

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-1 Observer Program

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	DAN FALVEY/LINDA Beltracchi	AZFO
2	Paul Gunkelhardt	AEB
3	Rhonda Hubbard	Fisher
4	David Polushen	K - Bay fisheries -
5	Todd Loomis	Self
6	Julie Benny	AGDB
7	Tracey Mayhew	SIU/ULW
8	Zinon Kuzmin	fisherman
9	Jeff Stephan	UFMA
10	Kenny Down	Blue North Fisheries
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.



Alaska House Bush Caucus

Representative Bryce Edgmon, Chair
Alaska State Legislature
Capitol Building, Room 410
Juneau, AK 99801

March 15, 2013

Dr. Kathryn Sullivan, Acting Administrator
National Oceanic and Atmospheric Administration
1401 Constitutional Avenue, NW
Room 5128
Washington, DC 20230

Re: NMFS 2013 Restructured Observer Program

Dear Dr. Sullivan,

We are writing in regard to the National Marine Fisheries Service's 2013 restructured observer plan. Of major concern is the inclusion of some 1,300 new community-based vessels that are less than 60 feet in length. The Alaska House Bush Caucus, which represents many of the 1,300 small vessels impacted, urges you to make changes to this plan.

The Bush Caucus is a bipartisan working group composed of 12 of the 40 members of the Alaska House of Representatives. The Bush Caucus represents rural and coastal Alaska. Our districts cover approximately 98% of Alaska's 6,649-mile coastline, from the Alexander Archipelago to the Arctic Ocean. We share the concerns of fishermen and their associations about the current plan's negative impact on the operators of these small vessels. They include additional expense, safety concerns, unnecessarily intrusive oversight, reduction of coverage on high volume catchers, and the lack of implementation of the electronic monitoring program (EM) that could resolve many of these issues.

Alaska's fishing associations and the Alaska Legislature have long recognized the need to gather scientific information to manage the fishery for sustainability and we doubt that the current plan achieves this need. The 2013 plan reduces coverage in high volume fisheries that have substantial Chinook and halibut bycatch. It also assigns over half the observed trips to vessels that account for less than 12% of the catch without providing any guarantee that priorities will be adjusted in the future.

We are also concerned that NMFS has not provided an electronic monitoring (EM) alternative to human observers for the small longline fleet. Implementation of EM concurrent with the restructured program was requested by fishing associations, vessel owners, and the North Pacific Fishery Management Council. The industry-run EM pilot program costs significantly less than

human observers. EM can provide a representative estimate of catch and bycatch for small vessels while providing cost efficiencies for the program and Alaskan's small fishing businesses. If NOAA cannot develop performance standards and technical guidelines for integrating EM into the restructured program, then NOAA needs to explore other avenues, such as Exempted Fishery Permits, to ensure EM is available to the "vessel selection pool" as an alternative to human coverage by 2014.

We recommend that NOAA expedite the deployment and integration of EM to the observer program. Until EM is a viable component of the observer program, we request waivers be provided to the "vessel selection pool" boats that volunteer to carry EM. We agree with our Alaska Congressional Delegation that NOAA has the flexibility to take either or both of these steps now.

In closing, we urge you to prioritize coverage to fisheries with the most impact to the resource and to mitigate impacts to Alaska's coastal fishermen and fishery dependent communities by providing EM to small boats as an alternative to human observers. We also implore you to work with the North Pacific Fishery Management Council and fishing associations to initiate a meaningful stakeholder process that identifies changes to the observer program with the goal of increasing efficiency while achieving scientific goals and minimizing impacts to Alaska fishery dependent communities.

Sincerely,

The Alaska House Bush Caucus

Representative Bryce Edgmon (Chair)
Representative Alan Austerman
Representative Eric Feige
Representative Neal Foster
Representative David Guttenberg
Representative Bob Herron
Representative Beth Kerttula
Representative Jonathan Kreiss-Tomkins
Representative Cathy Muñoz
Representative Benjamin Nageak
Representative Paul Seaton
Representative Peggy Wilson

JH

Paul Keaton

Beth Kuttel

Ryu Edgmon

Peggy Wilson

Daniel J. [unclear]

Stewart M. [unclear]

Z. Z.

Alan Hasterman

Wood Jester

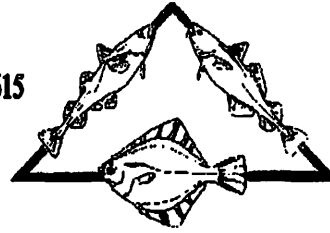
B. P. Nagel

Jim

Groundfish Data Bank

PH: 907-486-3033 FAX: 907-486-3461 P.O. BOX 788 - KODIAK, AK. 99615

Julie Bonney, Executive Director jbonney@gci.net
Katy McGauley, Fisheries Biologist agdb@gci.net



April 3, 2013

Eric Olson, Chairman
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda item C-1 Observer Program

Chairman Olson,
Alaska Groundfish Data Bank members, both shorebased processors and trawl catcher vessels, would like to take this opportunity to complement the Council, observer program and NMFS AK region for the successful implementation of the newly restructured observer program. This was a huge undertaking: change is always difficult but the change wasn't nearly as bumpy as we thought it would be. We would especially like to thank Glenn Campbell, with the observer program, for providing us as close to real time Chinook salmon retention data which we use to help monitor Chinook bycatch in the CGOA fast-paced and very short pollock seasons.

The Council will begin evaluating the observer deployment plan in June of 2013. AGDB members feel that the following issues should be added to the list for investigation as the process begins:

1. Trip definition for vessels that deliver to tenders: In the present deployment plan, a trip ends when a vessel returns to port. Thus, if a vessel is delivering to a tender, the observer can remain on the vessel for weeks at a time for multiple tender deliveries since the vessel has not returned to port. The difference in delivery treatment sets up perverse incentives where vessels may choose to deliver to port when required to carry an observer and deliver to tenders when no observer is required. This may affect the randomized deployments and quality of the observer data.

We suggest that you examine a different model where observers are transported to and from the fishing grounds by tenders to be deployed on fishing vessels. This way a trip can be defined for each deliver whether to a tender or a shoreside processor. Transferring observers between tenders and fishing vessels can be accomplished safely since these transfers can occur during daylight hours and in protected waters such as bays. In many instances getting on and off vessels is safer and easier in this mode than at the docks in the different ports. This practice has been used in the past under the old pay-as-you-go observer system.

2. Delay for reopening fisheries due to the 72 hour check in requirement for ODDS: At the start of 2013, NMFS Alaska Region stated that they would need to give a 3 day (72 hour) notice prior to re-opening a fishery due to the 72 hour log-in requirement for the Observer Declare and Deploy

System (ODDS). Now, apparently, there is a "more than" 72-hour notice requirement (i.e. 4 days).

The trawl fisheries in the GOA are fast paced fisheries that are difficult to manage and in many cases result in multiple closures and reopeners. The four day delay creates inefficiencies and loss of revenue for the trawl industry. We believe that the Council and NMFS should investigate ways that would allow for reopeners in less than four days.

AGDB also recommends that written documentation be provided to improve communication in future years. For shoreside processors a description of the annual shoreside monitoring and observer requirements needs to be available at the beginning of each calendar year. Presently the annual deployment plan allows the Council and the observer program to prioritize new monitoring objectives each year for the sector. To prevent confusion written documentation of shoreside processing monitoring objectives and observer requirements need to be provided every year.

For vessels there has been some confusion about how the ODDS system functions and flexibility that is inherent in the system. Providing written examples of how the system functions and the flexibility within the system would better inform vessel operators/owners on how best to manage their logged trips. Understanding the flexibility allows the observer deployments to best meet the vessel's fishing plan versus having the observer deployments dictating when a vessel can fish. Better understanding by both vessel owners/operators could facilitate meeting this objective.

Thank you for the opportunity to comment.

Sincerely,



Julie Bonney
Executive Director
Alaska Groundfish Data Bank

**C-1 Council motion on Observer Program
4/3/13**

The Council requests the agency to complete the Electronic Monitoring Strategic Plan for review and adoption at the June 2013 Council meeting with the following revisions.

The Council requests the matrix (p. 4-7) in the Electronic Monitoring (EM) strategic plan be revised to include a broad list of tools and a relative ranking of the ability of those tools to meet the monitoring objectives, similar to those identified in the "Fisheries Monitoring Roadmap" document.

The Council requests the implementation section (p. 13) include the following:

1. Funding options, including whether fees collected under the Observer Program are applicable to EM development and implementation, or whether outside funds are going to be necessary.
2. Timelines and implementation schedules to meet the Council's objective to implement EM in the 40' – 57.5' fixed gear IFQ and Pacific cod fisheries.
3. Specific to the actions identified under Goal IV, a description of how the agency will coordinate and collaborate with an EM Working Group (described below) to inform a) the design and execution of pilot projects (including 2014) and b) the evaluation of alternative EM approaches, with OAC review,.
4. Include a description of the EFP process and what steps stakeholders would have to follow to propose the use of an EFP to achieve particular goals or strategies in the strategic plan.

The Council also approves formation of an EM Working Group to evaluate alternative EM approaches, with a consideration for tradeoffs between achieving monitoring objectives, timelines, and other factors (e.g., costs, disruption to fishing practices). The EM Working Group will be guided by the Electronic Monitoring Strategic Plan that the Council is scheduled to adopt at the June 2013 Council meeting.

D R A F T
ADVISORY PANEL MINUTES
APRIL 2013

The following members were present for all or part of the meetings (absent ~~striken~~):

Ruth Christiansen	Becca Robbins Gisclair	Andy Mezirow
Kurt Cochran	John Gruver	Joel Peterson
John Crowley	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Neil Rodriguez
Tom Enlow	Craig Lowenberg	Lori Swanson
Tim Evers	Brian Lynch	Anne Vanderhoeven
Jeff Farvour	Chuck McCallum	Ernie Weiss

C-2 (a) Final action on BSAI Flatfish Specification Flexibility

The AP recommends the Council adopt Alternative 3, Option 1 for final action.

Motion passed 16/3 with 1 abstention.

Rationale:

- *This action will help achieve OY as well as reducing some of the pressure during TAC setting.*
- *Alternative 3 gives the Council the ability to decide how much of the ABC surplus may be traded, presumably using National Standard 1 criteria which allow adjustment of the ABC for any relevant economic, social, or ecological factor.*
- *Option 1, limiting the number of trades, will limit the burden on NMFS in-season management.*

The following motion failed 8/11 with 1 abstention.

The AP recommends the Council delay final action. The AP recommends a preliminary preferred alternative 3. The analysis needs to further analyze the effects on the CDQ sector of increasing the A80 harvest through flatfish flexibility. This will largely be qualitative:

1. A more thorough review of the fleet's harvest of CDQ allocations in the past is needed, including a more thorough discussion of the reasons for under harvest.
2. A more thorough discussion of the incentives and constraints on A80 fleet capacity, including but not limited to the effects of the Coast Guard reauthorization act of 2010 and alternative compliance on the fleet's current annual harvesting capacity;
3. A poll of A 80 companies to ascertain their level of interest in adding new capacity as opposed to replacing existing capacity and how far along they are in actually building that new capacity.

Further the AP recommends the Council expand the analysis to include a column in Tables 9 and 10 (page 21) showing how many pounds of halibut PSC have been used. Also, a description of how any of the alternatives and options may affect PSC usage.

Minority Report: *Minority Report: The minority acknowledged that the additional analysis would be largely qualitative. The analysis simply asserts that increased efficiency and new capacity will offset any expansion in the A80 harvest and continue to make CDQ quotas desirable. But the incentives around fleet capacity need to be more fully identified and articulated before their probable effects on CDQ harvest can be identified. The analysis needs to describe the anticipated effects alternative compliance and the*

Coast Guard Reauthorization Act of 2010 requirements on this aging fleet before any assertion can be made regarding fleet capacity. Building new, classed vessels does not necessarily lead to increased capacity. There are also many potential pitfalls to adding new capacity as well as likely constraints that are not identified or discussed in any way. Signed by: Anne Vanderhoeven, Jeff Farvour, Neil Rodriguez, Ernie Weiss, Chuck McCallum, Jerry Downing, Becca Robbins-Gisclair and John Gruver.

C-2 (b) Final action on AFA Vessel replacement GOA sideboards

The AP recommends the Council adopt Alternative 2 with the vessel removal provisions as follows, for final action.

Alternative 2 (status quo) – AFA vessel owners are allowed to rebuild or replace their vessels, as provided in the Coast Guard Act. AFA vessel owners may participate in GOA with a replacement or rebuilt vessel as long as the replacement or rebuilt vessel does not exceed the MLOA specified on the GOA LLP groundfish license assigned to the vessel at the time of fishing in the GOA by the vessel. If an AFA vessel owner removes an AFA vessel that is exempt from sideboard limitations, the sideboard exemption is extinguished and the exemption cannot be transferred to another vessel

Vessel removal provisions: Upon removal of an exempt vessel, the sideboard exemption is extinguished and cannot be transferred to another vessel.

Motion passed 15/5.

Rationale:

- *This motion allows for a vessel owner to comply with the AFA vessel replacement provision of the Coast Guard Act, vessel owners may now replace, rebuild, or remove a vessel from the fishery.*
- *Vessels that remain in the GOA fishery will still be constrained by the current regulations that AFA vessels are operating under:*
 - *300,000 lb daily trip limit,*
 - *sideboard restrictions*
 - *125 ft MLOA*
 - *cannot exceed MLOA on LLP*
- *Vessel owners will be able to rebuild or replace vessels that will more efficient, safer, optimal platforms for operating in the adverse conditions that they face on a daily basis while fishing in either the Bering Sea, Aleutian Islands, or Gulf of Alaska fisheries.*

C-3(a) Steller Sea Lion EIS - Initial review; select PPA

The AP recommends the Council accept the SSLMC recommended PPA for the EIS, with the following clarifications for the measures for the pollock fishery in Table 1 on page 7 of the action memo:

- *2nd column should read, "Critical habitat closed except an area outside of 0-3 nm haulouts and 0-**20** nm from rookeries at Shemya, Alaid, and Chirikof."*
- *The last lines under the 3rd, 5th and 7th columns (Catch and Participation Limits for Areas 543, 542, and 541) should be reworded so that it's clear that the percentages are of the overall ABC that can be taken of the A season.*

The AP also concurs with the comments on the Draft EIS noted by the SSLMC on pages 4-5 of their minutes provided in the notebooks. *Motion passed 19/1*