



# NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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## Action Memo

**File Number:**Cons 15-034

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**Dan Hull, Chairman**  
**Chris Oliver, Executive Director**

**SUBJECT:**  
Observer Program - Supplemental EA

**ACTION REQUIRED:**  
Review Supplemental Environmental Assessment

**BACKGROUND:**

In 2013, NMFS implemented the restructured North Pacific Groundfish and Halibut Observer Program, under which NMFS deploys observers on vessels and in processing facilities to obtain information necessary to conserve and manage the groundfish and halibut fisheries in the Gulf of Alaska, Bering Sea, and Aleutian Islands. The restructured program for the Gulf of Alaska was challenged in court, and in August 2014, the Federal district court in Alaska issued a decision which upheld the program, finding that the new program instituted significant improvements that should be allowed to stand. The court, however, found that NMFS failed to consider whether data collected by observers would be reliable in the face of significant observer cost increases, and ordered NMFS to prepare a supplemental environmental assessment that analyzes when observer data ceases to be reliable, or of high quality, because the rate of observer coverage is too low.

In response to the Court Order, NMFS has prepared an analysis (attached) to supplement the 2011 Environmental Assessment (EA) for Restructuring the Program for Observer Procurement and Deployment in the North Pacific, which analyzes new information. NMFS has collected and analyzed observer data, costs, and fee revenue from two complete years under the new program, 2013 and 2014, to consider whether the restructured Observer Program would yield reliable, high quality data given likely variations in costs and revenues.

The Observer Advisory Committee is meeting on May 29, 2015, and their recommendations on this agenda item, if any, will be included in the minutes under Agenda C5.