

ENFORCEMENT CONSULTANTS REPORT ON TRAWL RATIONALIZATION TRAILING ACTIONS – ELECTRONIC MONITORING

The Enforcement Consultants (EC) has reviewed the associated briefing materials for Agenda Item D.7 Trawl Rationalization Trailing Actions – Electronic Monitoring Regulatory Process and has the following comments.

Goals and Objectives

The EC's thoughts regarding the goals and objectives of an Electronic Monitoring (EM) program can be summarized as:

A program that identifies and documents harvest and discard events with sufficient accuracy that reasonable estimates of discards can be ascertained while maintaining fleet and individual accountability.

And that achievement of this primary goal and objective is done at a reduced cost, with more timely reporting and greater logistics flexibility than the current human observer model.

Strawman

The EC generally endorses the Strawman as presented, but would like to comment on a few highlighted issues:

- 1 Foremost is agreement that the proposed EM Strawman is about compliance monitoring of harvest and discard events and not collection of scientific data. Use of the monitoring data for scientific purposes is a value added component, not a primary objective.
- 2 While we appreciate the ongoing research and data that is occurring in the field of EM, these technologies do not currently meet the Strawman qualifiers: what do we know, what do we trust, what can be verified? As such, these technologies are not currently available for deployment and should not be included or considered.
- 3 The regulatory package which will support EM should include a defined mechanism for adopting new technologies as they become available without having to go through labor intensive and time consuming rule making.
- 4 We recognize costs are a primary concern. The EC believes the maximum retention (non-discretionary discards only) is the most cost effective approach. The discard of small lingcod and sablefish coupled with survivor credits as proposed, are deviations from the maximum retention model and will add complexity to the video analysis, create delays in verification, and thus drive up cost.
- 5 Halibut individual bycatch quota (IBQ) discards and the corresponding viability indexes are a different matter and will need considerable focus under an EM model.
- 6 We recognize that night fishing is a necessity for some sectors, especially bottom trawl. Future studies need to focus on this issue. Past studies and exempted fishing permit (EFP)

experiences have not been sufficiently evaluated to determine whether EM cameras can be effectively used during times of darkness for some sectors, especially bottom trawl.

- 7 Future camera studies should focus on deck, stern, and gunnel lighting, camera placement, and video/data quality monitoring by the skipper from the bridge. Future video applications will depend not only on the quantity of data (ego lost or gaps in the data), but the quality of the data (focus, high resolution, obscured views, etc). As such, the skipper will play a significant role in assuring both standards are met.
- 8 Clear agreement on what constitutes a discard (defined criteria) and the corresponding estimate and scaling of that discard are required prerequisites for proper vessel account management.

PSMFC Electronic Monitoring Cooperative

The EC strongly endorses the concept of behavior modification through incentive based regulations. We recognize that Cooperative is a buzz word that means many different things to different groups. Going forward, we suggest the Pacific States Marine Fisheries Commission (PSMFC) EM Cooperative concept, as presented, in the workshop report be referred to as the PSMFC EM Participant Agreement.

As reported to the Council in the past, Office of Law Enforcement (OLE) was not successful in prosecuting illegal discard events detected by cameras (exceeding the definition of operational discard, 2 baskets) under the Whiting EFP. Safety concerns cited by the alleged offenders “trumped” OLE allegations of illegal discards. Additionally, Federal prosecution is too slow, often taking years, and can be extremely costly for all parties involved. State prosecution would make alleged violations a criminal offense, which may not be appropriate.

Leveraging the desires of the industry to use cameras as an incentive for assuring good performance makes sense. Enforcement does not want to be in the accounting business, but rather the accountability business. We need a timely, cost effective mechanism for defining and rewarding good performance, while discouraging poor performance. We believe an administrative process, like the proposed participant agreement, has merit and recommend further exploration and development of this approach.

The EC believes the persons best suited to explore the concept of a participant agreement are the industry itself. They know what can and cannot be accomplished on the water. Given criteria/standards that must be met, they know what behavior they want emulated by the fleet. Whiting coops and risk pools have demonstrated the industry can organize, develop performance based participant agreements, and hold each other accountable under these agreements, complete with sanctions and penalties where necessary.

We recommend this industry committee be small, with representation from all four sectors/gear types: At Sea Whiting, Shoreside Midwater Trawl, Shoreside Bottom Trawl, and Individual Fishing Quota (IFQ) Fixed Gear. Participants should encompass expertise in fishing and contractual arrangements as demonstrated by participation in cooperatives and risk pools. The EC does not believe an enforcement representative needs to “sit” on the committee, but would be happy to make a member available to the committee as a technical advisor.

Exempted Fishing Permit

The Council time line for a proposed EM program implemented through the regulatory process is 2016. The EC has been asked if we have concerns or would object to moving forward with an EM EFP prior to a 2016 regulatory implementation. The EC has no objection and believes information collected through an EFP may actually improve a potential 2016 regulatory package.

Prior to the 2011 implementation of trawl rationalization, there was an EFP where the E-ticket, shoreside Catch Monitor, and First Receiver Site License requirement were “test driven” under the auspices of an EFP. That experience helped inform the Council and the regulators on what worked and what needed to be further refined as the regulatory package was developed. We anticipate an EM EFP could yield the same results.

It appears there is consensus that further EM study of at-sea whiting, shoreside midwater trawl, and perhaps fixed gear is unnecessary, with the caveat that deck and stern ramp lighting on midwater trawls may still need further analysis. Whereas, bottom trawl would benefit substantially from further study. This leads us to conclude that a whiting/fixed gear EFP may be the next logical step. Potential EM test components could include: the electronic log book, camera placement, data quality monitoring by the bridge crew, estimation and scaling of discard events, lighting configurations, and the utility of a participation agreement.

PFMC
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