

REPORT OF THE SHORESIDE WHITING ALTERNATIVE AD HOC WORKGROUP (SWAG) TO THE PACIFIC FISHERY MANAGEMENT COUNCIL

At its November 2006 meeting, the Council authorized an ad hoc workgroup to develop an additional, “hybrid” alternative to be analyzed and considered under the Council’s action to move the shoreside whiting fishery from operation under yearly exempted fishing permits to one under federal regulations. The Council is scheduled to take final action in June 2007, to adopt its final recommendations for a maximized retention and monitoring program for the shoreside whiting fishery.

The workgroup finalized its hybrid alternative and forwarded it to NMFS on January 8, 2007. This alternative proposes a monitoring program: that uses federal observers (if needed) and an electronic monitoring system (EMS) to monitor maximized retention at sea; that uses plant monitors and data compliance monitors to monitor shoreside processing; and that requires industry funding of EMS procurement and plant/data quality monitors. Additionally, the alternative makes some changes to the administration of the monitoring program from that outlined under Alternatives 3 and 4.

The Workgroup’s Charge:

The Council directed the workgroup to develop the specifics of an alternative that blends parts of Alternative 3 (maximized retention with observers) and Alternative 4 (maximized retention with EMS and catch monitors). The group was directed to complete the alternative in time for it to be analyzed and presented in the March Council meeting briefing book. This timing suggested that the alternative should be completed and forwarded to NMFS for analysis by mid-January.

While the Council also directed this workgroup to help in the development of the 2007 shoreside whiting EFP as it relates to the development of fishery’s permanent monitoring program, the Council then clarified that the workgroup’s priority was to develop the hybrid alternative. Given that EFPs are NMFS documents, the Northwest Region staff has begun to make the adjustments to the 2007 EFP so that it better aligns with a permanent monitoring program. The workgroup has been assured by Northwest Region staff that such changes will be made in consultation and cooperation with state agency staff, so as to achieve the intended outcome of the Council’s direction to the workgroup.

The Workgroup’s Membership:

The following individuals were appointed to the workgroup by the Council chairman at the November 2006 meeting:

Council Member: Rod Moore, serving as Chair;

NMFS Northwest Region: Frank Lockhart, Yvonne de Reynier, and Becky Renko;

Washington Department of Fish and Wildlife: Brian Culver;

Oregon Department of Fish and Wildlife: Mark Saelens;

California Department of Fish and Game: Susan Ashcraft;

Industry: Heather Mann, David Jincks, and Rich Carroll;

Enforcement: Dayna Matthews and Mike Cenci.

Development of the Hybrid Alternative:

The workgroup's chair directed Oregon Department of Fish and Wildlife to consult with the public and develop a strawman alternative that would serve as a starting point for the workgroup's deliberations. On January 2, the workgroup met via conference call to revise and further develop this proposed alternative. The conference call was noticed and made open to the public, with listening stations in Seattle, Newport, and Portland. The proposed alternative was made available to the public from the PFMC website prior to the conference call. All workgroup members participated in the January 2 conference call. In addition, six other agency employees and three members of the public participated.

During the conference call, the workgroup discussed and came to consensus on the formation of the hybrid alternative. A summary of the workgroup's January 2 discussion, as well as the final language of the hybrid alternative, are presented in Appendix A. The outline of the hybrid alternative is also provided in attached Table 1.

Table 1. A comparison of different monitoring programs for the shore-based whiting fishery, including Alternative 5 - Hybrid Alternative. (Page 1 of 3).

Issues	Alternative 3 (Groundfish Observers) Maximized Retention with Observers	Alternative 4 (EMS and Catch monitors) Maximized Retention with EMS and Catch Monitors	Alternative 5 (Hybrid Alternative)
Management structure	<ul style="list-style-type: none"> • Implement Federal regulations • Maximized retention • Whiting Optimum Yield (OY) may be fully available with fleetwide bycatch limits for overfished species • With high coverage level, may be adequate to support sector bycatch limits. 	Same As Alternative 3	Same As Alternative 3, plus: <ul style="list-style-type: none"> • Coordination of the monitoring program will be accomplished under direction of NMFS
Federal permits and endorsements	<ul style="list-style-type: none"> • Vessels required to have limited entry permit with trawl endorsement • Annual whiting endorsement to identify intent to fish 	Same As Alternative 3	Same As Alternative 3 Plus whiting endorsement specifies vessel requirements (e.g. 100% EMS, carry at-sea observer as requested, report high bycatch areas),
Recordkeeping and reporting	<ul style="list-style-type: none"> • When fully developed, (as early as 2008) require electronic logbooks and fish tickets • <u>Daily fish ticket submission requirements</u> for bycatch limit monitoring 	Same As Alternative 3	<ul style="list-style-type: none"> • When fully developed, (as early as 2008) require electronic logbooks and fish tickets • Processors - Daily target species (whiting) and bycatch reporting requirements (to NMFS) for catch limit monitoring^{a/}

Table 2-1 continued (page 2 of 3).

Issues	Alternative 3 (Groundfish Observers) Maximized Retention with Observers		Alternative 4 (EMS and Catch monitors) Maximized Retention with EMS and Catch Monitors		Alternative 5 (Hybrid Alternative)
Monitoring shore-based catcher vessels at-sea	<ul style="list-style-type: none"> • Observers monitor maximized retention at sea and quantify discard 		<ul style="list-style-type: none"> • EMS used to monitor maximized retention at sea 		<ul style="list-style-type: none"> • 100% EMS used to monitor maximized retention at sea. At sea observers deployed to quantify discard events, if needed.
	3A Federally Funded	3B Industry Funded	4A Federally Funded	4B Industry Funded	5 Combined Funding
	<ul style="list-style-type: none"> • WCGOP selects vessels at random from pool of all trawl vessels • NMFS deploys observers 	<ul style="list-style-type: none"> • Direct pay by industry ^{a/} • NMFS funds infrastructure • Vessels procure observer from permitted provider 	<ul style="list-style-type: none"> • Alternative 3A plus • NMFS funds EMS analysis 	<ul style="list-style-type: none"> • Direct pay by industry b/ • Vessels procure EMS service (100% of trips) from permitted provider • NMFS funds EMS analysis 	<ul style="list-style-type: none"> • NMFS deploys WCGOP observers, if needed • Vessels procure EMS service (100% of trips) from permitted provider • NMFS funds EMS analysis
Monitoring shoreside processors	<ul style="list-style-type: none"> • <u>NMFS Observers</u> sample deliveries at processing facility to collect data for fish ticket verification; salmon counts; and biological data; • State port sampler effort may be used elsewhere 		<ul style="list-style-type: none"> • <u>Monitors</u> observe weighing and collect data for fish ticket verification; • <u>State port samplers</u> continue to collect biological data 		<ul style="list-style-type: none"> • Industry plant monitors ^{d/} observe weighing and collect data for fish ticket verification; collect biological data; and transport prohibited species. • Data compliance monitors ^{e/} verify fish ticket information.
	3A Federally Funded	3B Industry Funded	4A Federally Funded	4B Industry Funded	5 Industry Funded
	<ul style="list-style-type: none"> • WCGOP observers ^{c/} • NMFS deploys observers 	<ul style="list-style-type: none"> • Direct pay by industry ^{b/} 	Same As Alternative 3A	Same As Alternative 3B	<ul style="list-style-type: none"> • Industry plant monitors are industry-funded and trained to NMFS specifications. • Data compliance monitors are industry funded and third party. • A proportion of the offloads are monitored at the level that assures accurate accounting of Chinook salmon and overfished species incidental catch levels. • Using current industry funding levels as a base, determine number of data compliance monitors that could be hired.

Table 2-1 continued (page 3 of 3).

	3A State system (Status Quo)	3B Federal system	4A State system (Status Quo)	4B Federal system	5A State system (Status Quo)	5B Federal system
Disposition of Overage fish	<ul style="list-style-type: none"> • Overages reported on fish tickets and sales abandoned or donated to charity 		Same As Alternative 3		Same As Alternative 3	
	<ul style="list-style-type: none"> • Overage fish abandoned to state • Prohibited species donated • State enforcement tracks compliance 	<ul style="list-style-type: none"> • Profit from sale of overage fish illegal • Donation program 	Same As Alternative 3A	Same As Alternative 3B	Same As Alternative 3A	Same As Alternative 3B

a/ Processors allowed to correct daily reports (QA/QC); however, a penalty will be developed for non-compliance.

b/ The legal and policy issues for new direct pay observer programs, where industry members pay directly for observer services, have not yet been fully explored.

c/ Vessel and processor observers may or may not be the same individual and would depend on the chosen sample design.

d/ Industry Plant Monitor - industry funded (trained to NMFS specifications) personnel that observes vessel offload, conducts bycatch species composition, enumerates and stores prohibited species, retrieves salmon snouts and other coded-wire-tag (CWT) information, transports prohibited species to food share, and collects biological information for whiting and for predominate bycatch species

e/ Data Compliance Monitor – industry funded, independent third party personnel that verifies information collected by industry plant monitors and provides that information to NMFS.

Appendix 1: Summary of January 2, 2007 SWAG Meeting Discussion and Decisions

Issue: Management Structure

Final language: *Same as Alternative 3, plus coordination of the monitoring program will be accomplished under direction of NMFS.*

Discussion: ODFW representatives highlighted the work intensive role that they have played in the management and coordination of the shoreside whiting fishery operating in all three states. They encouraged adding language to the hybrid alternative demonstrating that such a coordination role would be taken over by NMFS.

Issue: Federal Permits and Endorsements

Final language: *Same as Alternative 3*

Discussion: Inclusion of an annual whiting processor permit was proposed. NMFS staff responded that this permit would not be necessary in order to land unsorted whiting catch. The workgroup agreed that adding this permit was not necessary, and all were in consensus that the hybrid alternative language would not differ from that in Alternative 3 and 4.

Issue: Recordkeeping and Reporting

Final language:

- *When fully developed, (as early as 2008) require electronic logbooks and fish tickets.*
- *Processors - Daily target species (whiting) and bycatch reporting requirements (to NMFS) for catch limit monitoring.^{a/}*

a/ Processors allowed to correct daily reports (QA/QC); however, a penalty will be developed for non-compliance.

Discussion: Some workgroup members voiced a discomfort with requiring submission of actual fish tickets, and NMFS agreed that requiring daily reporting without specifically stating fishtickets was acceptable. Therefore, the hybrid alternative does not require processors to submit fish tickets to NMFS, as Alternatives 3 and 4 require. Rather, the hybrid alternative requires that the processor submit a summarized version. Under this alternative, regulations could state that the information to be submitted is the same as that on the fish ticket.

State representatives also highlighted that the states need to still have a mechanism to submit field-corrected data to NMFS after the information has been submitted by the processor. Though the workgroup agreed to the importance of the quality control checking, no specific language was added to the alternative.

Issue: Monitoring Shore-based Catch Vessels At-sea

Final language:

- *100% EMS used to monitor maximized retention at sea. At sea observers deployed to quantify discard events, if needed.*
- *NMFS deploys West Coast Groundfish Observer Program (WCGOP) observers, if needed.*
- *Vessels procure EMS service (100% of trips) from permitted provider.*
- *NMFS funds EMS analysis.*

Discussion: The workgroup agreed that EMS would be required on all vessels and would be procured by industry, but if needed this could be augmented by WCGOP at-sea observers. Members noted that such overlay is important because observers would provide a more accurate estimate of a discard event's magnitude than EMS could provide. A concern was raised that the WCGOP observers should work only as monitors and should not take samples of catch. These observers would be part of the regular WCGOP rotation pool.

With respect to funding, NMFS representatives explained the legal problem associated with introducing a split industry/federal funding in the hybrid alternative: the federal government cannot enter into a funding-sharing situation with a group of private entities. By requiring vessels to procure EMS, to be supplemented by federal observers if needed, the hybrid alternative achieves a sharing of costs without creating a funding-sharing situation.

Issue: Monitoring Shoreside Processors

Final language:

- *Industry plant monitors* [see Table 1 for full definition] *observe weighing and collect data for fish ticket verification; collect biological data; and transport prohibited species.*
- *Data compliance monitors* [see Table 1 for full definition] *verify fish ticket information.*
- *Industry plant monitors are industry-funded and trained to NMFS specifications.*
- *Data compliance monitors are industry funded and third party.*
- *A proportion of the offloads are monitored at the level that assures accurate accounting of Chinook salmon and overfished species incidental catch levels.*
- *Using current industry funding levels as a base, determine number of data compliance monitors that could be hired.*

Discussion: The workgroup discussed how to narrow the definition of a shoreside monitor. Two distinctly separate roles were identified for the hybrid alternative: (1) industry plant monitor and (2) data compliance monitor. With duties including observing of offloads and collecting biological data, all members felt comfortable that the industry plant monitor could be a plant employee that has been trained by NMFS or Pacific States Marine Fisheries Commission (PSMFC). NMFS representatives stated that fish tickets verification could not be performed by a plant employee, and therefore the data compliance monitor is to be industry funded and third party (such as employed by PSMFC). The workgroup called for analysis of current industry funding of plant monitoring to determine the possible number of monitors.

Issue: Disposition of Overage Fish

Final language: *Same as Alternative 3*

Discussion: The workgroup proposed no changes to the language in Alternatives 3 or 4.

PFMC
05/25/07