

FISHING VESSEL OWNERS' ASSOCIATION INCORPORATED

4005 20TH AVE. W., ROOM 232
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 • FAX (206) 283-3341

SINCE 1914

January 12, 2016

Mr. Dan Hull, Chairman
North Pacific Fishery Management Council
605 W. 4th, Suite 306
Anchorage, AK 99501-2252

RE: **C-7 GOA Tendering Activity**

Dear Chairman Hull:

The members of the Fishing Vessel Owners' Association (FVOA) encourage the Council to correct the so-called "tendering exemption" for taking observers. The current problem is that vessels are making many delivery offloads to tenders of Pacific cod and Pollock in the Gulf of Alaska, without taking observers. This results from a decision that a trip begins and ends where a shore based processor has a Federal Processing Permit.

It is our understanding that NMFS may suggest that these vessels be moved into a separate "tendering class" of vessels which would receive a slightly higher coverage rate. We do not see this as a solution. A vessel operator will still be able to land 1-to-2 million pounds of fish while making numerous deliveries and not taking an observer. In fact, the incentive will be increased to continue this gaming with the prospect of a higher probability of being selected to take an observer should the vessel return to a shore side processor.

FVOA recommends the following solutions be analyzed to address this flaw for the current "amended observer program."

- (1) Require tenders to obtain a Federal Processing Permit, thereby fixing the definition of when to take an observer from the delivery point rather than from the vessel trip definition. FVOA would argue that tenders are an extension of the existing Federal Delivery Permit currently required for the shore based processor that the tender is delivering to. Additionally, FVOA believes this was the correct interpretation of the Federal Delivery Permit all along, that it applies wherever the federally permitted processor is receiving deliveries of fish intended for delivery.
- (2) If the Council makes a new class of vessels for those delivering to tenders, adjust their observer coverage based on offloads. Every 2nd (50%) offload; every 3rd (33%) offload, every 4th delivery (25%) offload the vessel shall take an observer.

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- (3) Proceed to amend the current regulations such that after every "off load" a vessel operator is subject to the possibility of being chosen for an observer. This option brings the vessel's delivery to a tender in line with coverage requirements similar to all other observed vessels under the current program.

In summary, the members of FVOA encourage the Council to fix the existing "tender" flaw in the observer program. The Council's SSC has identified the "tendering observer" issue as a data quality issue. We have attempted to supply you with some options for your consideration.

Sincerely



Robert D. Alverson
Manager

RDA:cb

175 South Franklin Street, Suite 418
Juneau, Alaska 99801 USA

+907.586.4050
OCEANA.ORG

January 26, 2015

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dr. James Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

RE: Agenda Item C-9 Observer Tendering

Dear Chairman Hull, Dr. Balsiger, and Council Members,

Oceana thanks you for investigating potential bias in observer data collected from vessels delivering to tenders, and we support the discussion of solutions to address this issue.

Council staff submitted a discussion paper for the upcoming February 2016 meeting (“Deployment of Observers on Catcher Vessels Delivering to Tender Vessels”). The paper discusses some alternatives to address sampling and monitoring bias, and it raises safety concerns related to observer at-sea transfers. The draft alternatives do not address some of the loopholes and bias, and the suggested program makes deployment of observers on trawl vessels overly complex and potentially dangerous. To address these issues, NMFS and the Council should also consider an alternative that includes 100% observer coverage on trawl vessels and placing observers on tenders to sample offloads.

The draft alternatives do not take into account the important need to track Pacific halibut and Chinook salmon bycatch and the current lack of observer data and biological samples collected from offloads on tender vessels. The alternative that would create management category for catcher vessels who deliver to tenders separately does not fully account for the fact that this type of management would be dependent on fishermen forecasting and accurately reporting all the times they may offload to tenders versus offloading to motherships and shoreside processors. Further, because the NMFS Observer Program will not support any action that would increase at-sea transfers of observers, CVs would still have to come into port to pick up/drop off an observer. This extra port stop functionally changes the type of fishing trip the CV undertakes and, therefore, does not address the bias resulting from “observer trips” versus trips that may have started or ended at tenders.

The Council and NMFS should consider an alternative that can be implemented in a straightforward manner and can resolve the issues of fishing bias, bycatch sampling, and observer safety. As our previous letters make clear, Oceana supports implementing 100% observer coverage for all trawl vessels. This solution is already suggested for GOA trawl vessels in the Gulf of Alaska Trawl Bycatch Management work plan, with the goal of reducing Pacific halibut and Chinook salmon bycatch. Similar actions are already proposed for BSAI trawl CVs as well, and extending 100% observer coverage to all trawl vessels would simplify the changes needed in management and make the costs of carrying observers equal across both areas.

175 South Franklin Street, Suite 418
Juneau, Alaska 99801 USA

+907.586.4050
OCEANA.ORG

In conjunction with 100% observer coverage, the Council and NMFS should consider an option for deployment of observers on tenders to monitor deliveries from CVs. This option was considered by the Council earlier (December 2013) but removed due to perceived logistical difficulties. It should be brought back into the discussion. Maintaining 100% observer coverage and allowing all offloads to be monitored is logistically simpler than redefining "fishing trips" and deploying observers from tenders. It would also be more valuable to fishery management by allowing for collection of the best data possible.

Safety concerns were raised by Council staff with regard to at-sea transfers of observers. The safety issue would be moot if the fisheries had 100% observer coverage, since there would be no need for any at-sea transfers of observers. All observer loading and unloading could be shoreside. It was also eliminate the debate about who pays to transport an observer to a tender and/or CV.

Observer data bias of observed versus unobserved trips is an important issue that requires careful thought and study. Requiring 100% observer coverage on GOA and BSAI trawl catcher vessels is the best option for eliminating observer bias and monitoring halibut and salmon bycatch. We look forward to working with the Council to advance this goal.

Sincerely,



Jon Warrenchuk
Senior Scientist and Campaign Manager
Oceana