

Observer Advisory Committee – Meeting Report
February 3, 2014
South Room, Renaissance Hotel, Seattle, WA
8 am – 6 pm

Committee: Dan Hull (Chair), Bob Alverson, Jerry Bongen, Julie Bonney, Dan Falvey (teleconference), Kathy Hansen (teleconference), Stacey Hansen, Michael Lake, Todd Loomis, Paul MacGregor, Brent Paine, Joe Rehfuss, Chad See, Anne Vanderhoeven. **Not present:** David Polushkin.

Agency Staff¹: Diana Evans (NPFMC), Chris Oliver (NPFMC), Martin Loefflad (NMFS FMA), Farron Wallace (NMFS FMA), Chris Rilling (NMFS FMA), Steve Ignell (NMFS AFSC), Glenn Merrill (NMFS AKR), Jennifer Mondragon (NMFS AKR), Sally Bibb (NMFS AKR), Mary Alice McKeen (NMFS AKR, teleconference), Tom Meyer (NOAA GC, teleconference), Nathan Lagerwey (NMFS OLE), Alicia Miller (NMFS OLE), Dayna Matthews (NMFS OLE), Nicole Kimball (ADFG), Megan Peterson (ADFG), Gregg Williams (IPHC).

Other attendees included: Sam Cotton (Aleutian East Borough), Jeff Farvour (fisherman), Leonard Herzog (vessel owner), Brian Lynch (Petersburg Vessel Owners Association), Chuck McCallum (Lake and Peninsula Borough/ GOA Coastal Community Coalition), Paul Olson (The Boat Company), Troy Quinlan (TechSea Intl), Andrew Richards (Sullivan & Richards LLP), Nicolei Sivertstol (FV Pacific Sounder), Beth Stewart (Peninsula Fishermen’s Coalition), Luke Szymanski (AIS), Liz Mitchell (Association for Professional Observers, teleconference).

Agenda

- I. Introductions, review agenda
- II. Updates (implementation, outreach)
- III. Review of observer program analyses
 - a. Outline of the Observer Program Annual Report
 - b. Discussion paper on five regulatory amendments, and relative priorities
 - c. Public Comment
 - d. OAC discussion, recommendations, and prioritization of analyses
- IV. Electronic Monitoring
 - a. Update on National EM workshop
 - b. Update on Regional Electronic Technology Implementation Plans
 - c. Study design summary for the 2014 cooperative research EM plan
 - d. Discussion and recommendations
- V. Scheduling & Other issues
 - a. Update on lead level 2 observer availability
 - b. Independently funded EM pilot projects
 - c. June OAC meeting dates

Introductions and agenda

Introductions were made, and the agenda was approved, with some additions to the ‘other issues’ item.

¹ NPFMC – North Pacific Fishery Management Council; NMFS FMA – Fishery Monitoring and Assessment division at the National Marine Fisheries Service’s Alaska Fisheries Science Center (AFSC); NMFS AKR – NMFS Alaska Region; NOAA GC – National Oceanic and Atmospheric Administration General Counsel; NOAA OLE – NOAA Office of Law Enforcement; ADFG – Alaska Department of Fish and Game; IPHC – International Pacific Halibut Commission.

Update on implementation and outreach

Martin Loefflad provided a short update on observer implementation issues. There is more money in the national NOAA budget this year for observers and enforcement, but he does not yet know whether that will result in an increase in the budget for the Alaska program. With respect to the vessel selection pool, the November and December period was relatively quiet for fishing activity, and even though the selection draw was fairly high, the program only had observers on six boats. Mr Loefflad also reported on the policy of conditional release, and noted that there have been two substantiated instances of people altering their bunks to make the boat unobservable and one case of an individual who applied for a release not complying with its conditions. The latter case is being handled by enforcement.

The agency has also held a number of outreach meetings this winter in communities, which have been useful, and has meetings planned shortly in Sitka and Juneau. One outcome Mr Loefflad noted was that he has talked with several fishermen who were not aware of the careful release regulations, and that we may need to have continued outreach and communication of those requirements.

Review of observer program analyses

Presentation on outline of the Observer Program Annual Report

Martin Loefflad and Jennifer Mondragon presented the proposed contents and outline for the Observer Program Annual Report, which evaluates the first full year under the program (2013), and is being prepared for the Council's June 2014 review. While the description of the Annual Report has evolved over time, as currently conceived, it will provide an annual review of the entire observer program (partial and full category), including discussion of programmatic costs, deployment and sampling levels, and compliance and enforcement issues. In developing the structure of this first, full-year Annual Report, the agency has compiled all of the Council, OAC, and public requests (e.g. on the proposed rule) for the report since 2010, and considered how these consolidate into unique issues to address. The majority of requests focus on evaluation of the partial coverage category, which will be the focus of the report especially in this first year.

The Committee asked many questions about the specificity of information that will be included in the Annual Report, and the balance between aggregated information that allows the reader to assess how the program is doing overall, and sector specific information that answers questions for individuals. With respect to comparisons of restructuring with the old program, the agency indicated their intention to compare coverage levels, and catch amounts observed, at an aggregated level for 2013 compared to 2012 (as in the tables presented in October 2013). Ms Mondragon noted, however, that the biggest thing that is changed with restructuring is randomizing the deployment of observers to reduce the bias of self-selection, and this is difficult to see in the data because bias could not be measured in the old program. Looking just at 2013, coverage levels and observed catch will be broken down into sectors, and ideally presented in an accessible way.

The Committee was also interested in the section relating to performance metrics. The agency anticipates development of several performance metrics in this iteration, and is open to suggestions for future metrics which could be incorporated over time. One metric that has frequently been discussed, variance around estimates, will require more than one year of data, and in fact there may be other, better ways to evaluate deployment. The Committee also discussed how performance metrics might inform a discussion of whether the observer fee needs to be changed, to assess how much observer data is needed to meet desired management goals.

Presentation on discussion paper of five regulatory amendments, and relative priorities

Sally Bibb presented the agency's discussion paper on five proposed regulatory amendments: 1) changing the coverage category from partial to full for BSAI trawl cod catcher vessels (CVs); 2) changing the coverage category from full to partial for small catcher processors (CPs), entirely or for certain fisheries; 3) changing the basis of the observer fee for IFQ fisheries; 4) exempting IFQ trips with small amounts of catch from observer coverage; 5) and compliance monitoring options for vessels fishing IFQ in multiple areas. The agency requests feedback from the Council about how these regulatory amendments should be prioritized, when analytical resources become available (noting that the agency is fully tasked with other observer program priorities through June 2014).

The Committee discussed, in general terms, the analytical requirements associated with the various amendments. Ms Bibb noted that proposals would be easier and quicker to analyze where the alternatives for the proposed amendment are clearly understood, and relatively straightforward. The proposals that involve setting a threshold are likely to take longer, as there will need to be more iterations of the analysis for Council review, to determine the appropriate threshold. Ms Bibb clarified that information to scope appropriate thresholds would be brought forward in the development of an analysis, rather than in the Annual Report.

Public Comment

Six people provided public comment on the regulatory amendments. Three people identified hardships with the restructured program that would be alleviated through the regulatory amendment to address small CPs. Two people testified on the merits of the IFQ in multiple areas and de minimus IFQ proposed amendments, and one of these also spoke in favor of the observer fee change amendment. The other person testified on an independent EM pilot project that is being undertaken in the Western GOA, and requested a process to ensure that the information from the pilot can feed into the Council's EM efforts.

Discussion and recommendations on Annual Report

The Committee appreciated reviewing the outline of the report, however the agency was not able, at this time, to respond to all of the Committee's questions regarding the specificity of information that will be included. The Committee heard about the agency's work to capture the recommendations that have been made to date, and to condense these comments into the report outline. Individual OAC members continue to request a range of issues be addressed in the annual report, and highlighted the following elements:

- Specifically distinguish full coverage and partial coverage in all sections of the report (even if there is not much information on full coverage in this iteration).
- Compare 2013 with the 2012 baseline, as a high level assessment
- Report program statistics separately for CPs vs CVs, fixed gear CVs vs trawl CVs, target fisheries
- Present information on the amount of catch observed in addition to the number of trips observed
- Include information on the number of observer deployed days in terms of landing amounts
- Include text to explain the descriptive statistics in plain speak (e.g., tell the data story through specific case studies).
- Develop error bars on catch estimates
- Consider how best to inform a Council discussion both of how to use available observer days more efficiently across fisheries, and whether the fee needs to change, and the process and timeframe for the Council discussion.
- Include a qualitative discussion of how data from the new program is perceived by its users (e.g., inseason management, stock assessment authors, policy decisionmakers, and enforcement), whether it is helping these users to their job better than before, and why or why not.

- Include sufficient resolution to be able to assess the relative costs of the trip versus vessel selection pool programs
- Include a qualitative discussion of cost inefficiencies that are a product of the first year of implementation, that the agency expects will improve over time.
- Remove the conditional release policy and require vessels to carry an observer if selected, unless they utilize an alternative monitoring technology, such as VMS.
- Assess how the partial coverage program may be affecting the full coverage program (e.g., in the amount of time spent debriefing, or how observers drift between programs)

Discussion and recommendations on priority of regulatory amendments

The Committee members each spoke to their sense of the relative priority of the five amendment proposals. Many members cited the need to resolve an ongoing financial hardship caused by the current implementation of the program as the reason for prioritizing some amendments over others. Using this rationale, **the majority of OAC members identified the changes of coverage category for the BSAI cod trawl CVs, and for small catcher processors, as the two highest priority issues.** With respect to the remaining three issues, there was some divergence of opinion as to how they should be prioritized. Many members placed the proposal to change the observer fee as the lowest priority, although some members argued its utility. There was some clarification as to how the deminimus IFQ proposal should be interpreted, along with a suggestion that because of the continuing confusion, perhaps stakeholders should come back with a specific proposal for analysis.

Electronic Monitoring

Update on National EM workshop and Regional Electronic Technology Implementation Plans

The Chair noted that the Committee has received a written summary of the national workshop, and that the workshop was productive. There is strong national interest from NMFS for developing electronic technologies, including electronic monitoring. One national initiative is the development of Regional Electronic Technology Implementation Plans, which contain many elements that are similar to the contents of the Council's Electronic Monitoring (EM)/Electronic Reporting (ER) Strategic Plan. Ms Mondragon noted that the region would likely be asked to make minor additions or modifications to the Strategic Plan in order to comport with the national initiative, but that they were not being asked to begin a separate initiative resulting in an entirely new plan.

Study design summary for the 2014 cooperative research EM plan

Mr Loefflad provided context for the agency's development of a cooperative research plan for EM, which responds to direction from the Senate in the 2014 NMFS appropriations bill, in addition to Council priorities. The research is designed to test two types of EM systems, using stereo or standard cameras, as well as electronic logbooks. Farron Wallace provided an overview of the cooperative research plan summary, and progress towards integrating EM/ER with the restructured Observer Program. Fieldwork under the plan is scheduled for April 2014 to June 2015, and the intent is to link the work concisely back to the Council decisionmaking process. The Committee had many questions about the logistics of the process, such as how monitoring data is transmitted to the agency for review under the different systems, the responsibility of vessel skippers with respect to care and custody, and associated costs.

Mr Loefflad, Steve Ignell, and Dan Falvey also reported to the Committee on their ad hoc meetings during the last couple of months, which have culminated in the agency's cooperative research plan and suggestions to create a Council EM Workgroup. In the effort to get the cooperative research project in the water as soon as possible, the Alaska Longline Fishermen's Association (ALFA) has been organizing a

workshop in mid-February, to begin work on fleshing out details of the 2014 research. The Council's EM workgroup, if and when it is convened, could then take over development of the details of project, leading towards eventual implementation.

Discussion and recommendations

The Committee identified many aspects of the research plan that are not yet resolved, but noted that these discussions can occur either at the proposed workshop, or through the EM working group. For example, a concern was expressed about how the design of the research plan will apply to the varied configurations of small fixed gear longline vessels. It was noted that the research plan may need to consider further how EM systems will be embedded on different vessels, and include options to test what is realistic in terms of operator responsibilities, both of which are essential elements of successfully implementing EM.

The Committee agreed with the proposed process coming out of the NMFS/ALFA meetings, however, and **the Committee recommends that the Council:**

1. **Endorse the conceptual framework for cooperative research in 2014, between NMFS and the fixed gear industry.** That is, the Council would endorse the proposal to cooperatively develop and test the functionality of multiple approaches for integrating EM systems in the North Pacific Groundfish and Halibut Observer Program (i.e., a standard camera system with manual review, and a stereo camera system with automated review) in the spring and summer of 2014.
2. **Support NMFS AFSC and the fixed gear industry convening a February EM Fixed Gear Workshop, to develop details and parameters of 2014 cooperative research.**
3. **Establish an EM Workgroup, to create an ongoing forum for EM discussions (initially with a fixed gear focus), and to inform Council decisions and recommendations to NMFS on EM integration.**

Mr Loefflad noted that the proposed workshop in February would be an open, public workshop. A committee member requested that the meeting be webcast.

Scheduling and other issues

Independently funded EM pilot projects

The Committee heard about two EM pilot projects that are currently underway, or for which funding is being requested: for the pot cod fleet out of Homer, and the western GOA trawl fleet. There are two options for ensuring that the results of the pilot projects feed into EM implementation. The Council could establish a gear-specific EM workgroup for each gear type, or it could expand the membership of an EM workgroup to include representatives of all gear types. The Committee discussed whether the OAC could serve as this representative group, and it was noted that this may not work because the EM workgroup should include specialists from all fields (industry, agency, EM service providers, stock assessment, enforcement), to work out the logistics for EM implementation in the fishery. It was suggested that a fixed gear EM workgroup might address both longline and pot fisheries, as their issues are similar, but a separate EM workgroup might be considered for trawl fisheries. At the same time, it was also noted that many of the issues that will be worked out through the NMFS collaborative research work will be applicable across Council fisheries, such as which camera standard works best, and how to move data through the system.

Update on lead level 2 observer availability

The Committee received a letter from the observer providers expressing continued concern about their ability to develop lead level 2 longline observers within the full coverage category of the restructured Observer Program, or recruit them from elsewhere. The providers have proposed an alternative process to

be pilot tested, based on the process used by ADFG in the crab fishery. Under the proposal, observers with a level of experience, but without the requisite number of 30 fixed gear hauls, would be allowed to work in the longline sector in a “trainee” status. The trainee observers would be debriefed in the field after each trip, to verify their data and determine whether they can be moved from “trainee” to “certified” status. NMFS would continue this debrief cycle until either the requisite number of hauls is met, or NMFS is comfortable that the observer can be moved to a less frequent debrief cycle.

The Committee discussed the proposal. It was noted that observing on a freezer longline vessel is one of the most difficult observer assignments, which is why the regulations require an experienced observer. The Committee also recognized that if a lead level 2 observer is not available, the vessel cannot go fishing, which is a serious harm. The Committee understands that this proposal would require a regulatory amendment, which is not a quick solution. A different solution would be for freezer longline vessels to voluntarily take an additional, inexperienced observer onboard, in order to provide the requisite training to become a lead level 2. The sector is unwilling to take on that role, because of the cost (they have already made significant investments in flow scales in order to be able to take only one observer), and because of natural observer attrition, they would need to be training new observers in perpetuity. The Committee discussed whether the sector and providers might design and test the proposal under an Exempted Fishing Permit, while it is moving forward as a regulatory amendment. The providers suggested that their next step should be to discuss alternatives directly with the agency.

Scheduling

The Chair noted that the Committee should plan to hold an OAC meeting during the week prior to the June Council meeting, the last week of May, and that this meeting might be either in Anchorage or Seattle.