



Ms. Dorothy Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Agenda Item J.3.c.

September 3, 2014

Dear Ms. Lowman & Council Members

Please accept these comments on behalf of the Midwater Trawlers Cooperative (MTC) and United Catcher Boats (UCB). MTC & UCB represent midwater trawl catcher vessels that participate in both the at-sea and shoreside whiting fisheries on the west coast and pollock, cod, and other groundfish fisheries in the Bering Sea and Gulf of Alaska. Both organizations have been very involved in the pursuit of electronic monitoring (EM) in lieu of human observers in the west coast trawl ITQ fishery and the executive directors of both organizations serve on the Council's Groundfish Electronic Monitoring Policy Advisory Committee and Groundfish Advisory Panel as representatives for the whiting trawl catcher vessel fleet.

We appreciate the work thus far that has gone into moving forward with electronic monitoring for the west coast whiting fleet. We believe that Council staff has done an excellent job putting together the draft regulatory analysis with the information that is currently available. Unfortunately, not all the information is available to make an informed final decision at this time. At the same time, we have significant concerns regarding the current Exempted Fishing Permit (EFP) process and the likelihood of having cameras on whiting boats for the 2015 season. While NMFS and the Council have tried to bifurcate these two processes, they are intrinsically related and separation is just not possible.

While the 2015 whiting season officially starts on May 15th, we will need to know well in advance of that time the parameters of the EFP EM program. The two possible EM providers have contacted us vying for our business. Unfortunately, without knowing the program specifications it is impossible to determine the next steps for us to work with the providers. Additionally, vessel owners/managers are contemplating their fishing plans and strategies for 2015 now but they cannot make

decisions about whether to use EM and be included in the Whiting EM EFP program if they do not know how much it will cost and what the requirements for participation will be. Lastly, we know that the observer providers themselves and the Observer Program at NMFS are anxious to know details on who is participating so that they can adjust their strategies accordingly to address the remaining needs of the trawl catcher vessel fleet. While we would ideally already have the details worked out now, we certainly need to know answers to key questions prior to the end of 2014 and certainly no later than January 1, 2015 to make the EM EFP a reality for the 2015 season.

As we consider these issues related to the EM EFP we are also faced with the Council making a final decision on a regulatory package for EM at your meeting in Spokane this week. With this in mind, some of our additional concerns and questions are as follows:

- How can the Council take final action on a package that is supposed to be informed by EFPs that have not yet been implemented?
- If final action is taken, where does the workload fall to complete the regulations? Is this with Council staff or NMFS staff or a combination of both? Are there dedicated staff resources for this activity?
- Will work on the regulatory EM package compete with the resources being used to implement the EFPs? Will work on a regulatory package displace resources working on trawl trailing amendments?
- If final action is taken on the regulatory package, does the regulatory track then supersede the EFP track? And if yes, can the regulations realistically be in place for the start of the 2015 whiting season?
- If the regulatory package does not supersede the EFP process will the September PFMC meeting final action need to be revisited again in two years after the EFPs have been in place when new operational information becomes available? Is making the effort now and the associated work load following the Council meeting on the regulatory side a waste of extremely limited time, money and resources that could be better used?
- Could these resources be better spent working on trawl trailing amendments that are desperately needed?
- Who is paying for all of this? And where is the money coming from- is this cost recovery dollars or new money or reprogrammed money? What is the industry's responsibility in terms of funding? What falls off the table so this effort can be funded?
- How does the effort in the Pacific Council fit into the national effort from NMFS – will we be in a holding pattern until a national policy is developed?

Our two groups had agreed to support the 2-pronged approach for EM: regulatory

and EFP with the assumption that it would become apparent which approach made the best sense for our fishery and which approach would have the most likely chance of making cameras an option for catcher vessels in 2015. At that point the appropriate approach would seem to be the EFPs, which will eventually inform the regulatory process. However, it appears that both approaches are moving forward and potentially competing with each other for resources.

At this point we face a lot of confusion and unanswered questions and are uncertain that an EM camera system will be available for our fleet in 2015 regardless of whether through an EFP or a regulation. We would like some assurances that the EFP process is on track as NMFS previously indicated it was. We continue to believe that opportunities for cameras in lieu of human observers are an important component to a successful trawl ITQ program.

At this point, MTC and UCB recommend delaying final action on the regulatory process for whiting until the EFPs have had an opportunity to actually inform that process. While it is true that the whiting fleet is certainly the closest in terms of information to inform a final regulatory decision, there are still some issues that we hope to learn through the EFP including:

1. Whether total review of the data is more efficient, meets the goals of Amendment 20 and is a least cost option relative to having a discard logbook and follow-up audit option.
2. We want to get a good understanding of the costs associated with using EM versus human observers. While we have good information from Archipelago on the costs of the original shoreside whiting EM program, technology has advanced and compliance requirements are greater which may lead to different cost scenarios now.
3. In June of 2014 during the regulatory discussion Council member Dale Myer introduced a new concept for the at-sea whiting fleet that includes taking incidental discard amounts of whiting off the top of a TAC and we would like to potentially explore that approach as well.

We are committed to a functional and cost-effective EM program that meets the goals and objectives of Amendment 20. We are not interested in duplicative and/or redundant efforts that tax limited resources and we believe that the EFP process has the most chance for success in the near term while it also will produce information that is essential for the longer-term regulatory process.

Thank you for your consideration.

Sincerely,

Heather Mann
Midwater Trawlers Cooperative

Brent Paine
United Catcher Boats