



NOAA
FISHERIES

Agenda Item G.5.a
Supplemental NMFS Presentation 1
(Hooper/Alger)
April 2020

Agenda Item G.5 NMFS Report 1

April 8, 2020

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Date	Implementation	BT Rule	EM Rule #3
Sep/ Nov 2019	Council reviews draft EM Program Guidelines		
Apr 2020	NMFS finalizes national data storage policy		Council initiates EM reg amendment #3
May	NMFS issues EM Program Guidelines, Manual	NMFS publishes proposed rule	
Jun	Provider applications due June 1	Public comment period	Council takes final action on EM reg amendment #3
Aug			NMFS publishes proposed rule
Sep	Provider permits issued	NMFS publishes final rule	Public comment period
Oct	Vessel applications due Oct 1	Cooling off period	
Nov	EM units installed (vessel app phase II)	Final rule effective	NMFS publishes final rule
Dec	EM authorizations issued		Cooling off period
Jan 2021	EM program begins		Final rule effective

EM Regulatory Amendment #3

- Logbook processing done by EM service provider instead of WCGOP
- Change record retention requirements to conform to national data storage policy ([Agenda Item G.5 Supplemental Attachment 4](#))



Summary of Final Guidance

Definition of monitoring period

- Process of collecting and reconciling all fisheries data
- Almost always continues after fishing operations end
- Variable within and across fisheries, guidance is flexible
- NMFS is responsible for the completing monitoring process

Process for starting retention period

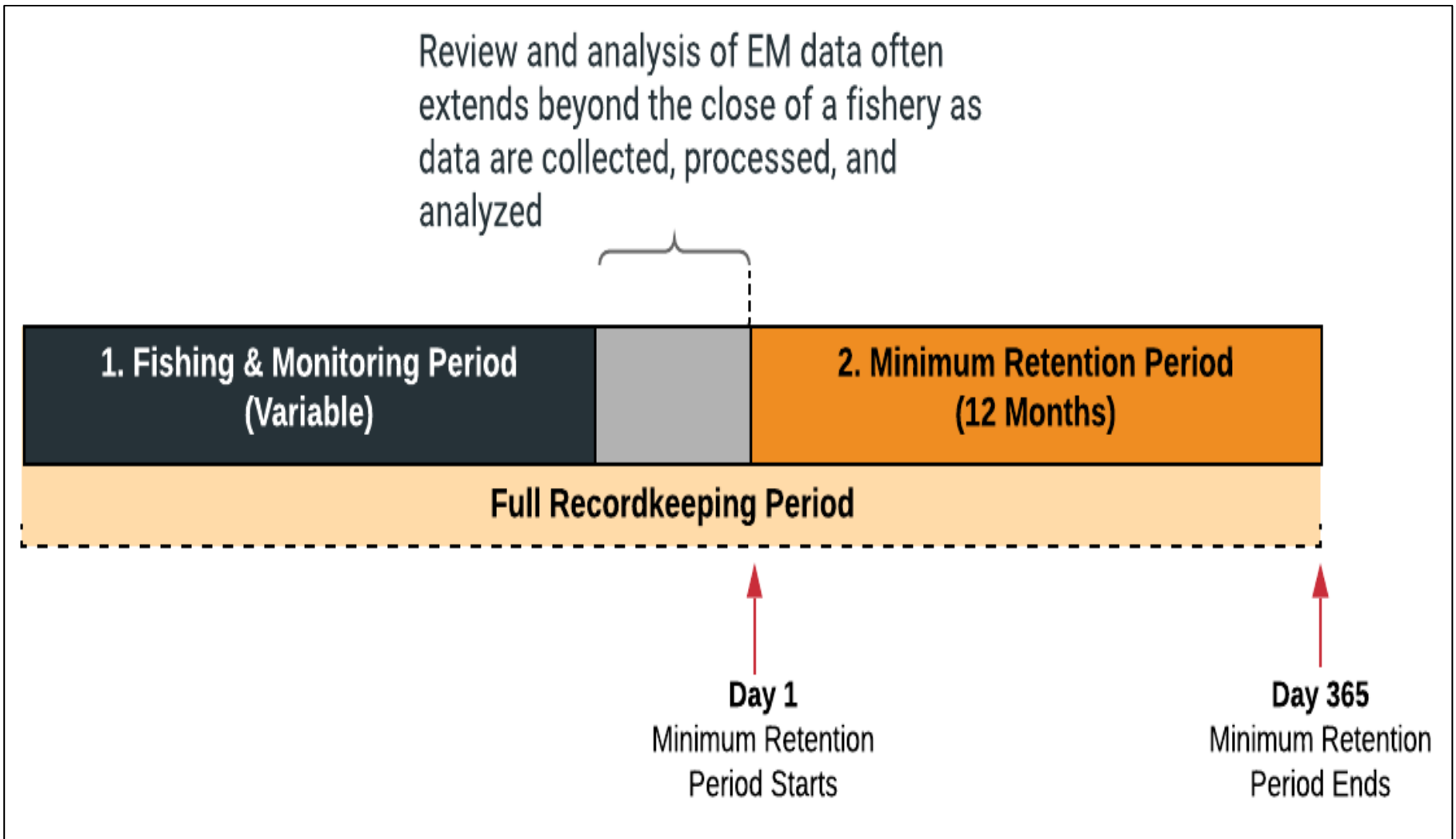
- NMFS will notify EM service providers and fishing industry

No fixed monitoring period or max retention period

- 12 month fishery + X months for monitoring + 12 months data retention
- NMFS does not recommend defining X

Third-Party Data Retention Procedural Directive

Review and analysis of EM data often extends beyond the close of a fishery as data are collected, processed, and analyzed



Summary of Final Guidance

Clarifies procedural directive authority and scope

- Guidance, not a regulation
- Focused on time of retention of raw data.
- Councils and NMFS need to develop EM program requirements
- Rulemakings must justify differences from this guidance
- EM program design should consider storage type, access procedures (e.g., how frequent, identify programs), and procedures for disposal

Justification of a 12-month retention period

- Balances fishing industry costs with need to monitor program compliance and ensure data quality
- Experience implementing other programs (observer, VMS)
- Will revisit as costs and program functions are better understood

Summary of Final Guidance

Requirements of other EM data

- Guidance does not apply to data that remain on the vessel, or summary data/reports, but retention should be considered
- Guidance does not apply to business records, permits, etc.
- Guidance does not apply to federal records

Next steps on procedural directive

- Publish final guidance, transmit to Councils and regional programs
- Review in 5 years or sooner if warranted

EM Regulatory Amendment #3

- Logbook processing done by EM service provider instead of WCGOP
- Change record retention requirements to conform to national data storage policy ([Agenda Item G.5 Supplemental Attachment 4](#))
- Reporting deadlines for EM service providers
- Removing requirement for pre-departure test
- Other reg changes in Agenda Item G.5 [NMFS Report 1](#)
 - HD deadline extended to 72 hours
 - Removing requirement to scrub data from the HD if encrypted
 - Remove MS/CV endorsement from eligibility criteria
 - Remove limit on switching for whiting trips



Questions

- Melissa Hooper (melissa.hooper@noaa.gov)
- Brett Alger (brett.alger@noaa.gov)



Additional EM guidance coming soon...

- Reviewing feedback on additional topics
 - Data confidentiality
 - Clarity on federal records
- Remote EM video review (e.g., web portal)
- Developing national guidance and best practices

Summary of Final Guidance

Administrative clarity

- Do not recommend complex requirements (e.g., by trip, by vessel)
- Retain all original records, including duplicates of federal records

Separate monitoring and data retention periods

- Data analysis and program compliance monitoring are different functions
- E.g., Tax returns and record retention

Consistency across EM program types

- EM data are used for a variety of purposes
- EM data are one of many data sources in any fishery

Guidance applies to programs managed by regulation

- Guidance does not apply to EM programs under exempted fishing permits (EFP) and pilot projects

Summary of Final Guidance

Implementation timeline and processes

- Develop new regulations as soon as practicable
- Align with efforts to implement the cost allocation policy
- Examine data collected prior to final regulations for retention/disposal

Definition of fishing year

- Use existing regulations that define fishing operations
- Calendar year, across calendar years, or any other type