



## North Pacific Fishery Management Council

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### Fishery Monitoring Advisory Committee Minutes

September 13-14, 2018, NOAA AFSC, Seattle, WA

Members: Bill Tweit (Chair), Bob Alverson (FVOA), Julie Bonney (AGDB), Beth Concepcion (A80), Dan Falvey (ALFA), Kathy Hansen (SEAFSA-phone), Stacey Hansen (SWI), Nicole Kimball (PSPA), Michael Lake (AOI), Paul MacGregor (NSF), Caitlin Yeager (UFC), Abby Turner-Franke (NPFA), Chad See (FLC), Luke Szymanski (AIS), Tom Evich (Fisherman), Jerry Bongen (Pot cod-phone)

Agency: Council – Elizabeth Figus, Sam Cunningham  
NMFS AFSC – Jennifer Ferdinand, Lisa Thompson, Gwynne Schnaittacher, Geoffrey Mayhew, Farron Wallace, Craig Faunce  
NMFS Alaska Region – Jennifer Watson, Alicia Miller, Jason Gasper  
NMFS National Observer Program –  
NOAA Office of Law Enforcement – Jaclyn Smith, Dennis Jaszka  
NOAA General Counsel – Tom Meyer  
Pacific States Marine Fisheries Commission – Jennifer Cahalan, Phil Ganz  
ADFG – Trent Hartill

Others attending included: Mike Orcutt (AMR), Troy Quinlan (Techsea), Ruth Christiansen (UCB-phone), Brent Paine (UCB-phone), Molly Zaleski (Oceana-Phone), Anne Vanderhoeven (AS-phone)

The Chair opened the meeting with introductions and a discussion of the agenda. The FMAC received a reminder that in June 2018 the Council changed the name of this committee, from ‘Observer Advisory Committee’ to ‘Fishery Monitoring Advisory Committee’, or FMAC. This name change brings the group name into line with the ongoing and increased focus on electronic monitoring issues alongside observer coverage. The role of the committee will not change. The FMAC will continue to convene industry members, agency representatives, observers and observer/EM coverage providers to advise the Council on issues specific to all types of monitoring in Alaskan fisheries. The FMAC also received an update about the trawl EM Committee meeting in August 2018.

**Draft 2019 ADP:** The FMAC received a presentation on the draft 2019 Annual Deployment Plan (ADP). The FMAC appreciates the opportunity to work closely with the agency on reviewing the draft ADP, especially the responsiveness of agency staff during the meeting. The FMAC further appreciates the current level of analytical resources available to FMA and hopes that can continue. The FMAC discussed the review process and there was interest in having the FMAC function in ADP process remain an iterative, informative role and not simply a review role. The FMAC needs to think further about timing and process to make that work **and provides the following comments on the draft 2019 ADP:**

#### **Deployment strata**

- **The FMAC supports the NMFS proposed strata by gear type** (No-selection pool, EM pool, Hook-and-line, Pot, Pot vessels delivering to tenders, Trawl, and Trawl vessels delivering to tenders).
- **Strata as described on pages 4 and 12 describes trawl vessels greater than or equal to 40 feet; this should just be simply ‘trawl vessels’ without a 40 ft distinction (all trawl vessels are greater than 40 ft so the distinction is not necessary).**

## Allocation among strata

- **The FMAC requests that the presentation of the draft 2019 ADP at the October 2018 Council meeting include a close look at a lower hurdle for Pot (10% for Pot with 15% for Trawl and Hook-and-line) to compare side-by-side with the 15:15:15 across sectors (including the differences in G score likelihoods of achieving coverage in each spatial area that result with the 10% change for pot).**
- **The FMAC as a whole felt 10% or 15% might be reasonable as the base hurdle for the Pot sector and in the long-term they support a concept of looking at differential deployment base levels by gear type (through continuing trying to refine the gap analysis concerning how meaningful different areas are; continuing refining the gear-specific hurdle approach in future years), with the following pros and cons:**
  - **Reasons for changing to 10% coverage on Pot,**
    - a) it is based on the gap analysis in the 2015 SEA
    - b) there are more management needs and sampling needs in the Trawl and Hook-and-line sectors than in the Pot sector
    - c) fishing sablefish with Pots has lower incidental catch mortality rates than Hook-and-line gear
    - d) 10% would be an improvement from previous coverage rates in the Pot sector
  - **Reasons for retaining the current 15:15:15 as a base,**
    - a) Gulf cod is at lowest level on record
    - b) Pot gear accounts for a large share of Federal Pacific cod harvest in the Gulf, where most of the partial coverage fishery occurs
    - c) there is little information to judge potential impacts on management and sampling needs of shifting down to 10% for cod
    - d) due to uncertainty in the cod stock and the emerging fishery, they would rather see more data coming from the Pot sector and consider dropping it in the future
    - e) using Pots for catching sablefish is an emerging fishery, requiring increased monitoring until baseline data are established for all areas and seasons.

## Observer costs

- **The FMAC is very concerned about the unanticipated increased cost of observer days, from \$1,100 to \$1,400.**
- **The FMAC recommends FMA describe details of what influences observer cost per day during their presentation of the draft ADP in October, including the difference between costs for ‘guaranteed’ vs. ‘optional’ days.**
- **The FMAC requests the Council recommend the final 2019 ADP use the best available data to refine cost per observer day further and provide context about why costs are going up.**
- **The FMAC requests a specific addendum document to the final 2019 ADP to explain the increase in the cost of an observer day, given the increase in cost per day is substantial.**
- **Given the current situations (low coverage, increasing costs, etc.), the FMAC does not support the draft 2019 ADP optimization that includes crab.** Reasons include:
  - the FMAC supports focusing coverage on PSC-limited fisheries for optimization (supports sticking with only halibut and chinook because of the real-world effect they have in closing down fisheries)

- the crab optimization would cause Hook-and-line coverage to go down while Pot coverage increases, such that coverage would be higher on Pot vessels than Hook-and-line
- FMAC members generally felt it was likely that there are more management needs associated with Hook-and-line sampling than for the Pot sector
- In a time of declining revenues and increasing costs, it is not prudent to add a new objective (crab) to the current objectives (halibut and chinook).

## EM

- **The FMAC requests Sitka be included as a key EM port.**
- **The FMAC requests the number of boats in the EM research program be stated, as in past ADPs.**
- **The FMAC requests FMA add a table to show expected sea days for the EM fleet in 2019.**
- **For the final 2019 ADP the FMAC requests inclusion of an expected budget for EM in 2019, as has been done in the past.**

## Other Recommendations

- **The FMAC requests the next Annual Report (for 2018) include how fees might be split in the future between EM and Observer days** (EM optimization was not part of the draft 2019 ADP and will not be done in fee analysis, and the FMAC continues to emphasize its request for this information).
- **The FMAC also recommends a future evaluation of separating EM into separate strata for Pot and Hook-and-line EM vessels** because:
  - at some point differential review costs may lead to interest in setting different coverage rates for those sectors
  - in terms of reporting how strata perform, lumping Pot and Hook-and-line may lead to difficulty interpreting tables and graphs for these fisheries in the future, specifically bias tests as applied to the separate gear groups (variations in trip length, species composition, etc., make it difficult to detect observer effects when Pot and Hook-and-line vessels are lumped together)

## Fixed Gear EM Program Updates

The FMAC was pleased to hear that pot gear EM data is set to be added to the catch accounting system in 2019, although it is expected that pot data will continue to take longer than other EM information to get to management (due to longer trips and longer review time). Some members of FMAC requested to be kept apprised of upcoming developments in EM for pot vessels through an informal feedback loop. Agency staff were supportive of this idea. The FMAC was also informed that **the first year of fixed gear EM implementation has gone well**. The Council now has the only EM catch accounting program in the country. As of September 14, 132 of the 141 previous EM vessels have VMPs in place for the upcoming year. The period to request a VMP or request to opt out of the 2019 fixed gear EM program is open until November 1<sup>st</sup>. Unless something changes, **NMFS does not anticipate having any vessels removed from EM this year due to non-compliance with their VMPs**. The FMAC acknowledged this success as a testament to the work on all sides to get this program going and make it successful.

The FMAC also continues to request additional information about how the agency will split fees

between observers and EM in the future. Agency staff informed the FMAC that a fixed gear EM budget update document is forthcoming and is expected to be ready for dissemination prior to the November EM Committee meeting. The FMAC would appreciate an update from FMA in November regarding the number of vessels in the 2019 fixed gear EM selection pool. As a group, the FMAC discussed two ongoing EM funding applications, and it was noted that the next deadline for AFSC cooperative research proposals comes in October.

**Observer Analyses:** Agency staff presented a review of the observer analytical task status. The FMAC recommended minor changes, including revisions to the trawl EM research projects currently tasked to the Council's EM Committee (#12, 13, 14 on the list presented). The FMAC requests the agency subgroup working on ODDS revisions provide an update on their progress in May 2019. The agency is bringing the draft to the Council for consultation, but it does not require action by the Council.

Council staff presented an update on the fee analysis, which is scheduled for Initial Review by the Council in December 2018. Staff reminded the FMAC that the fee analysis does not address changes to the ADP or monitoring plans, and it is an analysis to aid the Council in a decision about whether and by how much to change the partial coverage observer fee. The FMAC discussed the fee analysis plans, reviewed a summary document from a meeting of the FMAC Subgroup on September 5<sup>th</sup>, and provided the following recommendations to staff:

- The FMAC wants to better understand what is incrementally gained for stepwise increases in the fee percentage(s), between 1.25% and 2%, to ensure that the fee analysis contributes to an ongoing goal of continually improving efficiencies in how partial coverage fee revenues are utilized.
- The FMAC supports measuring incremental gains in relation to qualitative or quantitative likelihood of a given fee rate achieving the monitoring objectives proposed by staff.
- The FMAC recommends staff add 'timeliness for catch accounting' to the monitoring objectives.
- The FMAC looks forward to learning more about how staff will determine effects by gear sector once it is determined how many days can be purchased at different fee levels.
- The FMAC acknowledges the analytical challenges posed by near- and long-term uncertainty regarding fee revenues and observer costs. FMAC also recognizes staffing constraints at FMA and NFMS SF that might influence the extent to which the impacts of changing the fee on monitoring objectives can be analyzed quantitatively. The FMAC supports all due attempt by staff to maintain the current review schedule.

The FMAC appreciates the Council's ongoing support of the Subgroup's participation during development of the fee analysis and does not anticipate the need for a formal meeting before December 2018.

**NMFS Observer Safety Document:** The FMAC received a presentation from FMA staff about the National Observer Program Safety Review Document released in May 2018. FMA staff presented a subset of their recommendations expected to be of interest to the FMAC. The FMAC appreciated the presentation from FMA staff and has responded to that subset of recommendations. **The FMAC recommends the Council submit a letter to the National Observer Program supporting regional-specific solutions to observer safety challenges**

**whenever possible, as opposed to prescriptive national guidance, and supporting the FMA recommendations with the following highlighted issues:**

- Improvements in the observer safety system (slide 5 in the FMA presentation) should include provider companies as part of the feedback team along with the Office of Law Enforcement, individual observers, and the observer program. This includes an open flow of information concerning safety equipment, interference, harassment, assault, or other safety issues to the extent possible, without interfering with ongoing investigations. A first step in this direction is to reinstate the annual report of the exit survey.
- Decisions about fitness for duty (incl. medical issues) are best decided by an observer and their physician.
- Observer providers are equipped to retain health records and providers should continue to retain these records. The FMA should not be required to retain medical records for observers.
- Vessel operators, providers, or FMA/the observer program *should not* ask for or receive information about medical history or medications that observers may be taking.
- Regional observer program staff should continue efforts to remind observers that it is probably in their best interest to voluntarily divulge medical issues to providers, FMA, OP, and/or vessel operators (slide 9).
- FMA staff should consider reviewing current observer provider certification standards and determine whether those certification standards need updating to include criteria expectations as requirements (e.g., emergency action plan, storing medical records as necessary, etc.).
- In addition to comments on slide 12, vessels having difficulty creating safe space for observers at sea continue to be encouraged to be in EM and should continue to be prioritized for the EM program.
- There is currently adequate support through providers to facilitate FECA claims (slide 17).
- The Alaska Region (and all regions) should be allowed to maintain autonomy concerning observer insurance requirements. As a CFR issue, insurance processes should remain as regional decisions.
- FMA and the observer program should recommend the USCG recognize extra safe or meritorious behavior (e.g., during emergency situations) of observers and vessel operators/crew hosting observers. It was noted the USCG already has various letters/awards that they give to civilians in certain situations.

**Scheduling & Other issues:** The Chair noted the next meeting of the FMAC will take place December 3rd, 2018, in Anchorage, AK, to discuss the Fee Analysis Initial Review Draft and provide recommendations to the Council as necessary.