

ENFORCEMENT CONSULTANT REPORT ON FINAL APPROVAL OF RESUBMITTED
EFP APPLICATION

The Enforcement Consultants (EC) have reviewed Agenda Item E.2 Attachment 1, Preliminary Exempted Fishing Permit Application: Alternative Swordfish Target Fishing Methods and Gears, and have the following comments.

On Page 8 under subsection 9 “Statement on observer payment and electronic monitoring (EM) willingness” Per the application, “SLL vessel owners are not willing to take cameras if observers are used. Owners/operators who are willing to place cameras or other electronic monitoring devices on their vessels in addition to 100 percent human observers will only do so under the provisions that participants are provided clear written, legally enforceable assurance that only the data will be made public, and the actual video images will not. As a condition of this EFP [exempted fishing permit], the video images will need to be made the property of the vessel owner where any video images were recorded with no copying allowed without owner consent.”

The EC has concerns about the potential treatment of video data, as summarized above. Video data would be the property of the fishery management entity, similar to other data collected for management purposes, and is therefore required to be managed under applicable laws, such as the exemption provisions of the Freedom of Information Act, and confidentiality provisions in Magnuson-Stevens Act.

PFMC
06/13/15