Creating an Incentive Based Environment for Good Behavior
Consideration of a Cooperative Agreement Program for Furthering Electronic Monitoring Compliance

Premise:
Programs which depend upon compliance to achieve program goals and objectives, whether implemented by regulation or as a demonstration pilot are influenced by participant behavior. For example: pilot programs behavior is influenced by whether the participant wants the program to succeed or fail.

Traditionally, compliance has been pursued through either voluntary or regulated behavior. The regulatory approach which includes regulation development, enforcement, and due process can be arduous, time consuming, and expensive for all parties involved. Is there an alternative?

Cooperatives / Agreements / Contracts:
The success of directing / controlling behavior derived through participants receiving perceived benefits, as seen in the At-Sea Pacific Whiting Fishery Cooperatives and IFQ Shoreside Risk Pools are achieved through the underlying agreements/contracts binding the participants.

Proposal: (*This proposal has not been vetted by General Counsel and* will *require significant legal analysis.)*

1. A regulation which says Compliance Monitoring (100% human coverage) is required to fish in the Limited Entry Trawl fishery to include: MSCV endorsed vessels, Shoreside IFQ Pacific whiting vessels, IFQ bottom trawl vessels, and IFQ fixed gear vessels.

2. In lieu of a Compliance Monitor, participants may join the Pacific States Marine Fisheries Commission (PSMFC) Electronic Monitoring Cooperative (EMC).

3. And as such, are authorized to use in lieu of a Compliance Monitor, an approved Electronic Monitoring System (EMS) as describes in an Electronic Monitoring Plan (EMP), provided by a certified EMS provider. Provisions for becoming an EMS provider to be developed. Options: emulate certified observer provider program (Amendment 10), PSMFC as sole provider, others.

4. PSFMC EMC Regulations Requirements *(list is not exhaustive, will need further development and vetting)*
    - Comply with all Federal and State Regulations
    - Maximized Retention (non selective discards only)
    - Full Accountability
    - Time and Area Restrictions
    - Data Collection Equipment Criteria
    - Data Collection Requirements
    - Vessel Responsibilities
    - System Audits, Pass /Fail Criteria
    - Loss of Camera use Privilege Criteria
    - Vessel Operator Performance Standards and Responsibilities
    - Administrative Accountabilities (i.e. conditions for permit renewal)

5. EMC Agreement Contract Components *(again, list is not exhaustive, will need further development and vetting)*
    - Comply with all Federal and State Regulations
    - Maximized Retention
    - Full Accountability
    - Time and Area Restrictions
    - Data Collection Equipment Criteria
    - Data Collection Requirements / Vessel Responsibilities
    - Vessel Operator Performance Standards and Responsibilities
    - Discard Assessment Protocols and Procedures,
        - based on management and accounting goals and objectives
    - Scale for Assessing Deductions
    - Vessel Account Deduction made on "Best Information Available"
        - used as a proxy for exact poundage
    - Systems Audits, Pass/Fail Criteria
    - Revocation of Cooperative Membership
    - Administrative Accountability
    - Escape Clause

Industry Cooperative Development Committee:
As addressed above, the list(s) are not exhaustive, especially regarding behavior that the cooperative would like to see emulated by the participants. In that regard, a committee of industry participants should be convened to:

(1) Do further provision scoping for consideration/inclusion in the EMC industry agreement contract, and
(2) Develop a list of vessel operator performance standards and responsibilities, along with
(3) Proposed accountability measures for those who ignore or underperform said performance standards and responsibilities.