



Fishery Monitoring and Advisory Committee REPORT

May 10-11, 2023: 8:30am-4:00pm AKDT

Committee members present: Bill Tweit (co-chair), Nicole Kimball (co-chair), Bob Alverson, Julie Bonney, Beth Concepcion, Ruth Christiansen, Dan Falvey, Kathy Hansen, Stacey Hansen, Julie Kavanaugh, Michael Lake, Charlotte Levy, Mike Orcutt, Courtney Paiva, Chad See, Luke Szymanski, Abigail Turner-Franke, Paul Wilkins, Sarah Williamson, and Caitlin Yaeger

Council/NMFS Staff: Sara Cleaver (NPFMC), Jennifer Ferdinand (NMFS AFSC), Jennifer Mondragon (NMFS AKR), Phil Ganz (NMFS AKR), Jennifer Cahalan (PSMFC), Geoff Mayhew (NMFS AFSC), Dave Colpo (PSMFC), Anna Henry (NPFMC), Gwynne Schnaittacher (NMFS AFSC), Lisa Thompson (NMFS AFSC), Maggie Chan (NMFS AKR), Josh Keaton (NMFS AKR), Melanie Rickett (NMFS AKR), Jaclyn Smith (NOAA OLE), Geoff Mayhew (NMFS AFSC), Alex Perry (NOAA OLE), Joel Kraski (NMFS AFSC), Tom Meyer (NOAA GC), Jaclyn Smith (NOAA OLE), Caren Braby (PSMFC), Mike Vechter (NMFS AFSC), Jason Jannot (NMFS AFSC)

Other Attendees: Karla Bush (ADF&G), Rachel Baker (ADF&G), Anne Vanderhoeven, Chris Oliver, Chelsae Radell, Alicia Cozza, Lauren Mitchell, Michelle Stratton, Wayne Walter, Corey Niles (WDFW), Darrell Brannan, Jo Ann Alvarez

This list may not be comprehensive as some attendees did not use full names.

1. Introduction

The co-chairs of the Fishery Monitoring Advisory Committee (FMAC) opened the hybrid meeting and gave an overview of the agenda. The purpose of this meeting was for the committee to receive the 2022 Observer Annual Report, a draft of the 2024 Annual Deployment Plan (ADP; referred to as the Partial Observer Coverage Cost Efficiencies Integrated Analysis or Cost Efficiencies Analysis in previous reports) and to discuss the process for prioritization of EM issues. The committee also received input on other topics from stakeholders as requested.

Ms. Sara Cleaver provided observer-related updates from the Council's June and October 2022 motions and the Council's recommendations on the Cost Efficiencies Analysis for implementation in the 2024 ADP. The update also included recommendations made by the Partial Coverage Fishery Monitoring Advisory Committee (PCFMAC) at its September 2022 and January 2023 meetings. Ms. Cleaver also noted that in April, the Council appointed three new members to the FMAC to include further expertise specific to shoreside processing, full coverage EM, and EM in the Western Gulf of Alaska (WGOA). This reflects the anticipated dissolution of the Trawl EM Committee when final regulations are published implementing the Pelagic Trawl EM Program and the resulting need for the FMAC to provide oversight on all regulated monitoring programs, including both observer and EM.

2. 2022 Observer Annual Report

Ms. Jennifer Ferdinand, Ms. Jaclyn Smith, and Ms. Jennifer Mondragon provided a presentation on the 2022 Observer Annual Report. Given previous committee and Council direction for an abbreviated annual report to direct staff time to the 2024 ADP, the abbreviated report included information on budget and costs, deployment performance, enforcement and compliance information, and agency recommendations

for the 2024 ADP. The committee particularly appreciated the information included in the presentation and the annual report on the differences between full coverage and partial coverage costs.

Deployment performance summary

The annual report evaluates whether actual coverage rates by each category met the projected coverage rates. The observer deployment rates in the hook-and-line (HAL) fleet were lower than expected, which was caused by a combination of operators canceling selected trips and a few waivers issued by NMFS. NMFS is working to further understand the reasons behind the high operator cancellation rate in the HAL fleet. Currently, vessels can log up to three trips at a time into the Observe Deploy and Declare System (ODDS) and if a vessel cancels a trip that is selected for observer coverage, only the next trip that is logged into ODDS (not one of the original three) inherits the observed status. The FMAC flagged this as an important issue and solutions such as whether ODDS could be programmed to automatically select the next trip (the next time the vessel leaves the dock) rather than the next logged trip. The committee also discussed some of the operational issues with masking selection results until the current trip is realized. Some committee members noted that there are reasons to maintain the ability to log multiple trips at once (e.g., having time to arrange IFQ permit holders on a trip). In discussing potential solutions, agency staff noted that any changes to ODDS would apply across all gear types, and the committee agreed that it would be beneficial to understand selected trip cancellation rates for trawl and pot vessels in addition to HAL as well as how cancellation rates for EM selection compare to that for observers. See FMAC recommendation on this in Section 3.

Enforcement and compliance

Ms. Ferdinand and Ms. Smith provided summary information on enforcement, compliance, and recent outreach efforts in the Observer Program. The committee had a few suggestions on how to improve this section of the annual report. First, the FMAC would like to see the information on observer-on-observer harassment broken out and emphasized in the report, as there were multiple statements on this. Second, being able to look at a longer time series of enforcement data, rather than just the previous year, would be valuable to identify trends. Overall, the committee was interested in seeing how many statements provided in the annual report result in actual violations. This is difficult to show on an annual basis as some statements are not resolved in the same calendar year, but Table 4-4 in the annual report is the best indication. The FMAC noted they would keep this on their radar and that they could comment on this issue in the future.

The committee co-chair reiterated that creating a safe working environment for observers and reducing issues of observer harassment is a major goal for the committee and the Council, and that efforts should be focused in areas that are experiencing increased issues. **The committee recommended the Council produce a “Spotlight” highlighting resources and services, such as the online training on ensuring a safe work environment for observers, that are available through the NOAA Workplace Violence Prevention and Response Program.** Additionally, one committee member suggested that when NMFS OLE sends out notices to vessels/IFQ holders it would be helpful to also include trade associations so that they can address issues.

Committee Recommendations on the 2022 Observer Annual Report

There was discussion about how to proceed with annual reports given the changes in deployment that have occurred over the past three years due to Covid-19, as well as the changes that may be occurring in the future with changes to the ADP. In general, the committee recommended inclusion of base data for all sectors, rather than only calling out sectors where there are issues. **The committee recommended having an abbreviated annual report for the 2023 fisheries, a full annual report for the 2024 fisheries, and recommended the following items be included in future annual reports:**

1) At-sea compliance data from EM in terms of the amount of catch monitored. NMFS noted that they are working to get compliance monitoring data into their data system in a way that is more

accessible, and that they should be able to do these calculations in the future. It was also noted that the goal of the Committee is to see EM cost categories including monitored days versus sampled or reviewed days and it would be beneficial to include these specifics in the next report.

2) A summary of issues that were highlighted in the previous year’s annual report or in committee recommendations on the annual report and how those issues have been addressed. The committee noted that some of these issues may get moved to the observer analytical task list, some may be addressed in future ADPs. NMFS indicated that in the full (non-abbreviated) annual reports, they include a summary of recommendations and how they have been addressed. Specifically for next year’s report, the FMAC highlighted the issues of EM image quality, new EM review protocols for pot boats, and delayed EM video review.

3) A summary and associated metrics on EM in the pelagic trawl fishery, similar to the summary that exists for fixed gear EM. The agency noted that this is not included in this year’s report because trawl EM is not currently part of a regulated program (as it is still authorized under Experimental Fishing Permits (EFPs)). This information may be able to be included in the next annual report, and will be included in the 2024 report after full implementation.

4) Reintroduction of bias metrics for the next full report (2024 fishery), such as monitoring effects and information on how mixed-gear trips may bias data. Agency staff noted that this information was not included this year due to the abbreviated report.

The committee and agency also expressed interest in being able to compare costs across regions. Currently, costs of regional Observer Programs cannot be compared based on what each region chooses to include in the cost per day. Additionally, the committee is interested in seeing how Alaska compares to other regions in terms of observer harassment cases. Therefore, **the committee recommended the Council write a letter to the National Observer Program to inquire about all six regions using a standardized template for observer costs per day and to obtain observer harassment information from other regions.**

3. Draft 2024 Annual Deployment Plan (Cost Efficiencies Analysis)

Ms. Jennifer Ferdinand, Ms. Jennifer Cahalan, Mr. Phil Ganz, and Mr. Geoff Mayhew, and Ms. Jennifer Mondragon, presented an update on the draft 2024 ADP which included a description of the stratification and allocation schemes and evaluation metrics. The 2024 ADP is the mechanism for the cost efficiencies analysis, meaning the stratification and allocation elements together will formulate a complete, statistically robust sampling design for the 2024 ADP.

The primary goal of evaluating new sampling designs is to establish a monitoring program that collects credible, scientifically rigorous data, while also accommodating the budgetary limitations and fulfilling a range of analytic needs. Analytical staff highlighted the importance of data quality over sheer coverage rates, and achieving higher coverage rates should not be misconstrued as equivalent to obtaining better data. Instead, the focus should remain on ensuring the collection of high-quality, reliable information that serves the purpose of informed decision-making.

Two stratification schemes discussed at prior PCFMAC meetings are no longer under consideration for implementation in the 2024 ADP: 1) Shoreside sampling of EM-pot vessels with a maximum retention requirement and 2) EM paired with at-sea observers on fixed gear.

Three stratification schemes and four allocation schemes were proposed as options for the 2024 ADP.

Stratification:

- **Status quo:** Six gear-based deployment strata (hook-and-line, pot, and trawl) and monitoring tool (EM or observer). A seventh, “zero coverage” strata is for vessels under 40 ft. LOA or those using jig gear.

- **Status quo + FMP (BS & AI & GOA):** This would allow for different monitoring effort by FMP, with the potential to obtain more samples if needed from fishing activities with less effort (gear, monitoring method (EM or observer), FMP).
- **Status quo + 2FMP (BSAI & GOA):** Same as above but with strata split by BSAI/GOA.

Allocation:

- **Equal rates:** All strata are allocated the same sampling rate, proportionate to the number of trips in the strata.
- **Status quo:** 30% Fixed-gear EM strata trips, 33.3% Trawl EM strata deliveries, and observer strata with 15% minimum rate and additional sampling effort focused on minimizing between-trip variance of groundfish discards, halibut PSC, and Chinook PSC.
- **Proximity:** Based on spatiotemporal arrangement of fishing effort within each stratum with the implied assumption that trips near to each other in space and time have similar characteristics. This method allocates more sample effort to strata with more dispersed or lower fishing effort.
- **Cost-weighted boxes:** Balances the need to capture a variety of fishing effort with sampling costs. This method allocates more sample effort to strata with a higher proportion of boxes (each box represents 200 km and 1 week) with low probability of being sampled or those with lower sampling costs.

The committee appreciated the agency addressing some of the requests that came out of the January PCFMAC meeting, but noted that evaluation of the monitoring designs under high, medium, and low budget scenarios was still needed. Analytical staff are going to provide this information to committee members between June and October.

The committee supported the NMFS recommendations for the 2024 ADP (see pages 68-69 of the 2022 Observer Annual Report), with the following modifications and discussion points.

The committee supported continued work on cost efficiency integrated analysis, including evaluation of the 3 stratification options and 4 allocation methods. The committee noted that the proximity approach is unique and innovative, and the committee appreciates that approach being pursued. There was some committee discussion surrounding what the FMP stratification approach would mean for vessels fishing across multiple FMP areas and how this would be handled if there was a difference from what they declared in ODDS prior to the trip and the actual outcome of the trip. Agency staff indicated that they would seek clarification on this. Additionally, one committee member proposed adding a new allocation method for evaluation, with a target baseline rate of 25% across all strata and adding vessels to the current zero selection pool (in fixed-gear fisheries) to accommodate that baseline rate within the budget. While there was some committee support for further investigation of this method, other committee members were concerned about the number of vessels that would need to be added to zero selection to reach a 25% baseline under certain budgets, and the tradeoffs of how representative of the total pool the resulting data would be versus a randomized approach to represent the fishery. The agency noted that this would be a significant departure from the statistically rigorous observer program. Most committee members did not want work on this to interfere with other analytical work already underway for the 2024 ADP.

The committee also supported the following as part of the 2024 ADP:

- **The proposed evaluation metrics listed in the presentation** (i.e., number of trips sampled or monitored, variance in expenses, burden share, timeliness, prohibited species catch, etc.)
- **Continue evaluation of zero coverage using criteria that are predictable from year to year.**
 - **Look at fixed-gear EM vessels that have not fished for groundfish in multiple years.**
- **Continue to evaluate two solutions to high cancellation rates in HAL stratum:**

- **1) Having the next trip inherit the observer-selected trip or 2) increase the programmed rates in ODDS in order to actually achieve the target rate.** The committee did not support the two other potential approaches: removing the ability to log three trips and masking selection results until the current trip is realized.

The committee supported continued collaboration with industry on EM development projects highlighted in NMFS recommendations. If it is feasible, the committee supported including adoption of some vessels currently in the WGOA EM program in the 2024 ADP. Additionally, the FMAC noted that it would wait until its September meeting to make further recommendations on this topic, but acknowledged that these are the projects NMFS knows about at this time.

For the fixed-gear EM fleet, FMAC recommended the analysts consult with EM service providers on the costs of inactive vessels and how costs would scale to different budgets. The intent behind this is to ground truth the analytical assumptions on costs of inactive vessels and cost flexibility envisioned under the different allocation proposals.

One committee member proposed requiring fixed gear vessels carrying ME to have the systems on for all trips, not just 30%, as both a cost efficiency tool and a way to reduce monitoring effects/bias. There were concerns about operational costs for vessels, and that this could remove incentives for people to opt-in to EM since the observer coverage rates for fixed gear are already lower than 30%. There were mixed opinions amongst committee members on moving this forward.

The FMAC emphasized that decreasing the amount of time it takes to conduct EM data review (for both fixed gear and trawl) and notify industry if there are problems is critical to these EM programs being effective. Many committee members spoke in support of an open, competitive market for EM service providers and also for video reviewers. **The committee highlighted that it would be helpful for the Council to clarify their preference on increasing funding for EM video review to ensure timely data versus continuing with current staffing levels that are causing delays, as data timeliness is one of the evaluation metrics and could inform analysis of cost efficiencies.**

NMFS provided an update regarding initial assessment of the possibility of potential hiring observers as federal employees and/or contractors who would reside in Alaska ports. The request to explore this option came from the PCFMAC to achieve greater cost savings. Some committee members expressed interest in this idea and added that many observers would be attracted to federal NMFS positions. However, the agency also acknowledged the challenges of attracting employees to locations like Kodiak and some of the logistical concerns such as the substantial level of supervisory support that would be needed, beyond the typical federal workweek. Additionally, while hiring observers as federal employees might address some of the observer availability issues, it would mean competing for the same pool of personnel as observer providers who are trying to recruit for their businesses. While hiring federal observers may have its advantages, there are logistical and financial considerations, as well as potential impacts on observer availability in other areas, that need to be carefully evaluated before moving forward. **The Committee recommended that NMFS bring back further information on the feasibility of this approach.**

4. Review of EM issues and Prioritization

Process for EM issues at FMAC

Ms. Anna Henry reiterated how membership of the FMAC recently expanded to incorporate additional expertise on EM Programs (see Section 1) and described the process for providing formal recommendations regarding prioritization of future EM projects. New EM projects are often introduced through the National Fish and Wildlife Foundation (NFWF) Electronic Monitoring and Reporting Grant Program. In previous years, grant proposals were due around June. This year, NFWF shifted the grant timing such that a request for proposals will be released in August 2023, which will also likely shift the deadline for proposals to sometime in October 2023 and the timing of award announcements to March

2024. NMFS staff have outlined that with limited agency staff capacity, it would be beneficial for the FMAC to provide recommendations on the prioritization of future EM projects. There is considerable additional FMAC time associated with addressing EM issues and given the new NFWF funding timeline, **the committee recommended a virtual or hybrid meeting be scheduled in September, in conjunction with PCFMAC if possible, to discuss potential NFWF proposals and provide prioritization of such to the Council and NMFS.**

The committee acknowledged the Council recommendation that a specific EM subcommittee be identified by the FMAC as needed when specific EM projects arise that require more involved Council engagement. The committee agreed that no current EM projects require a subcommittee.

Bridge funding for 2024 Trawl EM

Ms. Jennifer Ferdinand provided an update on funding for pelagic Trawl EM in 2024 given NMFS delayed implementation of a regulated program to 2025. Internal NMFS communications suggest that NMFS Headquarters has committed to providing some bridge funding for the Pelagic Trawl EM Program. These will be FY2024 funds and should be received by AFSC FMA by October 2024. These funds may be used to pay for EM systems, maintenance of EM systems and shoreside observers for the partial coverage fleet as well as video review for full coverage or partial coverage vessels. The exact amount of HQ support is unknown at this time, although it is unlikely to fully fund the program. Experimental Fishing Permit (EFP) Principal Investigators (PIs) are encouraged to apply for NFWF support to cover the resulting funding deficit. NMFS AKRO staff will communicate with PIs regarding specific funding needs and NFWF proposal elements. EM providers noted that the program is expected to expand in 2024 and advance notice of the total number of participating vessels is necessary to procure equipment for new vessels.

Prioritization of cost efficiency versus multiple EM providers

Ms. Jennifer Ferdinand and Mr. Dave Colpo described the landscape of EM in the Alaska region that currently includes two EM hardware providers. While other companies have shown interest in providing EM hardware in this region, there is no system set up to include new providers. Therefore, when new vessels join EM programs, they are often assigned to an existing service provider which is likely not the most cost-effective approach. The only agency requirement for EM providers is that the output of the EM system is readable by PSMFC software (currently an Archipelago product). Other service providers that do not currently operate in the region may be able to fulfill that requirement.

Historically, potential EM providers have identified industry partners, and applied for NFWF funds to test and prove that their equipment functions in the environmental conditions in the region and that they can provide necessary installation and maintenance services in Alaskan communities. As EM programs evolve, a different pathway to include new EM providers may be necessary. This is a particularly relevant issue given that there are currently numerous boats with EM systems that are past their expected life spans and Congressional funding was recently procured for purchase of new EM systems.

The Committee discussed the unique EM environment due to the process of developing individual partnerships with providers through EFPs and grants administered through PSMFC and **recommended the Council consider formation of a subgroup to develop a process for transitioning to a more competitive marketplace as EM programs mature.**

Other EM issues

Ms. Nancy Munro (Saltwater Inc) presented two proposals to improve data quality or cost efficiency in EM programs. The first was a proposal to have Saltwater employees supplement EM video review during busy fishing periods to reduce backlogs and decrease review turnaround times. Ms. Munro proposed that recent Congressional appropriations to expand EM in Alaska may be used to fund this increase in data review staffing. The Committee discussed the importance and ongoing challenges of timely data review

but identified some concerns with this proposed solution. First, there was disagreement over the ability to use the specified Congressional appropriation to fund anything other than the purchase of EM equipment and that current equipment needs would fully utilize the designated funds. Second, there was concern that video review provided by Saltwater Inc would require a secondary audit of the review, creating an additional cost for NMFS. An audit may be required anytime a video reviewer has a financial relationship with the industry being reviewed, and according to the NMFS policy directive on EM cost allocation, audit costs are non-recoverable and therefore must be covered by NMFS funds.

The second proposal from Ms. Munro would utilize cameras on processing lines, rather than requiring observers to monitor the line as processors sort out salmon. The proposal also included the use of additional technology to identify species, weight and length and track biological samples. There was agreement that monitoring sorting lines is not the best use of observers' time and general support for technological innovations that can create efficiencies while maintaining the ability to accurately count salmon and attribute them to the correct trip. Agency staff noted that some Catch Monitoring Control Plans have been approved in Bering Sea plants to use cameras to meet salmon accounting requirements. NMFS FMA described strategies currently being investigated, such as providing tablets to observers and utilizing motion compensated platform scales, with the goal of having a paperless observer program in five years. While hopeful for future innovations, the agency also advised caution, outlining the environmental challenges of electronic systems and data transmission in Alaska as well as the significant costs associated with these projects given the overall size of the North Pacific Observer Program.

5. Update on 2023 Observer Fees

Ms. Jennifer Ferdinand provided an update on 2023 observer fees. Fees assessed to date for 2023 are similar compared to the same time last year. The fee revenue projection for 2023 is greater than the fees assessed in 2022. Ms. Ferdinand noted that the Treasury has not yet released the sequestered funds from 2021 or 2022. The Council previously expressed concern about the process, and Ms. Ferdinand is following up with the Treasury. One committee member expressed concern for next year's fee revenue given how low sablefish prices are this year. In response to this, the Agency could hold back 2023 dollars to use in 2024 if they think they will see a significant decrease in fee revenues in order to stabilize revenue across years.

6. Other Issues

The committee had a discussion regarding the nationwide shortage of available observers. Each region is competing for the same pool of employees. Committee members questioned whether there may be anticipated impacts of increased Department of Labor Wage Rate Determinations for federal observers on retention as well as on the cost of the Observer Program. The committee also discussed the advantages of a collective bargaining agreement over a contract with the federal government. The committee expressed gratitude to the providers for sharing information about their private businesses during these discussions.

Ms. Chelsae Radell (AGDB) presented on two issues related to observer availability and observer data deletions which were brought up at the February 2023 Council meeting (see letter submitted in public comment). The Council suggested these issues be brought to the FMAC for review. The first issue was regarding the limited vessel opportunities for training observers to receive endorsements required to monitor some fisheries (level 2 or lead level 2). Specifically, depletion of lead level 2 observers over time is becoming an increasing issue. The second issue was the impact of species composition data deletions, which has been an issue in the pot cod catcher processor (CP) sector, which the agency is currently addressing through monitoring changes on pot CPs recommended in 2023. It was noted that other fisheries show very few deletions (meaning the vast majority of the data are usable). **The committee reviewed these proposals and found merit in moving both forward as written in the public comment letter referenced above. This includes: 1) requesting the Council direct staff to develop a discussion**

paper on the observer endorsements issue as described in items 1a-d in the letter, and 2) a presentation from the agency on the data deletion issue as described in the letter.

Note there was additional discussion, and strong opposition from one committee member, to the recent Council motion to require Level 2 Observers for pot cod CPs operating in the BSAI. The Council has already taken final action on this issue, but the committee encouraged interested stakeholders to provide public comment on the proposed rule.

Ms. Sarah Williamson (Saltwater, Inc.) presented results from an informal survey she conducted on workload and operational or communication issues in shoreside plants under the trawl EM EFP and discussed ideas for future steps to address concerns, such as having cameras monitor offloads for pollock vessels to allow observers to focus on biological sampling. The agency is also looking at observer plant duties and trying to reevaluate the data points they are asking observers to collect to try to address some of these issues. The committee appreciated Ms. Williamson sharing her results and passing ideas onto the EFP project PIs and the agency.

Lastly, the committee recommended that the PCFMAC's September agenda include a space for proposals to change the service delivery model for the partial coverage program, to eliminate the federal contract and provide market-based alternatives. This was in response to a proposal from a committee member at this meeting as well as in response to the Council's October 2022 motion tasking the PCFMAC with considering the potential implications of allowing fishing vessels to contract directly with observer providers as a potential way to reduce costs and/or increase observer coverage in the partial coverage component of the observer program. This timeline is appropriate as the Council intended that this work should not begin until the PCFMAC completes review of the broader cost efficiencies analysis. In September, the PCFMAC will recommend how to prioritize this proposal relative to other priorities being considered by the committee.

7. Public Comment

Opportunities for public input were provided throughout the meeting. The committee received oral comment from Todd Hoppe, Hannah Heimbuch, and Bob Alverson. There were also two written comments posted to the eAgenda.

8. Timeline and Future Scheduling

The next fisheries monitoring committee meetings will be scheduled for September 2023. It is likely the FMAC meeting will have a half day meeting to focus on EM projects. This meeting will be scheduled in conjunction with a full day PCFMAC meeting. The PCFMAC will be reviewing the draft 2024 ADP, making recommendations on the final design for implementation, and taking up other topics as needed.