

ENFORCEMENT CONSULTANTS REPORT ON FINAL EXEMPTED FISHING PERMIT
(EFP) APPROVAL FOR 2015-2016

The Enforcement Consultants (EC) has reviewed the documents and attachments pertaining to Agenda Item F.5 and has the following comments.

Leipzig/Fisherman's Marketing Association, Attachment 1:

This maximized retention exempted fishing permit (EFP) proposal has been significantly modified since it was first presented to the Council at their April meeting, and appears to incorporate much of the guidance received by the Council at that time to include:

- Limiting the number of participants to six vessels.
- Giving 30 days' notice of participants' home port and fish companies to which the participants will deliver their catch.
- Inclusion of a discard trawl logbook for recording the discard of all halibut.
- A definition of operational discards and clarification for discarding Pacific halibut, large marine organisms, and debris.
- Carrying an observer on the first two trips made with electronic monitoring (EM) equipment.
- Vessel will provide continuous lighting for clarity in video.

The applicant does not intend to serve as an EFP sponsor.

The EFP proposal lacks the detail found in a number of other EFP proposals being considered by the Council, including:

- Accountability Mechanisms
 - Self-Regulating /Self-Governing Plan
 - Compliance and Penalty Structure
- EM Services/ EM Systems
 - Provider Not Identified
 - Reviewer Not Identified
 - Individual Vessel Monitoring Plans
 - EM Data Capture and Analysis
- Actual List of Participating Vessels
- Log Book
 - Not clear if the discard log will be used for all discards, not just halibut

Due to the lack of detail in this application and because the applicant does not intend to serve as the EFP sponsor, this EFP, in comparison to the other EFPs under consideration by the Council, represents the greatest amount of workload for National Marine Fisheries Service (NMFS) and its partners in terms of issuance, monitoring, and enforcement.

California Risk Pool, Attachment 2:

This EFP application is sponsored by the California Risk Pool which includes the Fort Bragg Groundfish Association, the Half Moon Bay Groundfish Marketing Association, and the Central

California Seafood Marketing Association. The EFP applicant seeks approval for up to seven vessels including both trawl and fixed gear. The fixed gear vessels will be operating under a maximized retention fishing regime, and the trawl vessels will be operating under a modified optimized retention plan, with discards of arrowtooth flounder, English sole, and Dover sole allowed.

Provisions for halibut accounting and discard and use of an electronic logbook are also detailed in the allocation summary. All elements of the application seem to be adequately described and addressed.

The EC especially appreciates the accountability mechanism described under Item 10, the proposed data collection explanations under Item 11, and the vessel selection process described under Item 12. We believe any EM EFP application could benefit from inclusion of this level of detail and suggest the Council may want to provide direction regarding inclusion of detail before considering EFPs for final approval at this meeting.

Eder et al. Fixed Gear, Attachment 3:

This application is for four fixed gear vessels using an EM maximized retention strategy. The EFP application has no sponsor, but rather presents a description of the three vessel owners and their vessels.

Like the California Risk Pool application, this application discusses in detail a number of important design elements including:

- EM Planning
- Individual Vessel Monitoring Plans
- Agreement by Applicants inclusive of a Self-Governing Plan
- Second Year Eligibility
- Logbooks
- Total Catch, Retention Requirements and Discards
- Halibut Accounting
- Delivery and Offload of Catch
- Catch Accounting of Species
- Compliance Requirements
- Data Retrieval and Analysis
- Final Reporting

The applicant is open to using observers in conjunction with EM, not to exceed 30 percent of the trips fished under the EM EFP.

As we found with the California Risk Pool application, we believe any EM EFP application could benefit from inclusion of this level of detail in their application and suggest the Council may want to provide direction in this regard before considering EFPs for final approval.

Mann/Paine, At-sea and Shoreside West Coast Whiting Fishery, Attachment 4:

This EFP application is sponsored by the Midwater Trawlers Association and the United Catcher Boats, for the purpose of using EM under a maximum retention scenario. The applicant has

indicated that all vessels belonging to the Mid-water Trawlers Cooperative (18) and all eligible vessels represented by United Catcher Boast (16) would be eligible to participate under this EFP, for a total of 34 vessels. They further estimate that, of these 34 vessels, 26 to 30 may participate, making this application the largest participant pool by far.

Although yet to be determined, the applicant indicates that an umbrella organization will manage one EFP listing the participating vessels. The application contains an in-depth discussion regarding EFP compliance, required data collection, and vessel monitoring plans. Although some specific consequences for violations of the EFP provisions are discussed, the EC believes more detail of specific behavior expectations and consequences for failure to meet the expectations would be beneficial.

In describing the EM system, the applicant indicates up to four cameras will be included in the system. The EC notes that this may not be adequate for some vessels and that the number of cameras and their placement should be determined through development of the Individual Vessel Monitoring Plan (IVMP). Unlike the other applications before the Council, there is no discussion of using observers during EM deployment as a means of conducting a blind comparison.

Unique to this application is the proposal to test two types of video review, both 100 percent review of the video, and an audit approach where the logbook is the self-reported data, with video review of reported discard events and a 10 percent random review of the video.

All in all, the application appears to be adequate for analysis, and generally provides the Council with a good overview proposal for consideration.

Conclusion:

In summary, the EC believes it is in the applicants' best interest to provide as much detail as they can pertaining to their EM proposals. We recognize that following the Council's final EFP approval decision, NMFS will continue working with the applicants to further develop the details contained within their applications.

PFMC
06/22/14