

Supplemental NMFS Report 2: Third Party Video Review
Prepared by NMFS West Coast Regional Office
PFMC Meeting, September 11-18, 2017

At the April 2017 Council meeting, the Council made modifications to its preferred alternatives for an EM program for groundfish bottom trawl and non-whiting midwater trawl vessels. Based on the Council's motion and discussion at the time, NMFS has been examining the feasibility of using a sole provider model indefinitely to review video from the groundfish EM program. We have determined that NMFS cannot designate PSMFC, or any other service provider, as the sole provider for video review, because NMFS cannot favor one company over another, including PSMFC. Rather, NMFS may create a certification process to which vendors may apply and require industry to procure services from a certified video reviewer that can perform the work to the satisfaction of the Agency (a.k.a., an industry-funded, third party review model). Therefore, the only option for continued funding of the EM program after 2019 is the industry-funded, third party review model, as we stated in our [September 2015 NMFS Report](#) and was proposed in the proposed rule for the whiting and fixed gear EM regulations.

PSMFC would be eligible to become one of the industry-funded, third party review providers. PSMFC could apply to NMFS to become a certified EM provider and be selected by industry, the same as any other service provider, and may charge industry for the service it provides. However, in this case, PSMFC could not also administer the EM program for NMFS (e.g., auditing video review, tracking compliance), and NMFS would need to make other arrangements for those activities.

Based on NMFS's position, there are two options post-2019:

- Option 1 – PSMFC manages the EM program for NMFS (e.g., auditing video review, etc.), but does not do the video review; NMFS certifies third party reviewers that the industry pays to perform the review function.
- Option 2 – PSMFC is among the providers that reviews video on behalf of industry.

Neither of these options would require changes to the proposed EM regulations. We also do not expect either option to change NMFS's costs to administer the program. Whether or not PSMFC chooses to be a third party video review provider in 2020 is an administrative decision that needs to be considered by PSMFC and NMFS. As this decision has no effect on the proposed EM regulations for the whiting and fixed gear fleets, NMFS intends to issue a final rule this fall for those parts of the EM program.