

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

C1 Observer Program Annual Report Review, FMAC Report

AP Motion 1

The AP acknowledges the receipt of the 2025 Observer Program Annual Report and appreciates the work that went into it. The AP supports the following recommendations from NMFS and/or the FMAC:

1. Deployment Design: Continue proximity allocation method and the strata used in the 2024/2025 Annual Deployment Plan (ADP) for the 2026 ADP, making no significant changes for the 2026 ADP.
2. EM Video Review:
 - a. Collaborate with PSMFC to monitor video review progress and enable a review strategy that will result in EM video review times that result in the most useful information for the most number of trips for a given cost.
 - b. Collaborate with PSMFC to develop specific prioritization rules that can be used to allocate review effort to the fisheries, gear types, times and areas that are the most dependent on EM data for management needs.
3. Fixed Gear EM:
 - a. Maintain an EM selection pool composed of up to 178 fixed gear vessels, which would maintain the size of the EM pool from 2025.
 - b. Prioritize placement in the EM selection pool based on vessel size, fishing effort, minimizing data gaps, and cost efficiency.
 - c. For vessel operators with repeated problems causing data loss, NMFS may disapprove Vessel Monitoring Plans and the vessel may be removed from the EM pool.
4. EM Development:
 - a. Continue to collaborate with industry partners on EM development and cost efficiency projects.
 - b. Work with FMAC and PCFMAC to develop priorities and potential grant proposals to the National Fish and Wildlife Foundation.
5. 2025 Annual Report:
 - a. Begin reporting EM Data Review issues annually for Trawl EM, similar to the Fixed Gear EM data in Table 4-5 and Figures 4-1 through 4.

Main Motion passed 19-0

Rationale in Support of Main Motion 1

- *The AP adopted all of the recommendations from NMFS and the FMAC. The motion maker noted that all of these recommendations are straightforward, maintain consistency with current approach and do not entail any significant changes moving forward.*
- *Discussion from the FMAC was also brought up at the AP regarding reporting EM Data Review issues for Trawl EM annually. It was noted that in the first few years of implementation of Fixed Gear EM, there were different types of issues that affected data quality, which continued to increase since they weren't addressed. Now that there has been a focus on those issues through reporting, the FMAC, Council, and industry have been able to find ways to resolve or mitigate many of the problems. Since 2025 is the first regulated year of the Trawl EM program, the AP felt it would be beneficial to start tracking the different types of issues now in a consistent manner with Fixed Gear EM. This will allow trends to be tracked from the beginning of the regulated program and issues can be addressed before they become significant problems.*

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AP Motion 2

The AP recommends that the Council determine how best to initiate a regulatory amendment package, either as part of a larger package in support of EO 14276 Restoring American Seafood Competitiveness or as a standalone package, to address observer availability issues. The following regulatory changes should be included:

1. Modify the endorsement criteria at § 679.53(a)(5)(iv) to allow hauls sampled in the At-Sea Hake Observer Program (A-SHOP) count towards the minimum sampled haul requirement of a Lead Level 2 (LL2) certification in Alaska.
2. Modify the endorsement criteria at § 679.53(a)(5)(iv) to allow sampled shoreside plant offloads to meet the minimum sampled haul requirement of a LL 2 certification.
3. Modify the minimum sampled haul requirement to obtain LL2 certification on trawl vessels to 60 sampled hauls rather than 100 sampled hauls.
4. Grant the Observer Program the authority to waive Fixed Gear LL2 Requirement when no fixed gear LL2 observers are reasonably available.
5. Consider regulatory measures to facilitate adoption of EM on the Hook and Line Catcher processor fleet (HAL CP).
6. ***(Amendment 1) Consider revisions to the zero selection pool (currently <40' fixed-gear catcher vessels and jig gear) for cost efficiency purposes to potentially include fixed-gear catcher vessels with: 1-2 annual trips, low quota/catch volume and potentially expanding to vessels of larger size range.***
7. ***~~Amend the fee schedule for the observer program specifically for vessels in the zero selection pool to either decrease them to a lower rate or cancel them for any vessel not opting into an observer program, including those in the zero selection pool.~~***

The AP also recommends that the Council consider recommending that the Observer Program implement the following non-regulatory policy changes:

8. Revert to the pre-2013 interpretation of the existing regulation at § 679.53(a)(5)(iv) to allow for A-SHOP sampled hauls to count towards the minimum sampled haul requirement of a LL2 in Alaska, until a regulatory change can be codified.
9. Transition debriefing protocols to focus primarily on remote debriefings rather than in-person debriefing, with the acknowledgement that the observer program could still require an in-person debriefing for a deployment with significant data quality issues.
10. Incorporate longline-lead instruction in all one-day briefings, while eliminating the current requirement that observers attend a separate two-day longline LL2 training class.

Amended Amendment 1 passed 18-1 (bold text)

Amendment to Amendment passed 16-3 (bold, strikethrough text)

Main Motion 2 as Amended passed 18-1

Rationale in Support of Amended Main Motion 2

- *The motion maker noted that the FMAC heard discussion from two observer providers about some regulatory changes that the Council could consider under the EO 14276 Restoring American Seafood Competitiveness. The AP also heard public testimony on these items and the AP felt it was appropriate to bring this second motion forward to signal their support.*
- *The AP did not recommend a discussion paper since many of these issues have already been included in previous discussion papers to some extent. However, the AP did not feel it was appropriate to initiate an Initial Review with a purpose and need and range of alternatives either, since as part of the EO the Council will be considering many different ways to reduce regulatory burdens. In this unique circumstance, the AP felt it was more appropriate to allow the Council to prioritize how to move forward.*
- *This motion addresses issues the Council, AP, and FMAC/PCFMAC have discussed or prioritized in the past, including the availability of LL2 observers and ways to meaningfully expand the zero selection pool. The EO presents a unique opportunity to potentially address those issues, streamline monitoring programs, and reduce cost burden on the Agency and industry.*
- *For clarity, the AP differentiated between items that would require regulatory actions and non-regulatory policy changes that could also ease burdens on industry.*

Rationale Specific to Items 1 and 8

- *Regarding the modification of endorsement criteria at § 679.53(a)(5)(iv) to allow sampled hauls in the A-SHOP to count towards the minimum haul requirement for LL2, the AP heard from FMA staff that NOAA General Council conferred on the intent of the regulations and determined that a regulatory change would be necessary.*
- *It was noted in public testimony and at the AP Table that in order to be deployed in the A-SHOP, observers still have to complete the same North Pacific Groundfish Observer three week training, that the catcher processors in the A-SHOP are the same vessels these observers work on in the Bering Sea pollock fishery, and that in many instances sampling in the A-SHOP can be more intense because there are more limiting incidental species in the fishery, and sampling incorrectly is more likely to cause a fishery closure. For all of these reasons, it makes sense that A-SHOP hauls should count toward the minimum sampled haul requirements for LL2 in Alaska.*
- *The AP noted that should the Council move forward with action to allow A-SHOP hauls to count towards Alaska LL2 certification, that the Council should also consider requesting the Agency make a policy shift to allow this while the regulation is being codified. It was noted that in other instances the Agency has been able to allow something while waiting for the regulatory resolution to be final.*

Rationale Specific to Item 2

- *The AP noted that in the past observer sampling at shoreside processors was significantly different to sampling on CPs and motherships so it made sense to not allow shoreside processor sampled offloads to count towards the minimum haul requirement. However, with the implementation of Trawl EM shoreside monitoring, observers are now sampling more similarly to CPs and motherships, including taking biological samples at randomly selected times. With more shoreside observer positions, this could also provide opportunity for observers to meet the LL2 requirement sooner.*

Rationale Specific to Item 3

- *The AP noted that 100 sampled hauls is a lot of volume on a pollock CP and may not be able to be accomplished in a single deployment, whereas on A80 CPs this volume of sampled hauls is more likely to be accomplished on a single deployment. Sixty sampled hauls is still a significant amount of data to gain experience and the reduction in the number of hauls could make achieving LL2 certification more efficient, regardless of the fishery an observer is deployed in. This could allow more LL2 certified observers to be available.*

Rationale Specific to Item 4

- *The Observer Program has the authority to waive requirements in many circumstances and allowing them the authority to waive the fixed gear LL2 requirement when no fixed gear LL2 observers are available should be considered as another tool they could have. Allowing them the authority does not mean they will waive the authority; the Observer Program knows their observers well and would be able to use discretion on when they may have an experienced LL2 observer who will be able to successfully complete the deployment even if they don't have the specific fixed gear LL2 certification.*

Rationale Specific to Item 5

- *The AP heard public testimony that the freezer longline sector is currently testing EM in addition to vessel observers to see if EM could replace the observer for some vessels. The AP noted that in the EO regulatory burdens discussion paper under the B reports, the Alaska Region had noted that there were ways the fixed gear and trawl EM regulations could be streamlined to be more efficient. Since a LL CP EM program could be developed in the future it makes sense that the Council consider ways to efficiently prepare that if addressing streamlining the EM regulations.*

Rationale Specific to Item 6

- *Many vessels in the halibut and sablefish fisheries fish low volume of quota on vessels in the 45 to 50 ft range. Most own their quota and it would be a worthwhile discussion to find a level of volume of quota that was a cut off for opting out of the observer program.*
- *The AP also noted that this action could also meet the objective of reducing the significant number of vessels in the Fixed Gear EM category that are operationalized and paid for, but are never selected to turn their EM systems on in a given year. This has been an ongoing challenge*

to address and reducing the number of vessels in the Fixed Gear EM pool will allow others to opt in who have been waiting.

Rationale Specific to Item 9

- *Waiting to debrief in Seattle has been discussed numerous times as something that can affect observer retention. The Program should still have the ability to do in person debriefings when a deployment has significant issues, however observers with good records and no issues should be allowed to go home and debrief remotely. It's a change that may seem small but when combined with other things could improve observer retention.*

Rationale Specific to Item 10

- *The types of observer deployments have changed a lot over the years and while we are in a period of finding efficiencies, the Council could recommend that the Observer Program reassess if there is a way to combine the longline LL2 information into the one day briefing that all observers receive. The AP heard public testimony that this is something that could allow observers to be available sooner rather than having to wait for the appropriate two day training to be scheduled.*

Rationale in Opposition to Amended Main Motion

- *Fishing vessels in all fisheries should be accountable, and we are moving toward 100% accountability in the future, probably through electronic monitoring. Categorically exempting vessels under 40 feet from monitoring is moving in the wrong direction because it could allow for illegal fishing behavior on unobserved vessels.*
- *In Ireland and Scotland vessels as small as 20 feet are 100% monitored with EM, demonstrating that smaller size vessels are capable of accommodating EM.*

Rationale in Support of the Amendment to the Amendment

- *It was noted during staff presentations that at the time of the restructuring of the observer program they determined that any vessel fishing in a federal fishery would be charged a fee since all federal partial coverage fisheries benefit from the data collected (ex: discard estimates).*
- *AP members felt that the addition of #7 was potentially more controversial and its' removal would increase the support for the addition of #6 to the motion.*
- *Given the recent changes in markets and decreases in revenue to the partial coverage budget, AP members were concerned about the reduction of revenue to the Observer Program which could compromise our ability to maximize monitoring selection rates..*
- *AP members also felt that reduction of revenue would be compounded by increasing the zero-selection pool.*
- *The zero-selection pool already has a reduced burden of cost due to not being required to carry and provide food, bunk space, etc for an observer.*

Rationale Against the Amendment to the Amendment

- *Some AP members felt it would seem more appropriate that only fishing vessels required to carry an observer in the partial coverage program should be charged these fees. Only landing data is compiled for vessels in the zero selection pool, so it should not warrant the same fee as a vessel carrying observers or EM.*
- *Any fee program has administrative burden, so this could be an important way to decrease the number of vessels to be accounted for and potentially decrease costs.*
- *The recommendation to amend the fee schedule was requested as “decrease the fees to a lower rate or cancel them” to allow future discretion regarding whether some level of reduced fee should still be paid.*
- *In 2024 \$249,279 was collected from vessels under 40 ft. which accounted for 7% of total fees collected under partial coverage in 2024, which could be a significant savings to these vessels while representing a small portion of the partial coverage budget.*
- *While some AP members understood some of the concerns voiced by fellow members supporting the Amendment to the Amendment, including partial coverage budgetary concerns, other AP members noted that there wasn’t enough information available at this time to determine whether or not those concerns were valid and supported keeping the language for point 7 in the motion. If the Council chose to proceed more information could be brought back about the potential implications to better inform decisions.*

Rationale in Support to the Amendment

- *Same rationale as Rationale Specific to Item 6 in Rationale in Support of the Amended Main Motion.*

Rationale in Opposition to the Amendment

- *Same rationale as Opposition to the Amended Main Motion*