

Application for Exempted Fisheries Permit

Use of Electronic Monitoring in West Coast Trawl Fishery on Vessels Utilizing Fixed Gear.

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Applicants: "Fixed Gear"

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Background:

In 2011, NMFS implemented a Council-developed catch share program for the West Coast limited entry groundfish trawl fishery. The program requires that each vessel acquire quota pounds (QP) to cover its catch (including discards) of nearly all groundfish species. Proper functioning of the program requires some form of at-sea monitoring to ensure that discards are enumerated for each vessel. The catch share program specified that this monitoring function be achieved through 100% at-sea observer coverage. In conjunction with vessel logbooks, electronic monitoring (EM) is being explored as a potential technically and economically viable substitute for the use of human observers in the function of compliance monitoring for the catch share program.

In 2012 and 2013, Pacific States Marine Fisheries Commission (PSMFC) expanded its initial pilot project to test the feasibility of using electronic monitoring for catch accounting in the trawl catch share program in the west coast

groundfish fishery. Included in expansion of the project were trawl-permitted vessels utilizing both pot and longline gear. Vessels were outfitted by EM service providers. In addition to the installation of EM systems, permitted vessel owners were also required to continue to contract for and carry a federal fisheries observer. This pilot project is continuing in 2014.

On May 3, 2013, National Marine Fisheries Services issued policy directive 30-133, setting forth the following objective:

It is the policy of the National Oceanic & Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NOAA Fisheries) to encourage the consideration of electronic technologies to complement and/or improve existing fishery-dependent data collection programs to achieve the most cost-effective and sustainable approach that ensures alignment of management goals, data needs, funding sources and regulations.

Purpose and Goals:

For this exempted fishery permit (EFP), applicants propose to monitor catch and discard aboard a trawl-permitted vessel, utilizing fixed gear, via an electronic monitoring system, without 100% observer coverage as currently required by regulation. Comparison of the logbook recording of discard events by the skipper and the subsequent review of the video of the fishing activity for accuracy and compliance is the primary focus of this application. The use of fisheries observers onboard the vessel as an adjunct to the project is included in this application and further described below.

While industry is interested in finding less costly and more flexible methods to monitor catch and discards at sea, this application is also meant to begin to address some key management issues:

- 1) Can video monitoring be used on board a trawl-permitted vessel using fixed gear to accurately track and correctly identify a vessel's fish catch, including discards, to be debited from a quota account?
- 2) Can this be done without the presence of a federal fisheries observer?
- 3) Are fishermen able to accurately identify and record in logbooks the species caught, including both retained catch and discard?
- 4) What percentage of monitoring of the video from EM is required to verify catch and discard recorded in the logbooks?

Applicants seek the issuance of an EFP to show whether a sufficiently high confidence level in the accounting of catch and discard aboard a vessel can be demonstrated through the use of logbooks, verified by random monitoring of

video from EM, and without the presence of a human observer.

Broader Significance of EFP:

In the event that there is a very high correlation of EM video review and logbook data of the catch and discard of species aboard the vessel pursuant to this EFP, it is anticipated that the requirement for 100% human observer coverage on trawl-permitted vessels using fixed gear for compliance-monitoring purposes may be significantly reduced, if not entirely eliminated, across the fleet. In fact, it may be demonstrated that observers on board trawl-permitted vessels using fixed gear may only be needed for the purpose of scientific data gathering.

A. Duration of EFP and Number of Vessels Participating:

Applicants request that this EFP be for a duration of two years, beginning January 1, 2015 and ending December 31, 2016. Four (4) vessels will participate in the first year, using pot gear, and two of these same vessels may also use longline gear.

Applicants envision the successful outcome of this EFP will be demonstrated within the first year, and anticipate Council action and NMFS future approval of a regulatory amendment to allow the use of EM without 100% observer coverage on board a vessel.

Past experience with the regulatory process leads applicants to believe that the amendment process for a fleet-wide EM program may be quite lengthy, possibly exceeding two years. With the implementation of a two year EFP on January 1, 2015: 1) additional vessels might be able to join for the second year, providing additional data; 2) the EFP can continue without interruption, pending the full regulatory amendment; and 3) the EFP may be modified.

If the EFP is issued for two years as requested, applicants propose that NMFS review the applicant's performance under the EFP before the end of the first year. NMFS would have the option to approve the EFP for a second year "as is", require or allow modifications to any aspect of the permit, and/or any vessel's operational plan, allow additional vessels to participate in this EFP, and/ or terminate the EFP in its entirety at any time.

B. Qualifications of Applicants:

John Corbin has longlined for sablefish off the West Coast and Alaska for more than 30 years. The F/V Buck and Ann is 56 ft. long and the F/V Southeast is 66 ft. long. Both vessels have trawl permits with sablefish and other groundfish quota in their respective vessel accounts, and have fished the trawl permits with pot gear for the last 3 years. During 2013, the F/V Buck and Ann participated in

the PSFMC project, deploying an EM system while also carrying a federal fishery observer, and will continue to do so in 2014.

For purposes of this application, the F/V Buck and Ann will be using pot gear as will the F/V Southeast. The F/V Buck and Ann and the F/V Southeast may also utilize longline gear.

Bob Eder has fished for sablefish with pots off the coasts of Oregon and Washington for 35 years. The F/V Timmy Boy is a 60 ft. vessel, and has a trawl permit, sablefish and other groundfish quota in its vessel account, and fished its trawl permit with pot gear in 2011 and 2013. During 2013, the F/V Timmy Boy also participated in the PSFMC project, deploying an EM system while also carrying a federal fisheries observer. The vessel will continue to participate in this program in 2014.

Burton Parker has fished numerous pot and trawl fisheries and owned commercial vessels off the West Coast and Alaska for 40 years. He has previous experience with the installation and operation of EM in the whiting fishery. Alyssa Ann LLC is the owner of the F/V Alyssa Ann, a 44 ft. vessel that fishes for sablefish out of Newport and Astoria OR. Burton Parker is the sole member of the LLC. The vessel has a trawl permit, quota in the account, and uses pots to fish for sablefish. The vessel's skipper is Jake Erickson, who has commercially fished for 10 years, and has 3 years' experience operating the F/V Alyssa Ann, fishing for sablefish with pots.

All of the applicants have successfully participated in at least one, if not multiple years, in an EM program aboard vessels they own. All have experience working with EM contractors, having vessels outfitted with gear and cameras, making system modifications suited to the individual vessel to ensure operational success, using customized logbooks, and facilitating data storage, retrieval, and delivery to EM contractors.

C. Target Species, Areas Fished, Gear Used, Time Frame, Declaration:

Applicants will target sablefish, both North and South of 36 degrees, off the coast of WA, OR, CA. The F/V Alyssa Ann and the F/V Timmy Boy will be fishing pot gear North of 36 degrees; the F/V Buck and Ann and the F/V Southeast may use both longline and/or pot gear, and fish both North and South of 36 degrees. Vessels will make an annual declaration of their intent to participate in the EM EFP, but will also be required each year to notify NMFS 30 days in advance of the start of their fishing for the year which months they will be operating in the fishery and utilizing EM.

D. Electronic Monitoring Plan

1. The EM Plan will include the following:

- a. Secure, watertight control box for data storage.
- b. Digital cameras that include or are connected to a date and time stamp and counter.
- c. A minimum camera resolution and frame capture rate (to be determined).
- d. A minimum amount of on-board data storage (to be determined).
- e. Tamper-evident hardware.
- f. A monitor showing a live feed from all EMS cameras, so that the skipper can ensure the EMS is functioning correctly.

2. Individual Vessel Monitoring Plan:

The installation and operation of the EMS will be governed by an Individual Vessel Monitoring Plan (IVMP) drafted by the service provider with collaboration from the vessel skipper/owner. The IVMP will also include a schematic of the operational system for each vessel, to be approved by NMFS.

The IVMP will address the following:

- a. Hardware, including but not limited to the control box, removable hard drive, camera specifications, GPS receiver, pressure and motion sensors, and power supply.
- b. Software for data collection.
- c. Protocols for EMS malfunction.
- d. Back-up equipment use protocols.
- e. Retained catch and discard handling protocols.
- f. Vessel layout and camera coverage.
- g. Number and placement of cameras.
- h. Lighting requirements.
- i. Design of measuring board
- j. Instructions for care and maintenance of the EMS.
- k. Schedule for EMS maintenance and data transfer.

3. Agreements by Applicants:

Generally, for purposes of this EFP, the skipper/owner must:

- a. Be engaged in and responsible for EMS deployment, troubleshooting, and implementation on their vessel.
- b. Be willing to retrofit the vessel and catch handling operations necessary for EM deployment.

- c. Participate in or designate a representative to participate in PFMC meetings and related workshops, representing this EFP.
- d. Be able to train crew in appropriate procedures for EM.
- e. Fill out and submit logbooks timely to state and federal agencies as required and to EM video reviewer.
- f. Not have outstanding civil violations relating to fishing activity of the vessel exceeding \$5000.00 in the last three years, or have any criminal matters pending, as per COP 19.
- g. Enter into a "Self-Governing Plan" with each other vessel in this application that will include procedures in the event of an EM system breakdown, a fisheries violation or intentional EM system breach. The "Plan" is to be approved by NMFS. Part of the "Plan" will include a provision that the applicants agree that in the event of a wilful violation of the EFP by an individual applicant, the EFP for that individual applicant may, without due process, be summarily revoked by NMFS.
- h. To be eligible for a second year under this EFP, the vessel must be in compliance with its IVMP, demonstrate proper documentation of their discards in logbooks as verified by video; and not have civil or criminal penalties referenced above.

4. Logbooks:

For purposes of this EFP, vessel captains will utilize what is known as an "Oregon Fixed Gear Logbook," as modified per instructions from PSMFC and utilized in 2013 in the EM protocols. Vessels shall also maintain any other logbooks as required by state and federal agencies. At the end of each trip, Captains may photograph and email photos of logbook pages to PSMFC for their review. If an option is available to use electronic logbooks, applicants may utilize these instead.

E. Fishing Requirements:

1. Gear.

Only legal pot or longline gear may be used for fishing under this EFP.

2. Permits.

Each participating vessel must have a limited entry trawl permit registered to the vessel, and have a vessel account with quota pounds

registered to the account before beginning fishing. A copy of this EFP must be carried on board the vessel while EFP fishing and when fish caught while fishing under the EFP are on board the vessel.

3. Total Catch, Retention Requirements and Discards:

Total catch is defined as any fish hooked or in a pot as the gear is being landed, as well as any visually discernable catch lost during the retrieval process that can be reasonably attributed to the vessel.

Discard is any portion of the total catch that is not delivered to a buyer. Fish caught for bait on onboard consumption are considered discard. For gear that is lost, discard rates will be applied based on similar sets and or hauls.

All catch of IQ species must be accounted for, to be debited against quota accounts, regardless of whether it is categorized as retained catch or discard.

A vessel fishing trawl quota share with fixed gear under this EFP shall comply with the policy of "Maximized Retention" defined as follows:

All IFQ species, non-IFQ groundfish and non-IFQ species must be retained until offloading, with the following exceptions:

a) Discards required for:

- 1) ESA species, MMPA species, and other protected species
- 2) Prohibited species
- 3) Large marine organisms
- 4) Halibut
- 5) Regulatory discards, i.e. Ling cod smaller than 22 inches N of 42 degrees

b) Except as enumerated and defined below, discards are prohibited for:

- 1) IFQ groundfish species
- 2) Non-IFQ groundfish species
- 3) Non-groundfish finfish species

c) Discards permitted for:

- 1) Trash, mud, wood, and other debris
- 2) Deepwater crab, coral, starfish, grenadier, urchins, sponges and other invertebrates
- 3) Predated fish:

Predated fish are defined as any of the above IFQ, Non-IFQ and non-groundfish finfish species that are:

- a) otherwise required to be retained, but
- b) have been eaten or destroyed by another species or event,
- c) while in or on the gear, and
- d) subsequently brought on board the vessel.

Current practice on observed and EM monitored vessels is to measure the fish on camera, estimate its weight by length, count the number of predated fish and use the average weight of the fish in that string or pot, times the number of fish, to determine the discard weight. The discard weight and numbers of fish are recorded in the logbook. The fish are discarded. The weights are counted against the vessel's quota for that species.

4. Halibut Accounting:

Discussions are ongoing with NMFS regarding accounting for halibut discard and rate to be applied for mortality. Applicants will continue to work with NMFS and others to finalize an acceptable option. Options include but are not limited to:

- a) A mortality estimate will be applied based on the individual's vessel's 2011-2013 average halibut mortality rate, as determined by the West Coast Groundfish Observer Program.(WCGOP).
- b) A mortality rate established by the WCGOP or the IPHC for the gear type will be applied.
- c) IPHC exemption to allow full retention.
- d) Captain and crew trained to provide actual mortality assessment on camera.

F. Observers: Extent and Type of Coverage and Costs:

Discussions are ongoing with NMFS regarding presence of WCGOP observers aboard vessels utilizing EM under an EFP. It appears there may be several functions for observers that are currently being examined:

- 1) to serve as an observer pursuant to the current regulatory requirements, i.e. compliance; and/or
- 2) to serve as an observer solely for the gathering of scientific data.
- 3) Some combination of the two functions

In either event, there remain issues of extent of coverage on board the vessel and the percentage of trips on which an observer may be required. Applicants propose that, similar to the observer coverage in the fixed gear limited entry fleet, which deploys observers for the purposes of gathering scientific data, that coverage by observers not exceed 30% of the trips fished under the EM EFP.

In addition, the question of who pays for the observers under an EFP is still to be determined by NMFS. Applicants propose (also similar to the fixed gear limited entry program) that NMFS pay for the observer coverage under this EFP.

G. Delivery/Offloading of Catch:

No less than 30 days prior to the start of fishing, Applicants will provide to NMFS a list of all fish processors to whom Applicants may unload fish to during their fishing activity each season. All catch must be offloaded at a designated processing plant and the offloading of catch from one trip cannot be split between two or more processing plants. Once offloading has begun at a designated processing plant, all fish on board the vessel must be continuously offloaded at that plant. The processing plant must be one qualified to receive trawl quota fish under the limited entry trawl IFQ program.

H. Catch Accounting of Species

Catch accounting will be accomplished through three sources of data: fish tickets documenting retained catch, logbook data of discard events and species weights, and data verifying the discard events and weights of species discarded by EM video review.

- 1) For retained IFQ fish, the vessel's quota account will be debited the weight by species by the dockside monitor/fish ticket.
- 2) For discarded fish, the vessel's quota account will be debited the recorded weight by species from the logbook.

- 3) In the event there are video events of discards and the reviewer's estimate of pounds of fish discarded is greater than that recorded in the logbook, the reviewer's larger weight estimates will be used against the vessel's quota.

I. Compliance:

- 1) Each applicant will enter into an IVMP as described above, as well as a contractual agreement regarding participation in this EFP. Conditions of the agreement are to include NMFS right to remove any individual vessel from participation in this EFP for any intentional violation of any agreement pertaining to the EFP, including, but not limited to: violation of federal fishery regulations, intentional damage or tampering with EM equipment, and/or intentional failure to accurately report catch or discard.
- 2) In the event of an EM malfunction, (i.e. equipment fails to operate such that all sensors are inoperable and/or video recordings do not start upon fishing events and record and store data), if the vessel is dockside, the applicant with notify NMFS, PSMFC and the EM provider and make arrangements for repairs.
- 3) The vessel will not be allowed to fish without a fully operational EM system, defined as capable of recording and storing the data relating to all fishing and discard events on board the vessel. In the event the vessel intends to fish without a fully operational EM system, vessel owner must make arrangements to carry a federal fisheries observer for 100% of its fishing, until the EM system is again operable.
- 4) In the event that the EM system fails while vessel is at sea, (generally defined as failure of EM system to record and store viewable video of all fishing activities of the vessel), the vessel must terminate its fishing, return to port for EM repairs, unless, during that same trip, the vessel is carrying a fisheries observer trained in species identification and accounting of retained catch and discard. The vessel may not again leave port without either a) an operable EM system or b) a federal fisheries observer.

J. Data Retrieval and Analysis:

Applicants will work in partnership with NMFS, PSMFC and EM service

providers to insure the integrity of and timely delivery of data from the vessel to the service provider for analysis. Options discussed include:

- 1) Removal of the hard drive from the computer and delivery by the Captain to the monitoring site (PSMFC) by secure delivery
- 2) Removal of the hard drive from the computer by the Catch Monitor at the processing plant, who will then send it via secure delivery to the monitoring site (PSMFC).
- 3) Once the data is obtained from the vessel, the following is a general description of the options for analysis that may be undertaken by the service provider.
 - a) Evaluate data set completeness and identify fishing events.
 - b) Confirm fishing events, and examine catch stowage operations to examine compliance with “maximized retention” of species as defined above, with the enumerated exceptions
 - c) Document discard events.
 - d) Examine vessel logbooks to verify trips and fishing events align with sensor data.
 - e) Compare vessel operator logbook records of landed catch and discard as compared with EM data and with fish tickets.
- 4) Discussions are ongoing with NMFS and PSMFC as to the extent of the video to be reviewed for comparison to the vessel’s logbook. Options include, but are not limited to :
 - a) up to 100% review of the hauls recorded on the video
 - b) up to 50% review of the hauls recorded on the video
 - c) up to 25% review of the hauls recorded on the video
 - d) % of video reviewed to be determined, and made specific to the individual vessel, as determined by NMFS/PSMFC
 - e) % of video to be reviewed to be determined and made specific to the gear type, as determined by NMFS/PSMFC

K. Final Reporting Requirements:

1. Preliminary: Pursuant to Council Operating Procedures, applicants, in conjunction with the EM service provider, will present a preliminary report on the results of the EFP at the November Council meeting in 2015. The report will indicate the applicants' intent to continue the EFP activity for the second year of the management cycle.
2. Final: A final written report of the results of the EFP will be presented by the applicants to the GMT, GAP, SSC and the Council at the September Council meeting of the year following the management cycle for which the EFP activity is conducted. The final report will include a summary of the work completed, an analysis of the data collected, a conclusion and recommendations.

Submitted by Applicants:

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