

**Supplemental NMFS Report: Status Update on Whiting Discards Issue in the
 Groundfish Electronic Monitoring (EM) Exempted Fishing Permit (EFP)
 Prepared by NMFS West Coast Regional Office
 PFMC Meeting, March 9-14, 2018**

NMFS is providing this status report to update the Council on the issue of increased discarding in the whiting EM EFP that NMFS raised at the November 2017 Council meeting (Agenda Item F.11.a).

Following the November Council meeting, NMFS staff reviewed the whiting trips with large discards in more detail with PSMFC, and identified 16 vessels with discard events that did not comply with the EFP rules. NMFS sent correction letters to these 16 whiting vessels notifying them of their non-compliance with the EFP rules and the potential for termination of their EM EFPs. Note that not all vessels in the table in the NMFS Report from November 2017 received letters. For example, no MS/CV vessels received letters, because further review indicated that these discard events were allowed under the EFP (e.g., spillage from the coded during zipping or transfer to the mothership). The incidents that received letters were also referred to OLE.

Table 1 below has an updated summary of whiting EM discard events through the end of 2017.

Table 1. Shoreside Hake EM Discard Events 2015-2017.

Year	Vessels^a	Hauls^b	Discard Events <10K	Discard Events 10K-25K	Discard Events >25K	Discard Total Lbs <10K	Discard Total Lbs 10K-25K	Discard Total Lbs >25K
2015	17	1277	410	3	1	29,392	49,787	35,000
2016	20	1435	338	11	5	129,082	168,010	200,500
2017	22	2084	542	49	34	464,381	740,150	2,240,700

^a Includes all shoreside hake EM vessels that fished, not just those with large discard events.

^b Includes all hauls, not just those with large discard events.

Note that there are key differences between the summary in Table 1 and the one presented in the November 2017 NMFS Report; specifically:

- The November report included all large discard events, including “unintentional discards”, which are not included in Table 1. Unintentional discards are discards that appear to be unintentional or unavoidable to the reviewer, such as net bleeds. These events are not considered to be violations of the EFP rules.
- Table 1 depicts “general discards,” which includes all discards other than unintentional discards. This includes catch that is shoveled off the deck, cinched-out of a codend before transferring to the mothership, and any situation where mixed catch is intentionally discarded. General discards include permissible discards as well as discards that would be violations. As such, Table 1 includes trips and vessels that are not in violation of the EFP, as well as those that are. In this way, the data is more indicative of trends than a summary of violations.
- Table 1 includes trips from October and November for which data was not available at the time of the November 2017 report.

In reviewing the discard events in more detail, we realized more refined discard definitions are needed in order for the video review to more easily identify and track discards that are violations. The current general categories are a holdover from the original whiting EFP. These general categories can be used with the catch data to observe trends in overall volume, but to identify violations they must be coupled with detailed follow-up with video reviewers. More specific definitions would allow NMFS and vessel owners to zero-in on compliance issues more quickly. NMFS and PSMFC will be working on updating review protocols with more specific discard definitions in preparation for the start of the 2018 whiting season.

In February, Melissa Hooper (NMFS) met with whiting EM EFP sponsors Heather Mann (Midwater Trawlers Cooperative) and Brent Paine (United Catcher Boats) to discuss the compliance issues and improvements that could be made. From that meeting, NMFS identified the following additional needs:

- **More comprehensive, frequent feedback with captains and vessels owners following video review.** Contrary to what we reported at the November meeting, captains and vessel owners receive periodic feedback emails from PSMFC, not after every hard drive. More frequent follow-up by PSMFC and NMFS was the practice in 2015 when the EFP was new, but changes in staffing and workload have resulted in less frequent, comprehensive feedback in recent years. NMFS determined that of the 16 vessels that received correction letters, only one received a feedback email about a large discard event. Moving forward, PSMFC and NMFS will be stepping up communication with both captains and vessel owners after each hard drive review. In addition, NMFS is working on a database that will allow vessel owners to access hard drive reports when they become available after the video review. This database will allow vessel owners and captains to see compliance issues flagged during the video review with the same information available to NMFS.
- **Incorporate EFP sponsors in the feedback loop.** The whiting EFP sponsors would like to be notified of compliance issues to utilize their existing cooperative structures and relationships to resolve these issues. NMFS has handled issues directly with the vessels since 2016, because of the confidential nature of the information, and did not notify the whiting EFP sponsors of these discard issues until shortly before the November meeting. The California Collective is the exception, because it has a self-enforcing agreement in place that allows NMFS to share confidential data from EFP trips with their designated project manager. NMFS will work with the whiting EFP sponsors to identify a way to share information for whiting EFP vessels, if possible, to take advantage of other existing self-management structures that may not be formally incorporated into the regulations like the EM self-enforcing agreements.
- **Mandatory training webinar for captains and vessel owners before the start of the next whiting season.** NMFS and the whiting EFP sponsors will work to set up a mandatory training webinar for vessel owners and captains before the start of the next whiting season, to specifically clarify discard rules as well as review other EM Program rules.