

GROUND FISH ELECTRONIC MONITORING POLICY AND TECHNICAL
ADVISORY COMMITTEE SUPPLEMENTAL REPORT
ON ELECTRONIC MONITORING UPDATE

At the November 2021 Pacific Fishery Management Council (Council) meeting, the Council reconstituted the Groundfish Electronic Monitoring Policy and Technical Advisory Committees (Committees) and charged them with finding solutions to the issues that have been identified by industry associated with the draft implementing regulations. The Committees have begun their work and met twice in joint sessions beginning with their first meeting held on February 23, 2022. At each meeting nearly all the committee members were present (see attached roster). The following is a summary of the work done by the Committees and next steps.

The first meeting was held virtually on February 23, 2022. The primary purpose of the first meeting was to ensure that we had a common understanding of the primary purpose of an electronic monitoring (EM) program and to identify the outstanding issues that needed to be addressed to achieve that outcome. In addition, we wanted to identify next steps and make assignments as necessary to bring the needed information to the second meeting to ensure that we were making timely progress toward addressing the outstanding issues.

The Committees concurred that the primary purpose of the EM program is to create a more cost-effective method to verify that logbook entries are accurate than a system that relies on having a human observer onboard. The Committees identified the following issues and National Marine Fisheries Service (NMFS) policies that need resolution or clarification before progress and implementation can be accomplished.

- 1) Cost Recovery Program (CRP) Funding Decision – We need NMFS to make a definitive decision on whether cost recovery funds can be used to fund industry costs associated with EM.
- 2) Sole Source Contracting Decision – We need a clear decision from NMFS on whether the Pacific States Marine Fisheries Commission (PSMFC) can be used as a sole source contractor for video review and data storage.
- 3) PSMFC participation – We need to identify a pathway that is satisfactory to PSMFC that allows industry funding to offset PSMFC’s costs for video review and data storage.
- 4) Use of exempted fishing permits (EFPs) for the current EM program beyond 2023 – We need to know if an EFP could be used, if needed, to maintain EM as an option beyond 2023.
- 5) Sampling, data handling, and processing protocols – We need to resolve the outstanding issues with sampling protocols, data retention, and data turn around requirements.
- 6) Interim funding – We need to discuss and resolve any interim (2022-2023) funding issues.

The Committees received assurances from NMFS representatives on the Technical Advisory Committee that they would do their best to get answers to the key policy questions prior to the next Committee meeting, understanding that there is heavy involvement by NMFS headquarters in these issues and that these decisions impact multiple regional fishery management councils. The Committees also requested an update from PSMFC at a future meeting on staffing, current EM program status and costs, and appetite for working with the group on a solution that would allow them to continue providing cost-effective video review services to the West Coast fleet beyond 2022.

The Committee's second meeting was held on March 30, 2022. The primary purpose of this meeting was to hear and discuss the responses that we received from NMFS on the key policy questions identified in our first meeting, to hear an update from PSMFC, and to determine one or more viable scenarios to reduce the overall cost and provide more flexibility for the EM program.

1. CRP Funding Decision – NMFS has determined that, absent a change in current [catch share policy](#), CRP funds may not be used to offset EM program costs that industry is responsible for paying ([Supplemental NMFS Report 1](#), April 2022). Further, while it is possible to pursue a policy change, it is time consuming and could not be accomplished within the timeframe we have to work with; this assumes changes to the EM program would need to be finalized for 2024 implementation.
2. Sole Source Contracting Decision – PSMFC can be used as a sole source provider but only if the funds come from NMFS. Given their decision on item 1, other options discussed were congressional appropriations directing NMFS to contract PSMFC, ongoing grant support (e.g., National Fish and Wildlife Foundation), or some other source not yet identified.
3. Use of EFPs for the current EM program beyond 2023 – While not completely out of the realm of possibility given some new circumstance, NMFS indicated they would not support this as an option for 2024 and beyond under the current set of circumstances.
4. The update from PSMFC indicated their costs will be increasing to an estimate of \$600,000 in 2023 (up from \$500k in 2022), due to the need to hire additional reviewers for the West Coast program. Due to staffing shortages and other factors, PSMFC is currently behind on review, and facing a 3-week turnaround requirement from NMFS (based on current [EM Program Manual](#)).

Given these policy decisions and other considerations, the Committees are going to pursue the following course of action:

1. A small subset of Committee members will seek to meet with PSMFC leadership to discuss potential pathways that industry funding could be used to offset PSMFC costs in a manner that maintains an arms-length separation that avoids conflict of interest issues for PSMFC.
2. A small subset of Committee members will meet with an appropriate cross-section of NMFS and PSMFC staff to discuss the issues concerning sampling, data handling, and processing protocols (e.g., related to the 3-week turnaround requirement).

3. Separate and apart from the Committee, certain EM EFP sponsors and proponents will work to resolve any outstanding video review funding issues for 2022 and 2023.
4. The Committees intend to track and possibly request Council representative comment on the [NMFS Info Law Procedural Directive](#) that may be provided at the May 2022 Council Coordination Committee meeting, as certain aspects of that document have a direct linkage to ongoing issues of concern for our EM program (e.g., 3rd party data storage requirements, Freedom Of Information Act, confidentiality, etc.)

The Committees will meet again in May 2022 to hear outcomes from the subsets of Committee members regarding their work and progress toward resolving the issues identified above and decide on next steps. We recommend that if an amendment to the EM rule is needed, the Council consider scoping this issue in June followed by selecting a preliminary preferred alternatives at the September 2022 meeting, with selection of the final preferred alternative no later than March 2023 to ensure implementation on or before January 1, 2024.

Current GEMPAC and GEMTAC Membership as of November 2021:

Groundfish Electronic Monitoring Policy Advisory Committee

Anderson, Mr. Phil (Chair)	Corbin, Mr. John	Damrosch, Ms. Lisa	Dooley, Mr. Bob
Kauer, Ms. Kate	Kujala, Mr. Paul	Mahoney, Ms. Melissa	Mann, Ms. Heather
Paine, Mr. Brent	Wulff, Mr. Ryan		

Groundfish Electronic Monitoring Technical Advisory Committee

Chadwick, Capt. Dan	Colpo, Mr. Dave	Howell, Lt. Ryan	Kavanaugh, Mr. Justin
Kraus, Lt. Jason	Larinto, Ms. Traci	Torres, Mr. Andrew	

PFMC
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