportunity for industry involvement in management, research and enforcement; and improved product traceability, which can support fishery certification efforts and lead to new marketing opportunities.

Given the tools and technologies now available and the potential efficiencies they afford, there is an opportunity for NMFS to bring fishery dependent data collection into the 21st century. This "upgrade" applies not only to the mechanisms used to collect data, but also the manner in which industry, managers, scientists and enforcement personnel interact and cooperate. If clearly identified monitoring objectives are established and appropriate financial and operational incentives are in place, industry will have both the impetus and flexibility to explore new options for fulfilling data requirements. To facilitate this transition, the Guidance document should include a process for establishing incentives for participants to comply with monitoring requirements and to use monitoring tools properly and effectively under Phase III: Program Design. Consequently, the topic of "incentives" should also be added to the checklist for Phase III (pg. 10). Incentives are also needed to support third party providers to test, develop and share technologies with advanced capabilities and capacities.

Collaboration is a theme throughout the guidance document, and one that EDF fully supports. We would note however that while collaboration and outreach are necessary to effectively devolve responsibilities, in and of themselves, they do not constitute co-management. The option of devolving responsibility for data collection is mentioned in Section 4.4 *Data for both fisheries governance and fisheries business purposes* (pg. 33) as an ultimate step in minimizing costs and avoiding duplicative data collection. However, as presently drafted one could infer this is only a priority for fisheries data that overlaps with industry's business needs. Additionally, co-management is not necessarily the final step, but one that should be considered from the beginning of program development.

As funding and resources become more limited, NMFS should devolve some aspects of fishery management and monitoring responsibilities to third parties. NMFS and the Councils would still have the responsibility and oversight to set standards, approve programs, and ensure data confidentiality and quality are not comprised, but third-parties and industry should play a

bigger role in the design and operations of the program. We therefore recommend further discussion of this issue, perhaps under Section 4.1 System Structure and Adaptive Management, including examples or potential steps the Agency believes are appropriate to explore in the near term.

Intimately linked to co-management is the issue of cost sharing. Cost is a significant driver for stakeholder interest in electronic monitoring and reporting tools. Although funding and an analysis of current monitoring costs are discussed on page 6, we did not see a discussion of cost sharing. When looking across regions we see a difference not only in monitoring requirements, but also a substantial difference between industry and government contributions to monitoring costs. Cost sharing and devolving responsibilities away from NMFS and to stakeholders will be important factors in determining the success of monitoring programs and the rate at which the tools and technology used advance. When stakeholders are financially involved, they are also invested in ensuring the program is meaningful and works efficiently. The focus on EM, ER and other new technologies is an opportunity for NMFS to resolve discrepancies in monitoring and reporting requirements among fisheries and raise the bar where needed to ensure management effectiveness.

EDF's work on the east and west coasts has highlighted the importance of and need for monitoring solutions for small, remote and low volume ports. Accountability allows for sustainable management of fisheries resources; however, we do not want to see monitoring and reporting requirements adversely affect smaller fishing communities. As we move to explore technological solutions for monitoring/reporting, the logistics of servicing these ports must be taken into consideration. Co-management could help address some of these concerns, as will technological advances that allow for direct uploading of data. Until those mechanisms are in place however, thoughtful and deliberate planning, as described on page 10, as to how data will be collected from these ports is critical. To better draw out these costs and their significance we recommend adding an additional row in the cost template (pg. 23) to include costs of retrieving data (e.g. hard drives, landings data) directly from fishing vessels.

As U.S. fisheries move to explore EM and ER options, it would be extremely helpful for stakeholders to have a better understanding of NMFS' expectations regarding the need for pilot programs. To date, pilot studies have not led to wider implementation. Not only is there a need to conduct pilots in a way that provides more meaningful and scalable information, but to establish a mechanism or process to share lessons to reduce the need for every fishery to conduct pilot studies. The guidance document presents a valuable opportunity for NMFS to outline the type and quality of information needed from pilot studies to support implementation. This document would also benefit from a description of when a pilot is needed and a clarification of whether or not NMFS expects a pilot to be done in every fishery before approval. Alternatively, if NMFS establishes appropriate standards, Councils can have the flexibility to design a monitoring program that meets both the standards and the specific needs of a fishery.

While the Guidance and Best Practices document is useful in understanding the Agency's position and goals for evolving monitoring programs, the timeline of activities and goals (pg. 50) for assessing fisheries for applicability of EM and ER is vague and lacks specifics. Noting the next steps for outreach and implementation of the Agency's guidance is in the hands of the Regional Offices, we encourage the development of a transparent and public mechanism for tracking regional progress. For example, the EM/ER outreach webpage NMFS developed could also include a table of upcoming regional EM working group meetings, a list of the fisheries that have been assessed for EM/ER, when they were assessed, and which FMPs or species have yet to be evaluated. Sharing this information publicly could facilitate stakeholder engagement and will help the regions and Councils keep track of their progress towards the Agency's goal of completing evaluations by the end of 2014.

Thank you for the opportunity to review and comment on this document.

Sincerely,

Jack Sterne
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and Acting National Campaign Director