

NATIONAL MARINE FISHERIES SERVICE REPORT ON ELECTRONIC MONITORING PROGRAM REVIEW AND COST ALLOCATION PROCEDURAL DIRECTIVE

Electronic Monitoring (EM) Regulations

The EM final rule package for the midwater trawl whiting fishery and fixed gear fishery is currently under review at the National Marine Fisheries Service (NMFS) West Coast Region. This rule is receiving extra scrutiny because it would establish the first EM program to go to final regulation in the West Coast Region. Thorough review of the rule package is delaying publication and NMFS expects to publish the final rule in October 2018.

The bottom trawl and non-whiting midwater trawl fishery EM proposed/final rule and final environmental assessment will not be completed by the end of 2018. NMFS expects to publish the proposed rule in December 2018 and the final rule in March 2019. An exempted fishing permit (EFP) extension would be necessary for these vessels to continue to use EM during 2019 while the rule is finalized.

Halibut Discard Mortality Rate (DMR) Implementation

NMFS has implemented changes to the DMR methodology for bottom trawl and non-whiting midwater trawl in the EM EFP and these methods will be utilized for 2018 estimates in the annual Pacific halibut bycatch report. This new methodology aims to better represent Pacific halibut mortality using time on deck and proper handling techniques to determine mortality, compared to the previous default DMR of 90 percent for bottom trawl vessel trips. Additionally, the previous default 100 percent mortality for all non-whiting midwater trawl trips has been updated.

For the bottom trawl fishery, a DMR model based on time on deck will be used. All vessels are required to use best handling practices for the modeled rate to be applied; otherwise the mortality rate defaults to 90 percent.

For the non-whiting midwater trawl fishery, the following DMR will be applied, based on trip retention (optimized or maximized):

- When a vessel declares optimized retention, a default mortality rate of 90 percent will be applied to all halibut that are discarded.
- When a vessel declares maximized retention, all halibut must be landed and a mortality rate of 100 percent will be applied.

NMFS has applied this DMR methodology to revise vessel accounts retroactively to January 1, 2018, crediting back nearly 1,000 pounds of Pacific halibut Individual Bycatch Quota in total.

EM Cost Allocation Procedural Directive

Table 1 outlines the analogous steps in the data collection and reporting process using observers versus EM in the Trawl Rationalization Program. It also indicates which costs are paid for by industry or NMFS in the existing observer program process, and who would be responsible for costs under the draft EM cost allocation procedural directive. Because the Trawl Rationalization Program is a Limited Access Privilege Program, the table indicates which NMFS costs are currently or would be subject to Cost Recovery.

Highlights from Table 1 include:

- NMFS considers third party video review a sampling function of an EM program, and the cost would be borne by industry under the procedural directive, like industry funded observer sea days under the current observer program. A video reviewer recording data while watching EM video is similar to an observer recording data while observing an event on board a vessel.
- NMFS will recover the costs associated with the West Coast Groundfish Observer Program (WCGOP) audit of the third party reviewer (just like we recover the debriefing costs under status quo). Mothership sector fees are anticipated to increase under EM, as noted in the proposed rule¹ and spoken to during the program development the last few years.
- Observer provider companies and third-party EM service providers have a financial relationship with the fishing industry in order to provide data to NMFS. As such, it is prudent to evaluate the accuracy of these data for use in fisheries management and science. For observer programs, this is done through the observer debriefing process and for EM program, the WCGOP would audit third-party EM service providers (review a portion of the video and data). We see these functions as analogous to one another and administrative in nature.

¹ Excerpt from the whiting/fixed gear EM proposed rule: “Fees are limited to a maximum of 3 percent of ex-vessel revenues. NMFS’s incremental costs for administering the shorebased sector already exceed 3 percent, so the shorebased sector would not be likely to see an increase in fees from the preferred alternative in the short term. The mothership sector fees are currently 1.25 percent of ex-vessel revenue, so NMFS would be able to recover this sector’s portion of EM program costs by increasing the fees.”

Table 1. Draft EM Cost Allocation Procedural Directive: **NMFS** view on the analogous steps between observers, EM, and cost allocation.

KEY: (IN\$) = industry pays, (NMFSS\$) = government pays, cost recoverable (CR\$)

NMFS Cost Allocation Directive 

Human Observer		EM and Logbook
<p>Observer collects raw data onboard the boat (IN\$).</p> <p>Observer processes the raw data and enters summary data into the observer database within ~24 hours (max is up to 3 days) (IN\$), which is then used to debit the QP accounts.</p>		<p>EM records raw data onboard the vessel (IN\$). Skipper records discard information in the logbook, which is used to initially debit the QP accounts.</p> <p>Third party reviewer generates summary data from 100% of the raw EM video (IN\$)¹ and the summary data may be used to update the QP accounts.</p>
<p>Data are used in a real time debriefing with NMFS and corrections are made as needed (NMFSS\$, CR\$²).</p> <p>Observer attends a final debriefing (IN\$) with WCGOP staff (NMFSS\$, CR\$²), all updates are finalized.</p>		<p>WCGCOP audits a percentage of the video reviewed by the third party reviewer to ensure compliance (NMFSS\$, CR\$) and can be used to update the QP accounts¹.</p>

¹ The process for determining the review and audit procedures for the midwater whiting and fixed gear fisheries will be determined after the final rule is issued, in consultation with the Council. These procedures will be documented in an agency handbook (not regulation).