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Memorandum of Understanding 3/28/03

Northeast Area Monitoring and Assessment Program

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MEMORANDUM OF UNDERSTANDING

BETWEEN THE

CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

DISTRICT OF COLUMBIA FISHERIES AND WILDLIFE DIVISION

DELAWARE DIVISION OF FISH AND WILDLIFE

MAINE DEPARTMENT OF MARINE RESOURCES

MARYLAND DEPARTMENT OF NATURAL RESOURCES

MASSACHUSETTS DIVISION OF MARINE FISHERIES

NEW HAMPSHIRE DEPARTMENT OF FISH AND GAME

NEW JERSEY DIVISION OF FISH, GAME, AND WILDLIFE

NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

PENNSYLVANIA FISH AND BOAT COMMISSION

POTOMAC RIVER FISHERIES COMMISSION

RHODE ISLAND DIVISION OF FISH, WILDLIFE, AND ESTUARINE RESOURCES

VIRGINIA MARINE RESOURCES COMMISSION

ATLANTIC STATES MARINE FISHERIES COMMISSION

NATIONAL MARINE FISHERIES SERVICE, NORTHEAST FISHERIES SCIENCE CENTER

US FISH AND WILDLIFE SERVICE

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

**FOR
ESTABLISHMENT OF THE
NORTHEAST AREA MONITORING AND ASSESSMENT PROGRAM
(NEAMAP)**

NORTHEAST AREA MONITORING AND ASSESSMENT PROGRAM

This Memorandum of Understanding (MOU) confirms the intent of the states (Maine-North Carolina), the Potomac River Fisheries Commission, the District of Columbia, the National Marine Fisheries Service (NMFS), the United States Fish and Wildlife Service (USFWS), the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAFMC), and the New England Fishery Management Council (NEFMC), to design and implement an integrated and cooperative state-federal program to facilitate collection and dissemination of fisheries independent information from Cape Hatteras, NC to the Gulf of Maine, that adequately meets the needs of fishery managers, scientists, and the fishing industry. The Partners recognize their mutual interdependence in compiling data that meets short-term and long-term information requirements and the Partners commit to each other their best efforts towards designing and conducting a program to address those requirements in an efficient, practical manner.

A cooperative partnership of state and federal agencies for statistical data collection and information management represents the best possible approach to avoid duplication of effort, reduce overall costs, promote education of resource users, and provide a more complete base of information for formulating management policies, strategies, and tactics for shared resources.

The signature of agency officials on this MOU in no way obligates the signatory Partners to provide personnel or funds for planning or implementation of the NEAMAP unless specifically agreed upon in subsequent documents.

SECTION ONE. PURPOSE

The NEAMAP will provide an integrated and cooperative state/federal program to facilitate collection and dissemination of fishery-independent information for use by government agencies, the fishing industry (commercial and recreational), researchers, and others requesting such information. To meet the needs of fishery management and fish stock assessment, the NEAMAP will provide the framework for collection and use of fishery independent data. This includes identification and coordination of existing programs, recommendations for development and implementation of new programs where necessary, and dissemination of data collected. The NEAMAP will serve to coordinate fisheries independent data collection and data management among Partners in the mid-Atlantic and Northeast regions, as well as between the NEAMAP and other existing regional programs (*e.g.* SEAMAP, ACCSP, FIN). The intent of the NEAMAP is not to change existing programs, but to coordinate and standardize procedures and improve data accessibility.

SECTION TWO. NEED

Interjurisdictional management of Atlantic coast fisheries is clearly necessary due to the transboundary distributions of many coastal marine fish stocks. Movements of fish stocks between state and federal jurisdictional boundaries complicates the collection of reliable harvest statistics and development of state and federal FMPs for effective management throughout the geographical range of the fishery resource. Integration of data collected in separate jurisdictions would provide more useful knowledge for state and federal fisheries managers for overall management of fishery resources. The identification of data needs for stock assessment and fisheries management, and coordination among collection programs to provide these data, are necessary to provide the means for the responsible agencies to manage fishery resources in a more holistic manner for the benefit of all the public.

To complete analyses of stock abundance, the scientific assessment community requires comprehensive data from two sources. Fishery dependent data is collected as a result of the fisheries themselves, but is influenced and biased by regulations, socio-economic, and environmental factors. Fisheries independent data is direct information about fisheries populations and is collected by scientifically designed surveys. Both sources of information must be available in order to have a realistic picture of stock status and to develop effective management strategies.

Currently, there is insufficient coordination, organization, resources, and public outreach among existing state and federal data collection programs to meet today's demands for information required to assess many of the fisheries stocks on the Atlantic coast. Coordination is especially required in the realm of fishery independent data, where no coastwide standards currently exist for the prioritization, collection, and dissemination of data. An integrated multi-agency program will lead to more efficient and cost effective use of current federally and state funded data collection and data management programs.

To address these concerns, the Atlantic States Marine Fisheries Commission (ASMFC) adopted a resolution in October 1997 to begin development of a coordinated fisheries independent sampling program. The resolution notes that the fishery independent program will work closely with the Atlantic Coastal Cooperative Statistics Program (ACCSP), the Atlantic coast fisheries dependent data initiative.

SECTION THREE. HISTORICAL PROGRAMS

Each Northeast and mid-Atlantic fishery management agency has numerous fishery independent data collection programs to monitor a myriad of parameters, including bycatch and discards, juvenile abundance, predator/prey relationships, environmental conditions, migration/movement, and species abundance. Many of these surveys are long-term studies, critical to the fisheries assessment process, including trawl and seine surveys, fecundity studies, water quality monitoring, tagging studies, and species-specific life history work, to name only a few. In addition, many university and privately funded fishery independent research programs have been undertaken.

Regional fishery-independent data collection programs exist in the Gulf, South Atlantic, and Caribbean areas (the Southeast Area Monitoring and Assessment Program (SEAMAP) and the Marine Monitoring and Assessment Program (MARMAP)). Long-term fishery independent programs on the Atlantic coast include the Northeast Bottom Trawl Survey and similar surveys accomplished by several Partner agencies. Regional fishery dependent programs on the Atlantic and Gulf coasts include the ACCSP and the Gulf Fisheries Information Network (FIN).

SECTION FOUR. DATA COORDINATION AND IMPROVEMENT

In response to escalating fishery management information requirements, all management agencies on the Atlantic coast recognize the shared essential need to improve and coordinate their fishery independent data collection programs, while maintaining coordination with the ACCSP. Efforts to identify specific problems have revealed the following, with no priority implied:

- No program exists to plan, evaluate, coordinate, and manage fishery independent information north of Cape Hatteras, North Carolina;
- Although several areas have adequate sample coverage, inadequate trawl survey sample coverage exists over the entire range of many species or fisheries, especially in the nearshore areas;
- The ASMFC maintains a database of fishery independent surveys for use in stock assessments, but it does not include several funded by universities and private sources. The most recent update of the database included only trawl surveys;
- The ability to access and analyze many marine fishery independent survey databases is severely limited;
- No standardized quality assurance/quality control protocols exist for fishery independent data;

- No standards for collection and dissemination of metadata exist, which is required to properly interpret each dataset;
- There is no mechanism in place to assist agencies in prioritizing fishery independent data collection programs, including biological sampling, ageing, and fecundity, to address gaps in spatial or temporal coverage.

SECTION FIVE. NEAMAP GOALS AND OBJECTIVES

Goal 1: Cooperatively plan, evaluate, and administer fisheries independent data collection programs, including a state/federal near shore trawl survey and other NEAMAP-sponsored activities.

Objectives:

1. Develop annual operations plans consistent with budget and operational constraints;
2. Develop annual budget allocation plans which considers program needs, annual operations plans, and participant capabilities;
3. Sponsor meetings to cooperatively plan and evaluate activities;
4. Sponsor special workshops and symposia to help evaluate or plan sampling strategies, designs, or methods;
5. Establish working groups, as needed, under the auspices of the NEAMAP committees with appropriate expertise, to assist in planning and evaluating NEAMAP activities;
6. Conduct annual internal reviews of program activities, to promote accomplishments and accountability;
7. Conduct periodic coordinated external reviews of specific management, administrative, and technical elements of the program;
8. Coordinate and document NEAMAP activities and disseminate programmatic information.

Goal 2: Establish a coordinated, long-term, fisheries-independent data collection program of Atlantic coast living marine resources from Cape Hatteras to Maine for the purpose of resource and habitat assessment and management.

Objectives:

1. Conduct routine surveys and special studies, as needed, of regional resources and their environments;
2. Coordinate data collection activities with ongoing surveys and data collection programs, including possible cooperative opportunities with industry;
3. Collect data on species composition, biomass, relative abundance, distribution, and seasonality of living marine resources;
4. Record biological information to include size, age, sex, and reproductive condition for target species;
5. Identify and monitor essential fish habitat;

6. Collect environmental data coincident with living marine resource monitoring activities;
7. Archive and provide biological specimens/samples to cooperating agencies and other investigators upon request, subject to certain limitations (time, space, funding);
8. Maintain the ASMFC's fishery independent program database and update as appropriate.

Goal 3: Operate the NEAMAP data management system for efficient management and timely dissemination of fishery independent data and information

Objectives:

1. Design, implement, and maintain a NEAMAP data management support system that can be used to assess and monitor selected living marine resources and associated environmental and habitat factors;
2. Establish data handling and processing protocols for all NEAMAP data;
3. Compile and maintain a computerized directory of NEAMAP monitoring activities, including data summaries and inventories by gear, species, species group, and geographic area;
4. Identify and describe existing non-NEAMAP databases and activities that are of value to fishery independent assessments of regional living marine resources, and coordinate and integrate these, where possible, with the NEAMAP database;
5. Coordinate data management activities with ACCSP and other existing programs, including common use of codes and formats;

Goal 4: Establish a comprehensive outreach program to secure funding and educate constituents on the actions, results, and benefits of the NEAMAP.

Objectives:

1. Develop an outreach package for Congress and other potential funding sources to secure long-term stable funding;
2. Develop methods to educate industry and the public about fishery independent sampling and data, including aspects such as the need for and benefits of fishery independent sampling, how the data are collected, and how the data are used;
3. Develop promotional materials that detail how NEAMAP data supports fisheries management and natural resource stewardship, citing specific examples where appropriate;
4. Develop reports of survey results and NEAMAP accomplishments for distribution;
5. Encourage public and industry assistance and support in NEAMAP sampling activities.

SECTION SIX. ROLES OF THE PARTNERS

The Partners to this Memorandum of Understanding hereby affirm their mutual understanding and agree that the following steps should be taken:

1. To carry out their mutual intent to provide a platform for the design and implementation of an integrated coastal and marine fisheries independent statistics program for the Atlantic coast.
2. To work together to coordinate current and future coastal and marine fisheries independent data collection, data management, and informational activities, through cooperative planning and innovative uses of statistical theory and design.
3. To coordinate efforts in pursuit of the NEAMAP Goals and Objectives.
4. To develop, through state and federal government and other avenues that may be available, funding initiatives to support the NEAMAP.
5. To fund projects deemed beneficial to the program and the Partners, subject to the availability of funds and in accordance with applicable agency administrative policies and procedures.
6. To take steps necessary to fully participate in the institutional arrangements for program organization and implementation listed in Sections Seven and Eight, upon signature of the authorized official of that agency.
7. To support the participation of other appropriate agencies with fishery management or research authority.
8. To coordinate with other existing regional fisheries statistics initiatives, including the ACCSP, SEAMAP, and the Gulf FIN.
9. To pursue steps to involve fishermen and the public in the NEAMAP established under this agreement.
10. To ensure protection of information that may be deemed confidential, while providing the breadth of data required for robust and accurate stock assessments.
11. To modify this agreement at any time by mutual agreement of the Partners.

SECTION SEVEN. PROGRAM ORGANIZATION AND IMPLEMENTATION

A. Northeast Area Assessment and Monitoring Program Board

There shall be a Northeast Area Assessment and Monitoring Program Board (Board). The Board shall serve as the executive-level committee for the program, oversee the design and implementation of NEAMAP, establish policy to guide program and Partner participation therein, and serve as the final decision-making authority for the program. Board membership shall consist of one representative of each signatory Partner. The Board shall make its decisions by consensus where possible, or by majority vote. The Board shall elect its Chair and Vice Chair. The Chair will serve a two-year term. At the conclusion of the term, the Vice Chair will become Chair and the Board will elect a new Vice Chair.

B. Northeast Area Assessment and Monitoring Program Operations Committee

There shall be a Northeast Area Assessment and Monitoring Program Operations Committee. The Operations Committee will serve as the vehicle for coordination of Technical Committee input into the NEAMAP and

will provide recommendations from the Technical Committees, the Advisory Committee, and the Operations Committee to the Board. Operations Committee members will be appointed by their respective agencies and its membership shall consist of one representative of each signatory Partner. The Operations Committee shall make its decisions by consensus where possible. If consensus is not possible, the Operations Committee shall identify options and present benefits and shortcomings of each to the Board. The Operations Committee shall elect its Chair and Vice Chair. The Chair will serve a two-year term. At the conclusion of the term, the Vice Chair will become Chair and the Committee will elect a new Vice Chair.

C. *Northeast Area Monitoring and Assessment Program Technical Committees*

The NEAMAP shall solicit Partner agencies to appoint members to Technical Committees. The Technical Committees shall develop recommendations on technical details of individual surveys and other relevant tasks as assigned by the Operations Committee and/or the NEAMAP Board. The Technical Committees shall report directly to the Operations Committee. Technical Committees shall make their decisions by consensus where possible. If consensus is not possible, the Committees shall identify options and present benefits and shortcomings of each to the Operations Committee. Technical Committees shall elect their Chairs and Vice Chairs. Chairs will serve two-year terms. At the conclusion of the terms, the Vice Chairs will become Chairs and the Committees will elect new Vice Chairs.

D. *Northeast Area Monitoring and Assessment Program Advisory Committee*

The NEAMAP shall utilize the existing Advisory Committees of the Atlantic States Marine Fisheries Commission. The Advisory Committees will provide comment from the fishing industry and the general public perspective on all NEAMAP activities and make recommendations to the Operations Committee.

E. *Staff Support*

The Atlantic States Marine Fisheries Commission shall provide staff support and other administrative functions to the NEAMAP.

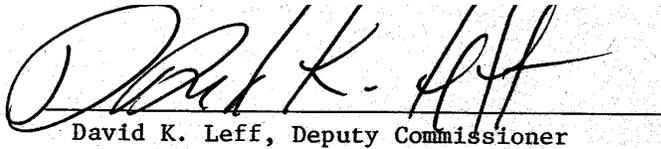
SECTION EIGHT. OTHER PROVISIONS

1. Nothing herein is intended to conflict with any requirement of any state or federal law, nor with any state, federal, council, commission, Department of the Interior, or Department of Commerce regulation, policy, or directive. If terms of this Memorandum of Understanding are deemed to be inconsistent with the policies or programs of any Partner hereto, then those specific terms shall be deemed not binding on that Partner.
2. The signature of agency officials on this Memorandum of Understanding does not legally obligate their respective agencies to provide personnel or funds for planning or implementation of the NEAMAP unless specifically agreed to in subsequent obligatory documents.
3. Where used in this Memorandum of Understanding, the term "state" includes the Atlantic coast states north of, and including North Carolina, the Potomac River Fisheries Commission, and the District of Columbia.
4. Any disagreement concerning the responsibilities of any of the Partners under this Memorandum of Understanding shall be resolved by the Northeast Area Monitoring and Assessment Program Board.
6. Any Partner to this Memorandum of Understanding may terminate its involvement upon 90 days written notice to the other signatory agencies through the Chair of the Northeast Area Monitoring and Assessment Program Board.
7. Any revision or amendment to this Memorandum of Understanding may be made upon approval of 2/3 of the members of the Northeast Area Monitoring and Assessment Program Board.

SECTION NINE. SIGNATORY PARTNERS

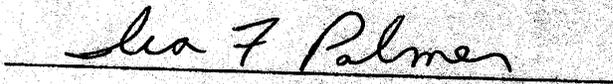
The parties hereto represent that they have the authority from their respective state and federal statutes or other constitutive documents to conduct fisheries independent statistics programs and to enter into mutual programs with other state and federal agencies in order to meet these responsibilities.

CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION


David K. Leff, Deputy Commissioner

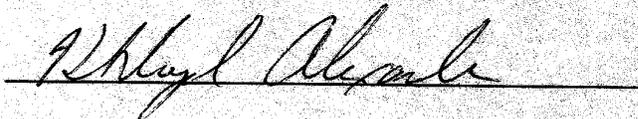
DATE 5/23/03

DISTRICT OF COLUMBIA



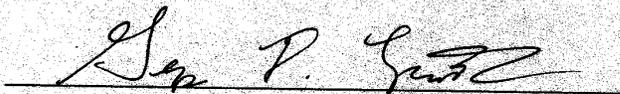
DATE 7/13/04

DELAWARE DIVISION OF FISH AND WILDLIFE



DATE 5-29-03

MAINE DEPARTMENT OF MARINE RESOURCES



DATE 7 May 2003

MARYLAND DEPARTMENT OF NATURAL RESOURCES

Howard J. King

DATE May 5, 2003

MASSACHUSETTS DIVISION OF MARINE FISHERIES

Paul Diodati

DATE April 15, 2004

NEW HAMPSHIRE DEPARTMENT OF FISH AND GAME

John J. Nelson Jr

DATE 6/9/03

NEW JERSEY DIVISION OF FISH, GAME AND WILDLIFE

John P. DiStasio

DATE 1/24/04

NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

John P. DiStasio

DATE 6/7/04

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Rebecca P. Partyp DATE 5/15/03

PENNSYLVANIA FISH AND BOAT COMMISSION

Peter A. Colangelo DATE May 12, 2003

POTOMAC RIVER FISHERIES COMMISSION

John A. Carpenter DATE 6/30/03

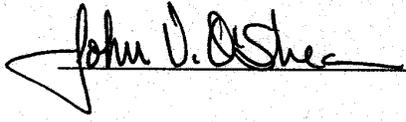
RHODE ISLAND DIVISION OF FISH, WILDLIFE AND ESTUARINE RESOURCES

Mark M. Baker DATE 1/27/04

VIRGINIA MARINE RESOURCES COMMISSION

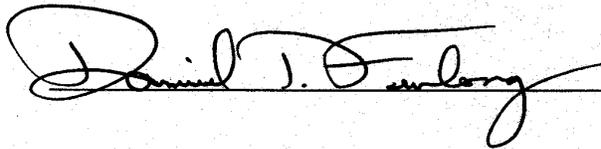
William F. Smith DATE 4-18-03

ATLANTIC STATES MARINE FISHERIES COMMISSION



DATE 8 MAY 2003

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL



DATE MAY 12, 2003

NEW ENGLAND FISHERY MANAGEMENT COUNCIL



DATE 1/23/04

NATIONAL MARINE FISHERIES SERVICE, NORTHEAST FISHERIES SCIENCE CENTER



DATE 4/21/03

UNITED STATES FISH AND WILDLIFE SERVICE


Richard O. Bennett

DATE 5-8-03