

## AD HOC GROUND FISH ELECTRONIC MONITORING POLICY AND TECHNICAL ADVISORY COMMITTEE REPORT ON ELECTRONIC MONITORING

The Groundfish Electronic Monitoring Policy and Technical Advisory Committees (Committees) met twice the week of October 24 (see enclosed agendas) to discuss its subcommittee reports and formulate potential recommendations regarding the current regulations (H.7, Supplemental Attachments 1 and 2) for electronic monitoring (EM) implementation, the implementation manual, and reimbursement alternatives for the Pacific States Marine Fisheries Commission (PSMFC) serving as a third-party provider for video review and data storage.

The Committees again focused its attention on ensuring the continuation of the EM Program that has proven to be successful under the experimental fishing permit (EFP) that has been in place since 2015. The Committees were mindful of the need to minimize the cost of the program while at the same time ensuring the integrity of the EM system as it relates to documenting discards and consistency between vessel logbooks and video review.

The Committees received a report from subcommittee 2 which was charged with looking at the current EM Program manual (H.7, Supplemental Attachment 3) with a particular focus on changes that could be made to reduce costs while not sacrificing the integrity of the program in terms of accountability of discards and enforceability of the regulations pertaining to EM. The subcommittee examined the performance of the program implemented under the EFP looking for potential improvements and cost reduction measures. The Committee's deliberations focused primarily on the changes to the EM Program manual that included a discussion of several issues brought forward by National Marine Fisheries Service (NMFS).

Acknowledging that there still some issues to resolve, the Committees recommend the creation of Established Provider Manual that was created by Subgroup 2 (H.7, Supplemental Attachments 5 and 6). The new manual, discussed extensively by the GEMPAC/TAC, would take the place of the current Electronic Monitoring Program Manual 2021-2022 (EMPM).

The Established EM Provider Manual is intended to achieve cost efficiencies and meet the goals of the EM program. The differences between the Established Provider Manual and the EMPM are discussed in Agenda item H.7, Supplemental Attachment 6, the key differences are:

- **EM Trip Timeline/Overview:** The Established Provider Manual eliminates unnecessary steps included in the EM Trip Timeline from the original user manual. The Established Provider Manual EM Trip Timeline reflects the current process used in EFPs where data (e.g., logbook and hard drive) flows directly from the vessels to the EM service provider and then subsequently from the EM service provider to NMFS.
- **Roles/Responsibilities:** The Established Provider Manual clarifies and updates the responsibilities of different parties to reflect the changes in the Timeline/Overview provided above, as well as including specific responsibilities of Shorebased Plants and Catch Monitors.

- **EM Data Review Using Logbook Audit Process:** The Established Provider Manual streamlines the EM Data Review process, based on the Timeline/Overview above, as well as by establishing specific protocol for a percentage of hauls to be reviewed based on gear type and type of trip.
- **Other:** The Established Provider Manual assumed PSMFC as the established EM reviewer and does not include language regarding reviewer training or certification of service providers.

**Based on these changes in the Established Provider Manual, the following regulatory changes will be needed:**

1. **660.603 (m) (4)** “The EM service provider must communicate with vessel operators and NMFS to coordinate data service needs, resolve specific program issues, and provide feedback on program operations. **No later than three weeks from the date of receipt of EM data for processing from the vessel operator, the EM service provider must provide feedback** to vessel representatives, field services staff, and NMFS regarding: ...”
  - a. This will need regulatory change to be consistent with the Established EM Provider Manual. In the Established EM Provider Manual, the EM Service Provider has 90 days to complete review of EM data and provide reports.
  - b. A range of alternatives could also include 60 days in addition to status quo (3 weeks) and 90 days.
2. **660.603 (m) (5)** “Submission of data and reports. On behalf of vessels with which it has a contract (see § 660.604(k)), the EM service provider must submit to NMFS logbook data, EM summary reports, including discard estimates, fishing activity information, and meta data (e.g., image quality, reviewer name), and incident reports of compliance issues according to a NMFS-accepted EM Service Plan, which is required under paragraph (b)(1)(vii) of this section, and as described in the EM Program Manual or other written and oral instructions provided by the EM program, such that the EM program achieves its purpose as defined at § 660.600(b). **Logbook data must be submitted to NMFS within two business days of receipt** from the vessel operator. **EM summary reports must be submitted within three weeks** of the date the EM data was received by the EM service provider from the vessel operator. If NMFS determines that the information does not meet these standards, NMFS may require the EM service provider to correct and resubmit the datasets and reports.”
  - a. **This will need regulatory change to be consistent with the Established EM Provider Manual.**
    - i. For logbook data, the Established EM Provider Manual requires EM Service Providers to submit logbook data to NMFS within **seven business days** (instead of two).
      1. Rationale: This change would reflect what currently occurs under EFPs and decrease associated EM data review costs.

- ii. For EM summary reports, the new manual gives EM Service Provider up to **90 days** to complete review of EM data and provide reports (see above) instead of within three weeks.
3. **660.603 (m) (1) Please note that the Committee did not have an opportunity to take this issue up however it was subsequently discovered as a potential need by subcommittee 2 following the conclusion of our meeting on the 24<sup>th</sup>.** “

**660.603 (m)** “the EM service provider must process vessels’ EM data and logbooks according to a prescribed coverage level or sampling scheme, as specified by NMFS in consultation with the Council, and **determine an estimate of discards for each trip using standardized estimation methods specified by NMFS.** NMFS will maintain manuals for EM and logbook data processing protocols on its website.”

- a. Amend this provision to say: “**...EM service provider must process vessels’ EM data and logbooks according to a prescribed review methodology, as specified by NMFS in the EM Manual on its website.**”
- b. Rationale: This language could be interpreted as somewhat inconsistent given that the purpose of the EM video review, conducted by the EM Service Provider, is not to estimate ALL discards for each trip, but rather to *validate the logbook estimates* of discards using a standardized EM video review method as specified in the EM Manual (which is a specified review of some portion of the hauls, not the entire trip – hence impossible to “determine an estimate of discards for each trip using standardized estimation methods...”). **This could require regulatory change to adjust the language.**

The Committees received a report from Barry Thom, Executive Director of the PSMFC, regarding a reimbursement process whereby a trust would be created to receive funds from vessel owners to reimburse PSMFC for their video review and data storage expenses. The proposal includes a process to receive and integrate any available federal appropriations to assist vessel owners in offsetting their costs for using EM. The Committees supports the proposal as presented by PSMFC (Agenda Item H.7, Supplemental Attachment 9).

An additional focus area of the Committees is the stated intention by NMFS to create an expanded secondary audit capacity of service providers including PSMFC. This appears to come at a high cost because of the need for new staff and equipment within NMFS. The Committee does not believe a new audit shop is needed for established providers where work done is by highly experienced providers or by the PSMFC, a body created by Congress that is recognized within the Fishery Conservation and Management Act and one with an extensive and proven background in the performance of video review.

Finally, NMFS has indicated that they will be providing the Committees with a list of any outstanding issues that are of concern and we are also awaiting the results of the Enforcement Consultant’s discussion regarding our report. The Committees anticipate the need for at least one meeting between now and the March 2023 Council meeting to further develop and consider issues that may be identified understanding that the June meeting is the deadline for the Council to select a final preferred alternatives.

PROPOSED AGENDA

# Groundfish Electronic Monitoring Policy Advisory and Technical Advisory Committee

Pacific Fishery Management Council  
Online Meeting  
October 24<sup>th</sup> and 28<sup>th</sup>, 2022

The Pacific Fishery Management Council's (Pacific Council's) Ad Hoc Groundfish Electronic Monitoring Policy Advisory Committee and Technical Advisory Committee (Committees) will meet to discuss continued development of the West Coast Electronic Monitoring (EM) Program. At this meeting, the Committees will continue to scope EM Program issues and conduct a workload planning process to identify future meetings and topics.

This meeting is open to the public. A public comment period is scheduled, and additional public comments may be taken at the discretion of the Chair. Instructions for how to connect to the webinar are posted on the Council's [Webpage](#).

**Monday, October 24th, 2022 – 9:00 a.m. to 4 p.m.**

- A. Call to Order
  - 1. Welcome, Roll Call Phil Anderson
  - 2. Approval of Agenda GEMPAC/TAC Members
  - 3. Identify Notetakers & Report Writers Phil Anderson
- B. High Level Review of Regulations Ryan Wulff/Justin Kavanaugh
- C. Report out on proposed modifications to National Marine Fisheries Service (NMFS) EM Provider Instructional Manual - identify next steps
- D. Report out on proposed changes to the deadline to submit primary video review data (Currently 3 weeks) - identify next steps
- E. Report out on proposed changes to pass/fail business rules when conducting primary video reviews - identify next steps
- F. Discuss modifications or elimination of NMFS audit requirements for an “Experienced” EM Provider
- G. Report out on an industry billing process for Pacific States Marine Fisheries Commission primary reviews as a third-party contractor - discuss next steps
- H. Discuss what regulatory changes need to be proposed
- I. Public Comment
- J. Discuss agenda for the Friday, October 28<sup>th</sup> meeting

**Friday, October 28th, 2022 – 9:00 a.m. to 12 p.m.**

- A. Call to Order
  - 1. Welcome, Roll Call Phil Anderson
  - 2. Identify Notetakers & Report Writers Phil Anderson
- B. Continue discussion on relevant topics from October 24<sup>th</sup> meeting
- C. Public Comment
- D. Workload planning and discussion of next steps
- E. Discuss report to the Council for November meeting
- F. Discuss possible Council meeting timeline: Prelim Preferred Alts – March 2023 and Final Preferred Alts - April 2023
- G. Discuss potential monthly GEMPAC/TAC meetings starting in December 2022 through February 2023
- H. Public Comment

PFMC  
10/17/22

PFMC  
10/31/22