

GROUND FISH ELECTRONIC MONITORING POLICY ADVISORY COMMITTEE
REPORT ON ELECTRONIC MONITORING PROGRAM CHANGES
– FINAL PREFERRED ALTERNATIVE

The Groundfish Electronic Monitoring Policy Advisory and Technical Advisory Committees (GEMPAC/TAC) met via webinar on [January 31](#) and [February 3](#), 2023 to discuss this agenda item. Mr. Phil Anderson, chair of the committee, summarized the agendas for the meetings and outlined the deliverables that we were trying to accomplish in advance of the March meeting. Mr. Brett Wiedoff (Council Staff) summarized the contents of the forthcoming Draft Analytical Document for a Regulatory Amendment. Ms. Courtney Paiva and Ms. Aileen Smith of Pacific States marine Fisheries Commission (PSMFC) presented a draft cost analysis and Mr. Ryan Wulff presented some questions for the GEMPAC/TAC to consider and video review analyses to support discussion of potential changes to video review protocols.

The Committee members once again reminded themselves of the task at hand: focus its attention on ensuring the continuation of the EM Program that has been in place since 2015 to provide a cost-effective alternative to human observers for at-sea monitoring. 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 verifying discard logbook entries.

While we note that the analytical document was not yet ready for review, Mr. Wiedoff did give us an overview of the document. The GEMPAC/TAC members and PSMFC staff in turn provided feedback on additional things to consider in the analysis, including the impacts of costs to the program.

The GEMPAC/TAC members reviewed the purpose and need statement and the range of alternatives adopted by the Council in [November 2022](#). Below we provide the GEMPAC/TAC recommendations for changes to the Purpose and Need Statement, recommendations for the final preferred alternatives, as well as additional recommended regulatory changes to the discard species list (which was not included in the Range of Alternatives) and recommendations for specific video review protocols outlined in the EM Manual (i.e., non-regulatory changes). The GEMPAC discussed the potential for a June Council meeting agenda item to provide an opportunity for an EM update on rulemaking, changes to the EM Manual and any other guidance the Council may want to provide regarding implementation of the EM program in 2024.

Purpose and Need

Regarding the Purpose and Need Statement the GEMPAC/TAC recommends the following:

This action is needed because the current regulatory deadlines for EM video review providers to submit required electronic monitoring (EM) feedback reports to fishing vessels, and video review data summary reports as well as logbook data to NMFS may be too restrictive. In addition, clarification of the process to evaluate and summarize EM video review data via the EM manual, and referenced in the federal regulations, may be needed. Therefore, the Council is considering changes to the current deadlines and requirements.

This action is largely administrative and would not impact the natural environment. Fishery participants under the EM program would likely not be negatively affected. ~~It's expected that an extension of the~~ The purpose of extending the regulatory deadlines and ~~clarifications clarifying in~~ the EM manual would is to provide positive benefits to participants, create ~~some~~ efficiencies and lower overall costs of the program.

The action supports the overarching goal to continually monitor the trawl rationalization program (catch share program) for compliance with existing regulations in an economical and flexible manner while meeting the goals and objectives of national policies and standards, the Pacific Coast Groundfish FMP, the trawl rationalization program, and all applicable laws and acts including the Magnuson-Stevens Act (MSA) and Endangered Species Act (ESA).

Final Preferred Alternatives

The GEMPAC/TAC recommends alternatives 2, 4 and 5 as final preferred alternatives (FPA).

Alternative 1 - No Action

Alternative 2 - No More than 60 Days to Submit Feedback/EM Summary Reports (**FPA**)

Alternative 3 - No More than 90 Days to Submit Feedback/EM Summary Reports

Alternative 4 - No More than Seven Business Days For EM Providers to Submit Logbooks to NMFS (**FPA**)

Alternative 5 - Revise EM Discard Data Review Language (**FPA**)

Rationale

Alternative 2

Under alternative 2, EM providers would have up to 60 days to submit feedback to vessels and EM summary report to NMFS.

The GEMPAC/TAC considered impacts of this alternative and consider it to be the most cost effective and flexible alternative. The current regulations require the EM Provider to submit feedback to vessels and an EM summary report to NMFS no later than three weeks from the date of receipt of EM data. That turnaround timeline was based on average review times at the beginning of the EFPs in 2015; since that time, EFP participation has increased, and turnaround time has also increased. Changing the turnaround timeline to 60 days would allow a long enough window for an EM Provider to optimize staffing for EM video review (with the intent of keeping costs lower) and yet still provide timely feedback to vessels and to NMFS.

Alternative 4

Under alternative 4, EM providers would be required to submit logbook data to NMFS within seven business days of receipt from the vessel operator.

The GEMPAC/TAC considered the impacts of this alternative compared to the status quo requirement which is for EM Providers to submit logbook data to NMFS (for entry into the vessel account system) within two business days. Allowing up to seven business days for entry of logbook data would increase flexibility for EM Providers while still ensuring accurate vessel account

information is available in a reasonable time period to inform subsequent trips, etc. This alternative would also better reflect current practices under the EFP.

Alternative 5

Under alternative 5, the language would be revised from:

“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.”

to be:

“The 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.”

The GEMPAC/TAC discussed how the status quo regulatory language could potentially be interpreted as inconsistent with the purpose of the EM Program to provide an alternative, cost-effective at-sea monitoring option to verify logbook entries and document discards. The purpose of EM video review conducted by an EM Provider is not to estimate *all* discards for each trip, but rather to *validate* the logbook estimates of discards using a prescribed review methodology, as specified by NMFS. Alternative 5 would clarify the regulatory language and point to the EM Manual for detailed, prescribed review methodology.

Recommendations for Additional Changes

The GEMPAC/TAC also considered changes to the current EM Manual that would change the minimum video review percentage from 25 percent to 10 percent for optimized retention fisheries (i.e., bottom trawl, fixed gear, and non-whiting midwater trawl), revise video review business rules for allowable and non-allowable discard, and change the species that are on the allowable discard species list identified in federal regulations and in vessel monitoring plans (VMP).

Recall that at the November 2022 Council meeting, the GEMPAC/TAC report (item H.7.a) provided the committees' recommendation to create a new EM Manual (item H.7 Supplemental Attachments 5 and 6) that would take place of the current EM Program Manual. The GEMPAC/TAC report (item H.7.a) outlined the key differences of the new EM Manual, which were intended to streamline and simplify protocols and reduce the costs of EM video review. The GEMPAC/TAC revisited proposed changes to the EM Manual focused on the minimum video review rates and the business rules for estimating and documenting allowable and non-allowable discard species.

Minimum Review for Optimized Retention

The GEMPAC/TAC recommend that the EM Manual should specify the minimum EM video review for optimized retention fishing trips (e.g., bottom trawl, fixed gear, and non-whiting midwater trawl) to be a random selection of 10% of hauls per trip (minimum one per trip). The PSMFC draft cost analysis (Agenda Item F.5.a, Attachment 2) indicated significant cost savings

between 100% review, 25% review and 10% review. The GEMPAC/TAC also discussed information provided by PSMFC that indicated the estimated realized review rate of a 10% minimum review standard is upwards of 18% (meaning, more than 10% of hauls are actually reviewed).

Business Rules for Video Review

The new EM Manual proposed by the GEMPAC/TAC in November 2022 (item H.7 Supplemental Attachments 5 and 6) included limited business rules for documenting discard estimates. The GEMPAC/TAC revisited these business rules and drafted new language for consideration for the business rules for documenting non-allowable discards. This new language is intended to clarify protocols. The revised language for inclusion in the EM Manual is provided below:

- “...
- Higher estimate from logbooks or EM data will be used as final discard number.
- Allowable discard species are approved by NMFS and listed in [the regulations at 50CFR 660.604(p)(4) and in] VMPs. If review indicates species other than the allowable discards listed in the VMP are discarded, it will trigger additional review for that trip and will be noted in the feedback report. In these cases, EM data (rather than logbook data) will be used to debit the vessel account for discards, then the entire trip will be reviewed (100% of hauls) and at a minimum a warning will be issued to the vessel operator. In these cases, EM data, rather than logbook data, will be used to debit the vessel account for discards. After the vessel has been notified of the issue, the subsequent two trips will be reviewed at 100% and if either review of those two trips indicates that species other than allowable discards listed in the VMP are discarded it may result in a loss of eligibility in the EM program for the remainder of the fishing year. If the subsequent two trips do not have instances of non-allowable discarding, then the review rate will revert to 10% of hauls per trip.
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Discard Species List

While reviewing the business rules for EM video review, the committee discovered that the current list of approved allowable discard species in VMPs does not match the allowable discard species list in regulations (50CFR 660.604(p)(4)). The Committee discussed options for updating the discard species list or removing it from the regulations and understands that a change to the discard species list would require additional changes to Federal regulations and may not be possible via a rulemaking package that implements the Council’s final preferred alternatives under consideration at the March 2023 meeting. We recommend the Council consider these changes and ask that NMFS staff provide the Council with guidance relative to how these changes could be implemented prior to the beginning of the EM regulatory program in 2024.

PFMC
2/16/23