TERMS OF REFERENCE
for the PACIFIC COUNCIL WORKSHOP on
ELECTRONIC MONITORING FOR VESSELS PARTICIPATING IN THE GROUNDFISH TRAWL CATCH SHARE PROGRAM

I. Purpose

The purpose of the workshop is to develop the policy context and identify necessary elements for a thorough Magnuson-Stevens Act (MSA) process to consider possible regulatory changes providing for the use of electronic monitoring to adjust the current 100 percent catch observer coverage requirement in the West Coast groundfish trawl catch share program, with the intent of providing recommendations for consideration at the Pacific Council April, 2013 meeting.

II. Workshop Objectives[1]

1. Identify draft objectives related to the possible use of electronic monitoring.
2. Identify key questions about and requirements for an electronic monitoring program, and recommend approaches to more thoroughly investigate concerns and requirements as workshop follow-ups. The following categories apply to this workshop objective.
    a. Enforcement.
    b. Observer program products[2].
    c. Repercussions to current management systems, including total cost.
    d. Legal issues.
    e. Constituent issues.
3. Identify elements that should be included in the at-sea and on shore components of the study design for the 2013 Pacific States Marine Fisheries Commission (PSMFC) field project.
4. Develop a draft process and schedule for a consideration of regulatory changes, including a Council decision-making process and the National Marine Fisheries Service (NMFS) approval and implementation process.

III. Workshop Objectives Detail, Responsible Presenters, and Rapporteurs

1. Workshop Objective 1. This workshop objective deals with discussion of the "why" reasons for considering a change in the current program to allow for electronic

[1]For the purpose of this Terms of Reference document, it is useful to distinguish the different uses of the word objective. There are four objectives of this workshop as described in section II.; it is the intent to refer to these consistently as workshop objectives. There are policy goals and objectives currently established for the groundfish trawl catch share program that are at a higher level of policy generality, do not typically get into specific detail, and currently do not mention electronic monitoring; this document will consistently refer to these as existing policy objectives. One intent of this workshop is to identify draft "new" objective statements or recommended regulatory objectives to be achieved by an electronic monitoring program; these objectives will be referred to simply as objectives or regulatory objectives for an electronic monitoring program, to be viewed as a product of this workshop for consideration by the Council at the April, 2013 Council meeting.

[2] It may be useful to separate the discussion of the current observer program products into two categories: one relating to pure catch compliance purposes (counting the number of fish caught), and another relating to what has been termed scientific or ancillary purposes (at-sea biological data on discarded fish, such as halibut liveliness at time of release, observations of sea bird interactions, etc.). This is an important distinction in that it is commonly felt that electronic monitoring, as currently being considered, cannot provide information that falls into the category of scientific or ancillary purposes (such as sea bird interactions).

monitoring, and developing draft objective statements can be achieved through the use of electronic monitoring. As examples, a presumed cost savings to individual fishing businesses has frequently been spoken to at Council meetings as a reason to move to electronic monitoring, particularly in the context of this being done when Federal subsidies of catch observer costs phase out; there has also been mention of electronic monitoring enhancing the scientific information beyond what is currently collected; it has also been suggested a shift to electronic monitoring would help maintain the economic competitiveness and participation by small vessels as Federal subsidies for catch observers phase out. Workshop participants then need to identify specific objectives, or modifications of existing policy objectives, expressing what is expected to be achieved by a shift to an electronic monitoring program.

To accomplish this workshop objective, it is appropriate to first review the relevant existing policy objectives regarding fishery monitoring and data collection that imply the necessity of 100 percent observer presence (from MSA, Fishery Management Plan (FMP), and Amendment 20). MSA and FMP goals and objectives will be distributed prior to the workshop. It may be useful to separate the discussion of electronic monitoring objectives into two categories: one relating to pure catch compliance purposes (counting the number of fish caught), and another relating to what has been termed scientific or ancillary purposes (at-sea biological data on discarded fish; observations of sea bird interactions, etc.). While the primary purpose of this workshop objective is to develop draft objective statements, it would be useful for participants to consider recommending elements of a draft purpose and need statement that can also be considered at the April Council meeting.

a. Responsible presenter: Jim Seger
b. Rapporteur: Shems Judd

<u>2. Workshop Objective 2.</u> This workshop objective is to identify the key questions and potential problems associated with a possible shift to, or supplemental use of, electronic monitoring and to recommend program design elements to be considered for possible inclusion as part of the program and those design elements that need to be more thoroughly investigated after the workshop. Discussion of this workshop objective would come after reviewing the functions and purposes of the current 100 percent observer program and other electronic monitoring studies and results. Follow-up investigations after the workshop could be in the form of a White Paper or Data Report, for example. This workshop objective can be separated into several separate components, as described below. As a foundation of considerations under this objective, it will be useful to look at a preliminary feasibility evaluation of potential for use of electronic monitoring for monitoring compliance; this will be provided in advance of the workshop (see matrix attached). The preliminary scoping which occurs under this agenda item will be used to generate a report to the Council which includes: identification of key concerns, important elements of the a program design, and areas needing further investigation (e.g. whitepaper topics).

a. Key Considerations to be Addressed:
    i. Enforcement needs met by observer coverage.
        1. Responsible presenter: Dayna Mathews
        2. Rapporteur: Brian Corrigan
    ii. Current observer program data products.
        1. Responsible presenter: Michelle McClure
        2. Rapporteur: Dan Erickson

iii. Repercussions to current management systems, including total cost.
    1. Responsible presenter: Frank Lockhart
    2. Rapporteur: Colby Brady
iv. Legal considerations.
    1. Responsible presenter: Niel Moeller
    2. Rapporteur: TBD
v. Constituent perspectives.
    1. Responsible presenter: Invited Constituents
    2. Rapporteur: Jim Seger

b. Design elements for an electronic monitoring program to be implemented through regulatory changes and identify elements that need further investigation. To help the workshop discussion get specific, some ideas about gear-specific strawman regulations for trawl quota share program electronic monitoring will be presented. Gear-specific strawman would include the multi-species trawl fishery, the mid-water trawl fishery, and the gear-switched fixed gear fishery.
    1. Responsible presenter: Dayna Matthews, and Dave Colpo
    2. Rapporteur: Jim Seger

2. Workshop Objective 3. A presentation of the 2012 field season will be made, as well as a presentation on 2013 field season possibilities. This workshop objective deals with the Council process of the MSA requirement for an Scientific and Statistical Committee (SSC) review of the best available science for use in any regulatory changes, in the context of advance advice on a study design to explore electronic monitoring capabilities to accomplish expected results. The term study design and field season refers to both the at-sea design for camera placement on boats and the sector/geographic/temporal/logistic array of boats collecting data, and the on-shore review of camera recordings. This workshop objective is not to produce a detailed study design recommendation, but rather to identify the elements of a study design that can be refined to a recommendation during the Council process at the April, 2013 Council meeting.
    a. Responsible presenter: Dave Colpo
    b. Rapporteur: John DeVore

3. Workshop Objective 4. This workshop objective is to provide a draft process and schedule for a full Magnuson regulatory process, including the information development and Council decision-making components and the NMFS approval and implementation component. While it should not be presumed that the Council process will result in a regulatory change decision, nor that NFMS will approve any Council recommendation, it is useful to outline a reasonable process so as to achieve a realistic idea of an accomplishable timeframe and the necessary steps involved. The Council would consider what is produced at this workshop at the April, 2013 Council meeting.
    a. Responsible presenter: Jim Seger
    b. Rapporteur: Kelly Ames

IV. Outcomes

1. Workshop Report document, to be completed by the advance Briefing Book deadline for the April, 2013 Council meeting (March 13, 2013). This would include a summary of key workshop discussion points, reference materials, and the following targets:
    a. Workshop Objective 1.
        i. A list of draft objectives that might be achieved through the use of an electronic monitoring program.
        ii. A draft purpose and need statement for a Council regulatory process.
    b. Workshop Objective 2.
        i. A listing of questions about EM and implementing an electronic monitoring program.
        ii. A listing of potential design elements and requirements of an electronic monitoring program.
        iii. A listing of follow-up white papers or data reports needed for Council consideration on how to proceed.
    c. Workshop Objective 3.
        i. Recommendations on summer 2013 at-sea fieldwork study design elements or issues for particular attention by the SSC.
        ii. Recommendations for on-shore camera recording study design elements (such as video review).
    d. Workshop Objective 4.
        i. A draft process and schedule for Council deliberations.

V. Logistical Matters

1. Dates and location: February 25-27, 2013
2. Workshop Terms of Reference distribution: February 1, 2013
3. Workshop Chair and responsible Council Staff Officer:
    a. Dan Wolford
    b. Jim Seger
4. Potential attendees/participants formally invited –40 (expected: 38)
    a. SSC representatives: 2
    b. Groundfish Advisory Subpanel reps (Trawl, Nontrawl, and Environmental): 9
    c. Groundfish Management Team reps (state commercial, NMFS): 4
    d. Enforcement Consultant reps – (state , NMFS Office of Law Enforcement, U.S. Coast Guard): 4
    e. NMFS specialists –
        i. Northwest Region: 1
        ii. Northwest Fisheries Science Center: 1
        iii. NOAA General Counsel – policy and litigation: 3
        iv. NMFS – Headquarters: 1
    f. "Outsider" special invitees
        i. Observer Company : Lake
        ii. Archipelago: McElderry
        iii. PSMFC: Colpo
        iv. National Fish and Wildlife Foundation Projects –Leipzig and Haflinger
        v. Morro Bay Project –Bell
        vi. Fixed Gear Participant –Bettencourt
        vii. Alaska Fishery Science Center- Wallace

g. Council Member(s): Dan Wolford, Dorothy Lowman, Michele Culver, Gway Kirchner, Frank Lockhart (5)
h. Other Council Staff
    i. Don McIsaac
    ii. Kelly Ames
    iii. John DeVore

5. Documents due in the Council office on February 14.
    a. A 1-2 page synopsis for each West Coast or Alaska electronic monitoring study to be presented at the workshop.
    b. For Workshop Objective 1
        i. A compilation of existing policy objectives.
        ii. A draft purpose and need statement.
        iii. Listing of draft objectives describing what providing for electronic monitoring would accomplish.
    c. For Workshop Objective 2
        i. Matrices listing functions carried out by existing observers, and identifying those functions that might be carried out by electronic monitoring, the characteristics of the electronic monitoring required to fulfil the function, complementary regulatory changes, and, as appropriate, alternative (non-electronic monitoring) means for fulfilling the function.
        ii. Hypothetical strawman ideas about regulatory design features of an electronic monitoring program.
    d. For Workshop Objective 3
        An initial list of elements for a 2013 field season study design.
    e. For Workshop Objective 4
        i. Possible process as shown at the June and November, 2012 Council meetings.
6. Potential Agenda/Format
    a. (See attached preliminary detailed draft agenda)