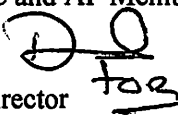


MEMORANDUM

TO: Council, SSC and AP Members
FROM: Chris Oliver 
Executive Director

ESTIMATED TIME 8 HOURS ALL D-1 ITEMS
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DATE: September 19, 2011

SUBJECT: Draft Regulations for freezer longliner Catch Monitoring and Enforcement

ACTION REQUIRED

Review draft regulations; provide comments and take action as necessary.

BACKGROUND

The freezer longline cod fleet began fishing as a voluntary cooperative in August of 2010, and members of the cooperative have worked with NMFS Inseason Management staff to ensure that Pacific cod total allowable catch and halibut prohibited species catch amount were not exceeded. On December 22, 2010, the Longline Catcher Processor Subsector Single Fishery Cooperative (Act) was signed by President Obama. In brief, the Act allows freezer longline vessels participating in the Bering Sea and Aleutian Islands area directed Pacific cod fishery to form a single cooperative and requires that NMFS implement enabling regulations within two years of receiving a request from holders of at least 80 percent of the eligible licenses as defined in the Act.

In February 2011, the Council received a report on catch monitoring and accounting issues associated with voluntary cooperative formation in the freezer longline Pacific cod fishery. NMFS staff noted that fishery cooperatives, whether formed voluntary or by regulation authorized under a fishery management plan, create new demands for enhanced catch accounting, monitoring, and enforcement. NMFS recommended that the current monitoring regulations for these vessels must be revised to ensure that accurate catch information is obtained, so that NMFS can meet its conservation and management responsibilities. The Council concurred, and recommended that NMFS proceed without further Council direction to develop a monitoring program for this fleet to meet these objectives in other cooperative and quota-based fisheries off Alaska.

To facilitate the development of improved monitoring regulations for these vessels, members of the Freezer Longline Coalition have worked closely with NMFS staff, exploring possible options for improved catch accounting under a cooperative structure. Based on that collaborative approach, NMFS over the summer developed the necessary analytical documents to support a regulatory amendment to the current regulations. The analysis was mailed to the Council on September 9, 2011; the Executive Summary is attached as Item D-1(b)(1).

The alternatives in the analysis include:

- (1) no action;
- (2) required use of motion compensated scales to weigh all Pacific cod;
- (3) required use of a second observer, and;

(4) (preferred alternatives) the opportunity for operations to choose whether or not to use motion compensated scales, or a second observer.

The action covers this fleet when it is operating in the Gulf of Alaska (GOA), as well as in the BSAI, although it does not cover vessels that only operate in the GOA.

The revised catch accounting and monitoring measures are designed to ensure legally defensible catch accounting for allocate species. For catcher processors, this package includes requirements that all catch be weighed on NMFS approved scales; increase observer coverage to ensure that all hauls or sets are observed, and provision of an observer sampling station.

At this meeting, NMFS will present the analysis and draft regulations (attached as **Item D-1(b)(2)**) to provide an opportunity for Council members and the public to identify questions or other areas of concern with the draft regulations. It is not necessary for the Council to take action on this issue, unless the Council wishes to review the analysis and draft regulations more thoroughly at a future Council meeting. Therefore, unless otherwise recommended by the Council, NMFS intends to promulgate these regulations. NMFS will address questions or concerns raised by the Council on the public in the draft proposed rule.

Executive Summary

Background and Purpose of this Action

This document evaluates the potential impacts associated with proposed regulatory amendments to require increased monitoring for longline catcher/processors that engage in directed fisheries for Pacific cod in the Bering Sea and Aleutian Islands (BSAI) Management Area; or participate in the Community Development Quota (CDQ) program. This action has been proposed in response to the need for enhanced monitoring and catch accounting measures as a result of the formation of a voluntary quota-type program by the participants in this fishery. The preferred alternative would require that a vessel possessing a License Limitation Program (LLP) license endorsed for longline gear, catcher/processor fishing, BSAI operations, and Pacific cod, use monitoring measures similar to those required in other catcher/processor quota programs. These measures would apply to this group of vessels when fishing in the BSAI or Gulf of Alaska (GOA) at any time when Pacific cod is open to directed fishing in the BSAI.

There are 32 catcher/processors currently possessing LLP licenses that allow directed fishing for Pacific cod in the BSAI with hook-and-line gear. Pacific cod total allowable catch (TAC) and halibut prohibited species catch (PSC) are each apportioned specifically to this subsector. Because no additional LLP licenses may be issued, and no other group of vessels may harvest this allocation, the owners of these LLP licenses have been able to form a voluntary fishing cooperative to which the owners of all of the vessels belong. This cooperative apportions the TAC and PSC among its members based on historical harvest amounts and has effectively created a quota type fishery. The National Marine Fisheries Service (NMFS) believes that quota programs require additional catch monitoring measures, designed to enhance catch accounting, and this analysis examines four alternatives for the monitoring of this fishery.

Alternatives Considered for this Action

Alternative 1. No action. Catch of Pacific cod and incidental catch of other species by freezer longliners would continue to be accounted for by extrapolation of observer data. No additional monitoring measures would be implemented.

Alternative 2. The scales alternative. Under this alternative, a freezer longliner fishing off Alaska, at any time when directed fishing for Pacific cod is open, or when participating in any groundfish CDQ fishery, would be required to:

- Weigh, on a NMFS-approved motion-compensated scale, all Pacific cod that are brought aboard the vessel;
- Provide a video monitoring system that clearly records all areas where catch sorting or weighing takes place, store the data to a removable hard drive, and save those data for 120 days;
- Provide an observer sampling station meeting the requirements of 50 CFR 679.28(d);
- Carry a lead level II observer;
- Comply with the electronic logbook requirements specified at 50 CFR 679.5(f).

Alternative 3. The enhanced observer coverage alternative. Under this alternative, a freezer longliner fishing off Alaska, at any time when directed fishing for Pacific cod is open or when participating in any groundfish CDQ fishery, would be required to:

- Carry two observers, at least one of whom has lead level II certification;
- Provide an observer sampling station meeting the requirements of 50 CFR 679.28(d);
- Comply with the electronic logbook requirements specified at 50 CFR 679.5(f).

Alternative 4. The scales or enhanced observer coverage alternative (the preferred alternative). Vessel owners would be allowed to select between the suites of measures described under Alternative 2 or Alternative 3, annually. The selection of an alternative would have to be made prior to November 1 of the year preceding the year during which the alternative would be complied with. Once a vessel owner made an election, the vessel would be required to operate under that alternative for the entire fishing year. Under all of the action alternatives, owners of freezer longliners that do not intend to participate in directed Pacific cod fishing in the BSAI or any groundfish CDQ fishery could choose to opt out. An opt-out election would have to be made by November 1 of the prior year. A vessel that has opted out would not be allowed to directed fish for Pacific cod in the BSAI or participate in any groundfish CDQ fishery. Vessels that opted out would be allowed to participate in directed Pacific cod fisheries in the GOA.

Potential effects of this Action

A Regulatory Impact Review (RIR) was conducted to comply with Executive Order 12866, and alternatives were evaluated with respect to the economic impact that each may have on the affected entities.

The costs of the scales alternative, Alternative 2, were described in Section 1.3.1. Firms will incur costs for the installation of a motion compensated flow scale, an observer sampling station with motion compensated platform scale, and video monitoring equipment. In addition, firms will incur annual inspection, repair, and maintenance costs. While firms will be required to carry an observer with lead level 2 qualifications, the cost of this is not expected to be significant to fishing firms. NMFS will incur annual costs for the inspection and certification of scales, video monitoring equipment, and the observer sampling station.

The range of potential initial installation costs are estimated to be between \$115,300 and \$458,800 for a vessel. Subsequent annual expenses ranged between \$7,600 and \$8,100 per vessel. With 33 vessels estimated to incur these expenses, total costs ranged between \$3.8 million and \$15.1 million for installation, and between \$250,800 and \$267,300 a year, thereafter. These costs do not reflect potential negative (or positive) impacts on vessel operating efficiency, which could not be estimated quantitatively. NMFS was estimated to incur between \$117,000 and \$187,000 in costs the first year of the program, and about \$26,000 per year in subsequent years.

The costs of the second observer alternative, Alternative 3, were described in Section 1.3.2. These included the costs of the installation and annual inspection of an observer sampling station and associated motion compensated platform scale, the costs of a second observer, the costs of upgrading at least one of the observers to a lead level 2 observer level, and the costs of an electronic logbook.

The costs of constructing the observer sampling station were estimated to range between \$0 (since some vessels already have observer sampling stations to comply with the rules governing CDQ groundfish fishing), and \$30,300 (for a vessel that installs a station, purchases two platform scales - to have one for backup, and incurs initial certification and electronic logbook training costs). Inspection costs and annual

maintenance and repairs for the observer station and platform scale were estimated to range for \$0 to \$500. The significant annual cost component for Alternative 3 is the cost of a second observer, which was estimated to range between about \$35,000 and about \$78,000 per boat, depending on the number of days of groundfish fishing. The requirement that one of the observers be lead level 2 was not expected to create costs for the vessel operators.

Alternative 3 created significant costs for the NMFS. Much of this, including the cost of initial inspections of the observer sampling station, and the cost of developing the electronic logbook, were shared with Alternative 2. These one-time costs at the start of the program were expected to range between about \$38,000 and \$108,000. However, in addition, Alternative 3 requires significant expenditures in support of the additional observers. This was estimated to be about \$662,000 a year.

The preferred alternative would allow the vessel operator to choose the scales or the observer option each year. The costs of the preferred alternative, Alternative 4, were described in Section 1.3.3. These would vary depending on whether the vessel operator chose the scales option or the additional observer option. Anecdotal information from industry representatives suggests that most operators will chose the scales option. The cost analysis in this RIR supports this conclusion. Thus, it is likely that the costs for the scales alternative provide a more accurate picture of program costs under the preferred alternative.

The benefits from this action were described in Section 1.3.4. It (a) allows NMFS to enforce Pacific cod catch limits in the presence of a voluntary cooperative; (b) gives freezer longline representatives greater confidence in the accuracy of NMFS Pacific cod catch estimates; (c) improves the efficacy of the cooperative's catch share program, potentially contributing to the stability of this program. It was not possible to quantify these benefits.

Potential impacts of this action on rural fishery dependent communities are uncertain, but believed to be small. There may be an indirect impact if the action helps to stabilize the cooperative. If the cooperative reduces the number of active vessels, this may reduce vessel interaction with rural communities. However, this is a catcher/processor fleet, largely based in more urbanized regions. Moreover, the ultimate impact of the cooperative is not clear. While it may lead to some rationalization and reduction in fleet size, it may also extend the fishing season, and lead to more vessel activity in Alaska waters. The net impact on fishing communities is unclear. In addition, as noted, this is an indirect effect and the fleet has not depended on enhanced monitoring and enforcement to form its cooperative.

This action is not expected to have a significant net impact on fishing vessel safety or on the potential for human injury or mortality. Alternative 3 would increase the number of observers placed on vessels, and thus at risk in case of an incident at sea. Increased observer coverage may be associated with a reduction in average crew size, as noted. This alternative may thus increase the number of people facing the risks of a fishing environment and reduce effective crew size, and possibly crew efficiency. This is not the case with Alternatives 1 or 2, and, as noted, probably significantly less likely under Alternative 4.

Enforcement costs are also likely to rise under all the alternatives except the no action alternative, as enforcement personnel will be required to oversee new regulatory requirements for freezer longliners for longer periods than experienced in the past. Non-compliance with any of the regulations would result in additional enforcement actions that would increase enforcement costs. It is difficult to estimate the increased enforcement costs at this time because the extent to which this fleet will comply with the regulations is not known.

The Environmental Assessment prepared for this action examines potential effects on resource components of the BSAI, as required by the National Environmental Policy Act. The primary effect of the action

alternatives would be to provide more accurate and precise catch accounting data for Pacific cod and other species harvested in this fishery by imposing standards similar to those imposed on other quota fishery programs off Alaska. This action does not change harvest amounts, harvest locations, or season timing and no adverse impacts were identified.

The actions contemplated as part of this analysis are highly unlikely to impact the natural environment. While we believe that enhanced monitoring is a necessary part of a quota program, it is unlikely that a failure to implement the monitoring measures detailed in Alternatives 2, 3 or 4 would result in significant impacts.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

September 20, 2011

RECEIVED
SEP 20 2011

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Mr. Olson:

Enclosed is an overview of the draft proposed regulations that National Marine Fisheries Service is developing to improve catch accounting and monitoring requirements for freezer longliners fishing for Pacific cod in the Bering Sea and Aleutian Islands management area (BSAI). A draft Environmental Assessment/Regulatory Impact Review was mailed to you in mid-September. NMFS staff will present an overview of these draft regulations to the North Pacific Fishery Management Council (Council) at its October 2011 meeting under agenda D(1)-b.

The draft regulations are being developed in response to the need for enhanced monitoring and catch accounting measures as a result of the formation of a voluntary cooperative by the participants in this fishery. The draft regulations would require that all freezer longliners fishing in the BSAI select between two monitoring measures, increased observer coverage or the use of motion compensated scales, or opt-out of directed fishing for Pacific cod in the BSAI. These measures would apply to this group of vessels when fishing in the BSAI or Gulf of Alaska at any time when Pacific cod is open to directed fishing in the BSAI.

NMFS staff has worked closely with participating vessel owners and the Freezer Longline Conservation Cooperative to discuss monitoring components and develop a preferred alternative for enhanced monitoring. The draft proposed regulations were discussed most recently in a May 10, 2011 workshop with members of the sector.

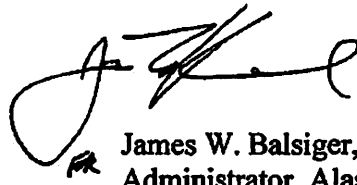
At the October 2011 meeting, NMFS will consult with the Council about these draft regulations to provide an opportunity for Council members and the public to identify questions or other areas of concern with the draft regulations. ***It is not necessary for the Council to take action on these draft regulations, unless the Council wishes to review the analysis and draft regulations more thoroughly at a future Council meeting.*** Therefore, unless otherwise recommended by the Council, NMFS intends to promulgate these regulations under section 305(d) of the Magnuson-Stevens Act, which authorizes the Secretary of Commerce to develop regulations necessary to implement fishery management plans. We will address, to the best of our ability, questions or concerns raised by the Council or the public in the draft proposed rule.



We expect to publish a proposed rule for this action by April 2012 and a final rule by October 2012. The effective date for the final rule will be selected to provide time in the fall of 2012 for vessel modification and inspection prior to fishing under the new requirements starting in January 2013.

Please contact Jennifer Watson at jennifer.watson@noaa.gov or 907-586-7537 if you have any additional questions about these draft regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Balsiger', with a stylized flourish at the end.

James W. Balsiger, Ph.D.
Administrator, Alaska Region

Enclosure

Overview of Freezer Longline Monitoring and Enforcement Proposed Regulations

1. Background

In August 2010, the Bering Sea Aleutian Islands (BSAI) Pacific cod freezer longline fleet formed a voluntary cooperative to coordinate the efficient harvest of the fleet's Pacific cod allocation. On December 22, 2010, the Longline Catcher Processor Subsector Single Fishery Cooperative Act (Act) was signed by President Obama. In brief, the Act allows freezer longline vessels participating in the BSAI area directed Pacific cod fishery to form a single cooperative and requires that NMFS implement enabling regulations within two years of receiving a request from holders of at least 80 percent of the eligible licenses as defined in the Act.

The longline catcher/processor sector is defined in the Consolidated Appropriations Act of 2005, section 219(A)(6), which states:

LONGLINE CATCHER/PROCESSOR SUBSECTOR.—The term “longline catcher/processor subsector” means the holders of an LLP license that is noninterim and transferable, or that is interim and subsequently becomes noninterim and transferable, and that is endorsed for Bering Sea or Aleutian Islands catcher/processor fishing activity, C/P, Pcod, and hook and line gear.

Fishery cooperatives formed voluntarily or by regulation authorized under a fishery management plan create new demands for enhanced catch accounting, monitoring, and enforcement. NMFS believes that catch monitoring and accounting regulations similar to those found in other quota fisheries are necessary in the freezer longline Pacific cod fishery and that these regulations should apply to all vessels irrespective of their participation in a voluntary or regulated cooperative. However, catch-weighing in this fishery presents unique challenges and developing a program that provides accurate and defensible data will require new solutions.

The proposed action would affect vessels in the longline catcher/processor subsector when those vessels are fishing in the BSAI or Gulf of Alaska (GOA) at any time when Pacific cod is open to directed fishing in the BSAI, or when groundfish CDQ fishing.

2. Overview of draft regulations

The draft proposed regulations consist of several components (Figure 1). Owners of freezer longliners that do not intend to participate in directed Pacific cod fishing in the BSAI or any groundfish CDQ fishery could choose to opt out. An opt-out election would have to be made by November 1 for the upcoming year. Vessels owners that do intend to participate in Pacific cod fishing would be allowed to select annually between two monitoring options: scales or increased observer coverage. The selection of an option would have to be made prior to November 1 for the upcoming fishing year. Once a vessel owner made an election, the vessel would be required to operate under that option for the entire fishing year.

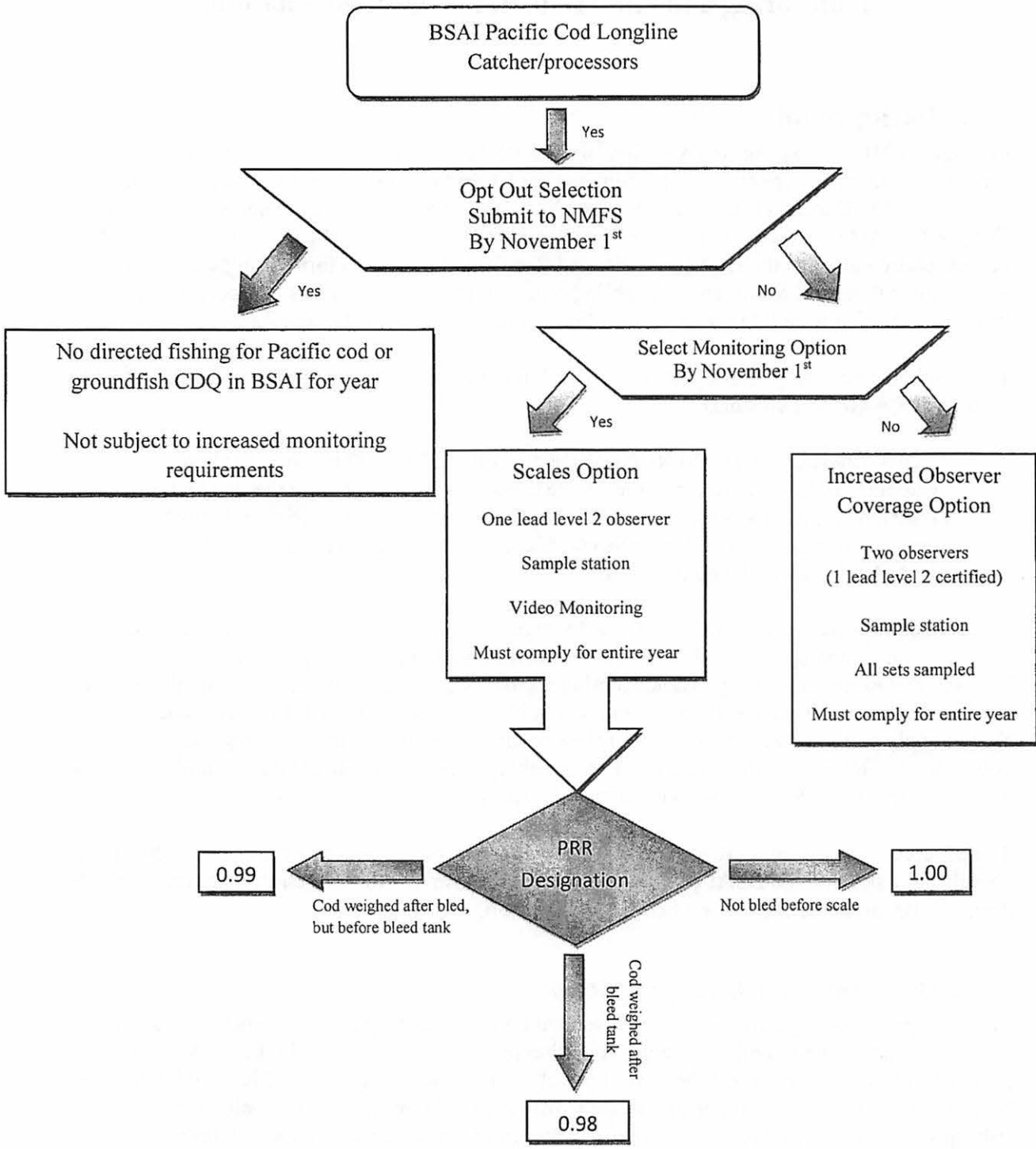


Figure 1. Summary of the monitoring options being proposed in draft regulations

Because freezer longliners catch Pacific cod as bycatch when they are targeting other species and this bycatch will be accounted against the total subsector allocation, ***NMFS would require the monitoring measures at all times while Pacific cod is open to directed fishing by these vessels in the BSAI or GOA, and at all times while groundfish CDQ fishing.***

2.1 Opt Out Selection

The owner of a vessel subject to the regulations who does not intend to directed fish for Pacific cod, or conduct groundfish CDQ fishing at any time during the upcoming year, would be required to notify NMFS by November 1 of the current year that they intend to opt out of these fisheries. For example, if a vessel operator did not intend to directed fish for Pacific cod or conduct groundfish CDQ fishing in 2015, they would have to opt out by November 1 of 2014. A vessel that opted out in this way would not be able to engage in directed fishing for Pacific cod in the BSAI for the covered calendar year (that is, in this example, in 2015). A vessel that opted out would still be eligible to engage in directed fishing for Pacific cod in the GOA. It is expected under a cooperative scenario that vessels subject to these regulations may wish to exclusively fish for other species, such as Greenland turbot, and lease their allocation of Pacific cod to other vessels. These vessels would continue to catch some amount of Pacific cod as bycatch. The opt out provision would allow these vessel to fish without the additional monitoring requirements as the expected amount of Pacific cod they would retain would be minimal.

2.2 Monitoring Option Selection

The owner of a vessel that intends to fish for Pacific cod in the upcoming year would be required to choose between two monitoring options: using motion compensated scales to weigh all retained cod, or carrying a second observer. Once the selection was made, it would apply for the entire following calendar year and the vessel owner or operator would not be able to change it during the year for which it was made (for example, a vessel operator who chose scales on November 1st, would not be able to switch from scales to a second observer in July of the following year). Thus, vessels would not be able to switch from one method to another during the year. NMFS is proposing to limit switching methods because the information and programming used to debit the catch in the NMFS catch accounting database are very different and must be established in advance. It would be difficult for NMFS to alter these methods in the middle of a fishing year and ensure that correct Pacific cod catch was deducted from the quota. Also, monitoring for compliance with the options would be difficult to enforce if vessels were allowed to switch between the two options.

Freezer longliners subject to this action would also be required to maintain the scales or increased observer coverage option at all times when fishing in the GOA when Pacific cod is open in both the BSAI and the GOA. Freezer longliners frequently fish for Pacific cod in the GOA as well as the BSAI. These vessels may move back and forth between these two areas without completing an offload and may fish in both areas during the same trip. If the freezer longliners subject to this action have to switch from using the flow scale to account for Pacific cod harvest to using the observer data to account for Pacific cod harvest, it would difficult to ensure that the catch accounting data was coming from the correct data stream (scales or observer). Additionally, if the vessels were required to switch back and forth between scales and different observer coverage levels, it would be more difficult for NMFS to ensure that these

vessels were complying with the correct requirements. Freezer longliners that only fish in the GOA and do not meet the definition found in the Consolidated Appropriations Act of 2005 are not subject to the requirements of this action.

2.3 Increased Observer Coverage Option

Under this option, vessels would be required to carry two observers on all fishing days while Pacific cod is open to directed fishing in the BSAI or GOA, or while groundfish CDQ fishing. One of the two observers would be required to have a lead level 2 endorsement. The observers would have to have the opportunity to sample all sets. Existing regulations define a Level 2 endorsement as an observer who has completed 60 days of observer time, has received an evaluation for their most recent deployment indicating that they met Observer Program expectations, and has successfully completed Level 2 training. NMFS has integrated the level 2 training into their basic curriculum, simplifying the process of obtaining this level. A “lead” Level 2 observer endorsement for a vessel using non-trawl gear also requires that the observer has completed two cruises or contracts of at least 10 days duration each, and sampled at least 60 sets on a vessel using non-trawl gear.

Observer Sampling Station

The vessel would be required to provide an observer sampling station that meets the following requirements. The station would be required to be located within 5 meters of a collection area where the observer can see the longline gear being retrieved, and can collect fish as they come off the line. Unobstructed passage from the collection area to the sampling station would be required to be provided. The station would be required to have a working area of at least 4.5 square meters, including an observer’s sampling table. The table would be required to be at least 0.6 meters deep, 1.2 meters wide, and 0.9 meters high (but no more than 1.1 meters high). The sampling station would be required to include a NMFS-approved platform scale with a capacity of at least 50 kilograms located within one meter of the sampling table. The weighing surface would be required to be no more than 0.7 meters above the floor. The station would be required to include flooring that prevents slipping and drains well, adequate lighting, and a hose that supplies fresh or sea water to the observer.

Electronic Logbook

Vessels would also be required to report all Pacific cod catch for each set using an electronic logbook. This requirement is necessary to collect data on the weight of Pacific cod for each set rather than the daily aggregate total product currently required in production reports. The catch of Pacific cod for each set would be required to be submitted to NMFS using an electronic logbook so that the data are readily available to NMFS in an electronic format. The electronic logbooks would replace the catcher/processor trawl daily cumulative production logbook (DCPL) paper logbooks currently required to be submitted by the operators of catcher/processors under § 679.5(m). The discard, disposition, and production information formerly recorded in the DCPL would be entered through eLandings. This new step would remove the requirement for the freezer longliners to record any information in the DCPL and thus to remove the catcher/processor longline/pot DCPL from use for these vessels. The electronic logbooks would be an additional component to “eLandings”, the program through which the operators of catcher/processors currently submit their daily production reports.

2.4 Scales Option

Under this option, vessels would be required to carry and use motion compensated scales to weigh all Pacific cod harvested with longline gear while Pacific cod is open to directed fishing in the BSAI or GOA, or while groundfish CDQ fishing. NMFS regulations governing the use of scales at sea are summarized in regulations at §679.28(b). A scale must be included on the Alaska Region (AKR) Regional Administrator's list of scales eligible to be approved for weighing catch at sea. Scales must be inspected and approved annually. Vessel operators must test each scale or scale system in the presence of the observer one time during each 24-hour period when use of the scale is required. *Each set must be weighed and recorded separately. For the purpose of accounting for Pacific cod catch, NMFS would use the weight of all catch that passes over the scale.*

PRR Designation

Depending on where the scale is installed NMFS would apply a different product recovery rate (PRR) to the reported weight of Pacific cod after the information is submitted to NMFS. At the time of the scale inspection, the vessel would receive a PRR designation depending on the location of their scale in relation to the location of the bleeder and the bleed holding area. This designation would be used for catch accounting for the duration of the approval period. If the scale was located upstream of the location where Pacific cod are bled, a PRR of 1.00 or a whole weight would be applied to all Pacific cod weighed on the scale. If the Pacific cod were bled and then placed in a bleeding holding area prior to being weighed on the scale, then the standard PRR for bled Pacific cod would be applied (0.98), as these fish are expected to bleed completely. If the scale is located before a bleeding holding area, a PRR of 0.99 would be applied.

Lead Level 2 Observer

The vessel would be required to carry a lead level 2 observer at all times while Pacific cod is open to directed fishing by these vessels in the BSAI or GOA and at all times while groundfish CDQ fishing. The requirements of lead level 2 observer are described above in the "Increased Observer Coverage Option".

Observer Sampling Station

The vessel would be required to provide an observer sampling station that meets the requirements described in "Increased Observer Coverage Option".

Electronic Monitoring System

The owner or operator of a vessel would be required to provide and maintain a NMFS-approved electronic monitoring system at all times when engaged in fishing operations in the BSAI and the GOA when directed fishing for Pacific cod is open, or while groundfish CDQ fishing. The system would be required to include cameras, a monitor, and a digital video recorder, and would be required to provide coverage for all areas upstream from and including the scale where sorting and weighing of Pacific cod catch could occur. The cameras would be required to make it possible to observe all areas where Pacific cod are sorted from the catch, all catch being weighed, and all crew actions in these areas. The system would be required to have enough

storage capacity to hold all the video data collected during an entire trip. Video frames would be required to be time and date stamped. The system would have to be inspected annually and the vessel owner or operator would be required to maintain a current NMFS-issued electronic monitoring system inspection report onboard the vessel at all times when the vessel is required to provide an approved system. The video data would be required to be maintained onboard the vessel for 120 days unless NMFS has approved a shorter period. The video data would be required to be made available to NMFS staff, or other persons approved by NMFS, on request, and the vessel would be required to carry a monitor that can display the output from all the cameras included in the system at the same time. This approach is consistent with existing requirements in place under amendments 80 and 91.

Electronic Logbook

Vessels would also be required to report all catch at the haul level using an electronic logbook. The description of the electronic logbook requirements are described above in the "Increased Observer Coverage Option".

3. Other actions effecting the freezer longline monitoring and enforcement action

NMFS anticipates that the proposed action will become effective in January 2013. It is expected that the rulemaking for the observer restructuring program will also be effective in January 2013. Under the restructured observer program, catcher/processors will be required to carry 100 percent observer coverage obtained by contracting directly with observer companies. This 100 percent coverage requirement covers all catcher/processors and does not depend on vessel length.

This fleet harvests Pacific cod CDQ made available by CDQ groups. The regulation of CDQ harvest is directly addressed in the Magnuson-Stevens Fishery Conservation and Management Act at section 305(i)(1)(B)(iv). This paragraph states:

The harvest of allocations under the program for fisheries with individual quotas or fishing cooperatives shall be regulated by the Secretary in a manner no more restrictive than for other participants in the applicable sector, including with respect to the harvest of non-target species.

At the time the cooperative was formed, regulations governing the freezer longline fleet required vessels fishing for CDQ groundfish to carry two observers; vessels not engaged in the CDQ fisheries were only required to carry a single observer if greater than or equal to 125 feet length overall (LOA) or a single observer during 30 percent of their fishing days if under 125 feet LOA.

Since non-CDQ fishing in this fleet is now governed by a cooperative, the CDQ rules have been modified to require the same coverage levels as the non-CDQ fisheries. Thus, when this action becomes effective freezer longliners fishing for CDQ Pacific cod will be required to have a single observer.