

GROUND FISH ELECTRONIC MONITORING POLICY ADVISORY AND TECHNICAL  
ADVISORY COMMITTEES REPORT ON ELECTRONIC MONITORING - FINAL PACIFIC  
HALIBUT DISCARD MORTALITY RATES, DISCARD SPECIES LISTS, AND THIRD-  
PARTY REVIEW

The Groundfish Electronic Monitoring Policy Advisory and Technical Advisory Committees met during the 2017 Council meeting and provide the following recommendations regarding three items listed for Council Action: 1) Discard Species list Adjustments; 2) Halibut Discard Mortality Rates; 3) Third-Party Review. The Committees also provides a list of future meeting topics, including scoping of percent video review reduction.

### **1. Discard Species List Adjustment**

The Committees discussed the two options presented in [Agenda Item F.11.a NMFS Report 1](#). The **Groundfish Electronic Monitoring Policy and Advisory Committee (GEMPAC) recommends Option 2** as its final preferred alternative. This would be the most expedient option to change the discard species lists for a fishery and provide a transparent process for the Council and its Advisory Bodies to provide input regarding any proposed changes developed by the National Marine Fisheries Service (NMFS). The Committees agree that the “Inseason” agenda item for each meeting would be the best place for NMFS to present proposed changes and for the Council to take action to modify the discard lists.

### **2. Halibut Discard Mortality Rates (DMR) – Bottom and midwater trawl**

The Committees discussed the fishery specific options presented in [F.11 situation summary](#), the Groundfish Management Team (GMT) DMR model ([Agenda Item F.11.a, GMT Report 1](#)), and the International Pacific Halibut Commission (IPHC) Letter ([Agenda Item F.11.a, Supplemental IPHC Report 1](#)). The Committees would like to thank the Pacific States Marine Fisheries Commission (PSMFC) staff and GMT members for developing a halibut DMR model.

#### Bottom Trawl DMR Recommendation

The GEMPAC sees great merit in using the model in the bottom trawl fishery. Therefore, the **GEMPAC recommends Option 2 for the bottomtrawl fishery** as noted in the situation summary. The GEMPAC recommends using actual time on deck for each halibut noting that a DMR rate can be applied down to the second when the halibut is released. The Committee also notes that proper fish handling must be used in order to apply the DMR rate model appropriately.

#### Midwater Trawl DMR Recommendation

The GEMPAC discussed the two DMR options for the midwater trawl fishery and how the options could be implemented under optimized and maximized retention fishing activity. The GEMPAC recommends that the options be applied based on the declared fishing activity. Therefore, the GEMPAC recommends the following:

**If a vessel declares optimized retention, then apply Option 1 - Default rate of 90 percent DMR for all discarded halibut under EM.**

**If a vessel declares maximized retention, then apply Option 2 -The halibut must be landed and a DMR of 100 percent is applied.**

Although the Council's final preferred alternative for the midwater trawl fishery is optimized retention (i.e., a vessel can discard EM-identifiable-fish, and requires marine mammals and protected species to be discarded, including halibut and salmon), the GEMPAC thinks that allowing vessels the option to choose maximized retention can create efficiencies for some vessels. Under maximized retention, all halibut would need to be landed and an exemption from IPHC to land trawl caught halibut would be necessary. It's expected that NMFS would apply the same protocols for handling prohibited species on shore as is done in the whiting midwater trawl fishery. The GEMPAC thinks that allowing vessels to choose either optimized or maximized retention would not require the Council to revise the Council's preferred alternative since maximized retention would still provide full catch accounting and is more restrictive than optimized retention. During the meeting NMFS and IPHC staff noted that both agencies discussed the exemption and are ready to allow an exemption to retain and land halibut in the non-whiting midwater trawl fishery.

Finally, since the amount of halibut bycatch in this fishery is historically low and is anticipated to remain low in the future, industry representatives on the GEMPAC think that a 90 and/or 100 percent DMR will not hinder participation in the EM program.

### **3. Third-Party Review**

At the September 2017 meeting, NMFS determined that it cannot designate PSMFC, or any other service provider, as the sole provider for video review (Agenda Item E.6.a, Supplemental NMFS Report 2, September 2017). NMFS also determined that PSMFC would be eligible to compete for contracts as a third-party video provider for the industry or act on behalf of NMFS to audit or track compliance of third-party video review providers, but the agency could not do both at the same time. There was significant discussion and concern raised in the GEMPAC about the likely increase in review costs that will be borne by industry under a Third-Party model, compared to current costs with PSMFC serving as the video reviewer provider. Members of the GEMPAC are concerned about the future roles that PSMFC will be able to fulfil under a Third-Party model. The GEMPAC understands that PSMFC could act as one of the third-party providers for video review services past the year 2020, if they choose to do so, but the GEMPAC was informed that their participation was unlikely as a reviewer or as an auditor for NMFS beyond 2020.

Although there is still concern about the Third-Party option, the Committees recognize that the Third-Party model is the only feasible choice at this time based on guidance from NMFS, and wants to ensure that EM implementation continues on a reasonable timeline to provide cost effective options for monitoring before current exempted fishing permits expire. **Therefore the Committee recommends the Third-Party model as a final preferred alternative.**

The Committees noted that under the Third-Party review model, EM program costs to industry will increase for three reasons. Firstly, video review costs will transfer from NMFS to industry and the review and video storage costs are a significant component of the overall costs of an EM program. Secondly, private company service fees are likely be higher than PSMFC because of higher overheads. Third, the Third-Party video review model allows multiple service providers to participate, which not only diminishes economies of scale in this already small market but also necessitates the need for independent audit of service providers. Therefore, the Committees discussed alternative opportunities that may allow PSMFC to serve as a video reviewer when the industry becomes responsible for the cost of video review. The GEMPAC discussed the North Pacific model that is authorized under Magnuson- Stevens Act that allows the Council to establish a system of fees to pay for the costs of implementing monitoring plan, and which could be

applicable for the West Coast to allow PSMFC to conduct video review. **The GEMPAC recommends that if the Council is asked to comment on a draft Magnuson-Stevens Act reauthorization bill, that the Council consider recommending language similar to that in Section 313 to create options for the EM program on the West Coast.**

## **Topics for Future Meetings**

The following topics are added so the Council understands potential future actions and topics the Committees will continue to work on in the future.

### Percent Review Reduction

The Committees discussed the Council's desire to reduce the level of video review in the future to help reduced the costs of the program. In April 2017, the Council tasked NMFS, Council staff, and advisory bodies to "develop a process for reducing the level of video review to the minimum level necessary...to assure compliance and accurate data...and provide criteria for adjustments up or down relative to performance."

The Committees reviewed a strawman paper developed by Mr. Dayna Mathews (Office of Law Enforcement) and Ms. Melissa Mahoney of the Environmental Defense Fund. The paper provides a starting point for discussions and contains draft performance-based mechanisms designed to assist the Committees, NMFS, and the Council in developing business rules and practices that would trigger a reduction or an increase of video review for individual vessels. **The Committees appreciated the information and would like to continue to explore these ideas at future meetings.**

In addition, the Committees received a paper and presentation from PSMFC staff that explores potential auditing scenarios based on level of review (25, 50, and 75 percent of hauls for a trip) and logbook vs. EM equivalency criteria to get a sense of the range of possible impacts to vessel catch accounting. **The Committees appreciated the information and would like to continue to explore these ideas at future meetings.**

### NMFS video retention (Federal records)

The Federal Records Act requires NMFS to develop a retention schedule for EM data; therefore, NMFS will need to develop an EM retention schedule by 2020. NMFS will use cost recovery or some other source to retain records similar to observer data. NMFS will retain paper and electronic data (such as logbooks) but is currently scoping internally a policy for retaining video data. The Committee also heard from NMFS staff that a national policy for records retention is being developed by NMFS and the public will be provided an opportunity to submit comments through the National Archives rulemaking process. **The Council may request that NMFS provide an update on these two topics as it develops.**

Third-Party Video Retention - Under the proposed rule for whiting and fixed gear fisheries, NMFS proposed that third-party providers be held to a 3-year retention requirement for all video footage. As noted above, storage costs can be significant. **The Council requested that NMFS consider reducing the time limit before 2020. The Committee anticipates further discussions with NMFS and the Council prior to implementation in 2020.**

Catch Monitor Issues

The Committee was provided a public comment that analyzes issues and solutions for shoreside catch monitor limitations ([Agenda Item F.2.b, Supplemental Public Comment 2](#) starting at page 15). **The Committees did not have time to discuss this issue however it may be a topic for discussion at future meetings.**

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