

Agenda Item F.3 Electronic Monitoring Program – Final Action

Council Action:

Adopt Final Recommendations for Regulatory Changes, Program Implementation, and Exempted Fishing Permits.

DRAFT-NOT FOR ADMINISTRATIVE PURPOSES

Motion by Phil Anderson; 2nd by Bob Dooley:

I move that the Council adopt the following final recommendations for changes to the electronic monitoring (EM) program regulations:

1. Hard Drive Deadline: increase the hard drive submission deadline to 72 hours from the beginning of the offload.
2. Reusing Hard Drives: require EM data to be removed before reusing hard drives only if end-to-end encryption is not used.
3. Limit on Switching Between EM and Observers for Whiting: remove the limit on switching between observers and EM for whiting vessels.
4. Mothership/Catcher Vessel (MS/CV) Endorsement: remove the requirement for an MS/CV endorsement to use EM on mothership catcher vessel trips.
5. Pre-departure Test: Maintain status quo for the pre-departure test requirements as it is useful in ensuring systems are working before departure
6. Logbook Processing: allow EM providers to receive and enter logbook information, rather than submitting to National Marine Fisheries Service (NMFS).
7. Reporting Deadlines for EM Service Providers: require deadlines for EM service provider reports of technical assistance, logbook data, vessel operator feedback, EM summary and data compliance reports, and other as specified elsewhere.
8. ~~Data retention: align data retention requirements with NMFS Procedure 04-115-03 entitled Third party minimum data retention in EM programs for federally managed U.S. fisheries~~ Amendment by Marci Yaremko; 2nd by Corey Niles: Maintain the retention of records requirements specified in 50CFR 660.603(m)(6) as referenced in Agenda Item F.3.a, Supplemental EC Report 1. Roll call vote on Yaremko amendment 4 yes, 9 no; **amendment failed.**
8. Data retention: align data retention requirements with NMFS Procedure 04-115-03 entitled Third party minimum data retention in EM programs for federally managed U.S. fisheries
9. Correct the reference to “a NMFS-accepted EM Service Plan” under 660.603(a)(1) to 660.603(b)(1)(vii).

10. Change the implementation date to be no earlier than January 1, 2022 in the EM Program regulations for both the electronic monitoring provider permits and responsibilities, and the vessel and first receiver responsibilities

11. Revising regulations regarding authorized release of EM data as described under F.3.a Supplemental NMFS Report 1: revise the regulations at §660.603(n)(3) to refer to an “authorized representative of the vessel” consistent with other west coast regulations.

12. Revising regulations defining limitations on conflicts of interest for EM service providers as described under F.3.a Supplemental NMFS Report 1: revise the definition of a conflict of interest at §660.603(h) to exclude providing other types of technical and equipment services to fishing companies.

In addition:

- The Council recommends NMFS approve the continuation of the existing EM exempted fishing permits (EFPs), modified as necessary, until the effective date of the amended regulations. Further, the Council recommends that the EFP allow new entrants to join the extended EM EFPs for the purpose of gaining additional information to address EM issues associated with the bottom trawl fishery. And,
- The Council recommends NMFS, in consultation with the council, conduct a comprehensive review of program guidelines and manual consistent with the revised proposed rule that will reflect the proposed changes and the final procedural directive on data retention, and any other relevant directives. And,
- Assign the Executive Director of the Council to conduct a final review, deem and transmit regulations, and consult with NMFS on any necessary clarifications that are identified following the Council meeting, with the intent of expediting publication of the proposed rule as soon as possible.

Motion passes unan.