

## GROUND FISH ADVISORY SUBPANEL REPORT ON WHITING ELECTRONIC MONITORING FINAL ALTERNATIVE AND REGULATIONS

The Groundfish Advisory Subpanel (GAP) heard a report from Mr. Brett Wiedoff on the Groundfish Electronic Monitoring Policy Advisory Committee (GEMPAC) meeting and their recommendations on this topic. Mr. Wiedoff also reviewed the Council's Final Preferred Alternative (FPA) components and reviewed the staff analysis on the Enforcement Consultants (EC) recommendations (Agenda Item I.5, Attachment 3). The GAP also heard from Dr. Steve Freese and Ms. Melissa Hooper regarding the Pacific States Marine Fisheries Commission analysis of video and logbook comparison for the whiting exempted fishing permit (EFP) to-date, the draft regulations and the latest NMFS information on projected cost comparisons between human observation services and the electronic monitoring program. After a thorough discussion the GAP has comments on four areas: Final Preferred Alternative for the Whiting EM program; EC recommendations, regulation deeming and cost estimates.

### **Final Preferred Alternative**

The GAP supports the GEMPAC recommendations to alter the FPA and has the following additional comments and a suggested clarification.

In terms of the overall FPA, the GAP supports the GEMPAC recommendation to move from Alternative 2 to Alternative 3 because Alternative 3 more closely reflects what is currently occurring in the whiting exempted fishing permit (EFP) program where logbooks are the primary source of discard information and the video is used to verify the logbook. Additionally, Alternative 3 allows for the discard data to enter the system much more quickly than using the video as the primary source reflecting a more near real-time management system, which the trawl ITQ system requires to run efficiently.

Regarding the data transfer issue, the GAP recommends streamlining the GEMPAC recommendation to reflect that the vessel owner is responsible for ensuring that the video hard drive is transferred to the review entity within the time specified and how they choose to do that is up to them. In the current EFP a variety of means are utilized – some captains mail the hard drive themselves, some ask the EM provider to pull the drives, others may use processing plant employees. The bottom line is that the vessel owner is responsible for this task as they are the ones held responsible for any non-compliance. Any further micro managing is unnecessary.

### **Enforcement Consultants Recommendations**

The GAP discussed the EC recommendations and has the following comments. We do not support incorporating any of them into the FPA and/or the implementing regulations.

#### *EM EFP Management and Enforcement Agreement*

While GAP members believe that the idea of a Management and Enforcement Agreement is an intriguing one, the amount of time and analysis needed to develop and incorporate this concept at this time makes it unfeasible. Further, nothing prevents EM participants within the whiting fishery from doing something similar to this now. The GAP does not support making this type of Management and Enforcement Agreement envisioned by the EC a mandatory component of the program.

*Require vessel owners or representatives, vessel operators and their alternates, to attend mandatory pre-season meetings.*

While the GAP supports the concept of a pre-season meeting, we do not support making this a mandatory requirement within the regulations. Coordinating a meeting at a time that everyone would be able to attend would be difficult and thus raises the question of what the repercussions would be for missing the meeting? It makes more sense to coordinate a pre-season meeting via webinar (to allow for more vessel operators and boat owners to attend) and to encourage harvesters utilizing EM to participate.

*Require individual tow information to be recorded in the logbook within a certain time period.*

The GAP finds this recommendation unusual in that the logbook has to be completed by the time the harvester reaches the dock and turns it in. Requiring a harvester to record information in the logbook within a certain time period of the haul completion is unnecessary and we do not support incorporating this requirement into the regulations. It also would be difficult to enforce.

*Require individual vessels to carry a back-up camera.*

The GAP does not support requiring vessels to purchase and carry back-up camera systems. It is an unnecessary expense and the vessels are already generally carrying four cameras. During the first year of the program when there were issues with a “critical” camera during a whiting trip, participants were able to switch out non-critical cameras with the critical camera. Some fishermen pooled resources to ensure that a back-up camera system was available on some of the mothership platforms so that it could be utilized if necessary. These back-up systems were not utilized in the 2015 season. Nothing prevents an individual vessel from purchasing a back-up camera if they believe they need that additional insurance. Requiring individuals to incur this additional expense is not cost-effective or necessary.

*Require an observer-present shakedown cruise after the initial installation of the EM system, when changes to the vessel system or operators are made, or on an annual basis.*

The GAP does not support this requirement for the whiting EM program regulations. This was not a requirement for the whiting EFP and it is unnecessary in the regulatory program. The costs associated with this negate the primary purpose of carrying EM in the first place.

### **Regulation Deeming**

The GAP supports the GEMPAC recommendation to delay the official deeming of the whiting EM regulations until the March or April 2016 meeting. The regulations were recently drafted and contain processes that have not been previously vetted with the industry or other stakeholders. For example two logbooks were suggested, one a federal discard logbook and the other a state-required logbook. This seems redundant and inefficient. The GAP further supports the GEMPAC recommendation to have additional communications between the industry and NMFS staff via a webinar to further refine and develop the regulations.

While the GAP appreciates NMFS and the Council’s attempts to fast track the regulations in order to have them in place for the 2016 whiting season, the reality is that most whiting fishermen will likely stay within the whiting EM EFP through 2016 rather than go through the hassle of switching mid-year. This additional time will ensure that the regulations most closely reflect the Council’s intent and that they reflect operational realities that can be achieved in a cost-effective and efficient way.

### **Cost Estimates**

Dr. Freese explained the cost estimates he prepared and presented in Supplemental NMFS Report 2. The GAP is stunned that data storage costs appear to be between 30% (shoreside) and over 50% (at-sea) of the total cost per trips utilizing EM. There is also concern that the long-term storage requirements that are necessitated by the Federal Records Act are not incremental costs related to the Individual Trawl Quota program and thus should not be transferred onto the participants.

PFMC  
11/16/15