

ELECTRONIC MONITORING- FINAL PACIFIC HALIBUT DISCARD MORTALITY RATES, DISCARD SPECIES LISTS, AND THIRD-PARTY REVIEW

At the September 2017 Pacific Fishery Management Council (Council) meeting, the Council adopted for public review the following electronic monitoring preliminary preferred alternatives:

1. The draft Pacific halibut discard mortality rate (DMR) as proposed by the Groundfish Management Team (GMT) calculation method based on time on deck for bottom trawl vessels using electronic monitoring (Agenda Item F.11.a, GMT Report 1).
2. Third-Party Video Review. A third party reviews video to assess compliance and may not be a fishing entity or National Marine Fisheries Service (NMFS). Pacific States Marine Fisheries Commission cannot be the sole source for the video review but may compete as either a potential video review provider or as the auditor of the video reviews as discussed in the [Supplemental NMFS Report 2](#) (Agenda Item E.6.a, September 2017).

Under this agenda item, the Council is scheduled to finalize fishery-specific halibut DMRs for the bottom trawl and non-whiting midwater trawl fisheries, select a process to adjust fishery-specific discard species lists, and finalize a policy for Third-Party video review. The Council's policy recommendation for Third-Party video review and discard species list adjustments would be implemented by NMFS under the whiting and fixed gear final rule that is intended to be released in December 2017. The Council's policy recommendation for halibut DMRs would be implemented at a later time.

The topics and options before the Council are as follows:

Pacific Halibut DMR

Bottom Trawl:

1. Option 1 – Default rate of 90 percent DMR for all discarded halibut under Electronic Monitoring (EM);
2. Option 2 – Implement a vessel-specific DMR rate for each halibut discarded under EM using the Scientific and Statistical Committee-approved GMT model (*Council Preliminary Preferred*);
3. Option 3 – Use an annual fleet-wide DMR of 68 percent, based on the West Coast Groundfish Observer Program (WCGOP) observed EM trips with Pacific halibut (see discussion in [Agenda Item E.6.a, Supplemental NMFS Report 1](#) September 2017; and DMR calculations in [Agenda Item E.1.b, NMFS NWFSC Report 3](#) September 2017: Pacific Halibut Bycatch in US West Coast Fisheries Section 10.5 and Table 62 & 63 for DMRs and discussion).

Midwater Trawl:

1. Option 1 – Default rate of 90 percent DMR for all discarded halibut under EM (*Final Preferred, September 2014*);
2. Option 2 – Request an IPHC exemption to allow maximized retention then apply a

100 percent halibut mortality rate for landed halibut (same as the midwater trawl whiting fishery). Vessels would have the option to declare maximized retention and be required to land all fish, including halibut.

The GMT finalized the bottom trawl DMR model that is based on time on deck (Agenda Item F.11.a, GMT Report 1) for review. The Council's Scientific and Statistical Committee is scheduled to review the GMT-proposed bottom trawl DMR methodology at the November 2017 Council meeting and provide a recommendation to the Council for final decision-making.

A DMR model for the non-whiting midwater trawl fishery has not been developed because there are no West Coast Groundfish Observer Program (WCGOP) observed EM trips that caught halibut to examine viabilities in relation to time on deck. Historical catch in the non-whiting midwater trawl fishery is low (1.5 mt per year) and a 90 percent mortality rate (Option 1) may not be a deterrent to using EM. If an exemption can be granted by the International Pacific Halibut Commission (IPHC) under Option 2, then it's possible that both options could be implemented for the fishery so that vessels have the flexibility to choose optimized retention or maximized retention. However, a policy that allows maximized retention as an additional option for vessels is contrary to the Council's preferred alternative that was finalized in April 2017. Additional consideration may be needed to examine the full effects of allowing maximized retention, including the retention of prohibited and Endangered Species Act-listed species such as salmon.

The DMR modeling was intended to be used for individual bycatch quota accounting under the catch share program. However, it's possible that the mortality rate could be used by the WCGOP when developing the annual total mortality estimates for submission to IPHC. NMFS and IPHC will need to determine its applicability.

Discard Species List Adjustment

1. Option 1 – Changes to the discard species list would be a “routine action,” which would involve a single Council meeting followed by proposed and final rulemaking with the possibility of just a final rule if there is good cause to waive the notice requirement of a proposed rule;
2. Option 2 – Allow NMFS to make changes to retention requirements within individual Vessel Monitoring Plans after consultation with the Council.

In April 2017, the Council recommended that NMFS, in consultation with the Council, make adjustments to the Discard Species List (Option 2). The Council's intent is to have a process that does not require rulemaking but provides an opportunity for Council consideration prior to adjusting the discard list. This item was discussed during the Council's Groundfish Electronic Monitoring Policy and Technical Advisory Committees (GEMPAC/TAC) webinar on September 6, 2017 and by the Council's advisory bodies during the September 2017 Council meeting. It was not one of the Council's action items in September; the GEMPAC, Groundfish Advisory Subpanel and the GMT preliminarily endorsed Option 2. NMFS provides additional information on this topic in Agenda Item F.11.a, NMFS Report 1.

Third-Party Video Review

In November 2015 and April 2016, the Council selected as its preferred alternative an industry-funded, Third-Party video review model for the whiting and fixed gear fisheries. This preferred alternative was a programmatic policy that would be applied under the bottom trawl and non-whiting midwater trawl fisheries once the EM components for these two fisheries were finalized. However, in April 2017, when the Council selected their final preferred alternatives for the bottom trawl and non-whiting midwater trawl fisheries, it asked NMFS to determine if Pacific States Marine Fisheries Commission (PSMFC) could be used indefinitely as a sole provider for the industry to conduct the video reviews.

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. In addition, NMFS stated in their report that “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.” Based on this new information, the Council selected its preliminary preferred alternative for the bottom trawl and non-whiting midwater trawl fisheries to be the Third-Party review.

At the September meeting, the Council requested a report regarding NMFS’ implementation plan for the Third-Party review model which is proposed to begin in 2020 or earlier. It is anticipated that NMFS will provide a supplemental report regarding this topic.

The Council’s GEMPAC/TAC will meet at the November meeting to discuss applicability of the DMR modeling, the policy for Third-Party Review, and the discard species list options. In addition, the GEMPAC/TAC will begin developing draft business rules for a third-party review model including the level of video review necessary to audit logbooks and to audit video review providers, as well as the decision points for increasing and decreasing the level of video review based on compliance and other factors. The GEMPAC is anticipated to provide a supplemental report with their recommendations to the Council and its advisory bodies during the November meeting.

Council Action:

Adopt Final Pacific Halibut Discard Mortality Rates, Discard Species Lists, and a Third-Party Video Review Policy for Groundfish Trawl Electronic Monitoring Regulations.

Reference Materials:

1. Agenda Item F.11.a, GMT Report 1 – Proposed Pacific Halibut Electronic Monitoring Discard Mortality Rates for Bottom Trawl Vessels.
2. Agenda Item F.11.a, NMFS Report 1 - Discard Species List Changes.

Agenda Order:

- F.11 Electronic Monitoring – Final Pacific Halibut Discard Mortality Rates,
Discard Species Lists, and Third-Party Review Brett Wiedoff
- a. Reports and Comments of Management Entities and Advisory Bodies
 - b. Public Comment
 - c. **Council Action:** Adopt Final Pacific Halibut Discard Mortality Rates, Discard Species Lists, and a Third-Party Video Review Policy for Groundfish Trawl Electronic Monitoring Regulations

PFMC
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