

September 5, 2013

RECEIVED
SEP - 5 2013

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

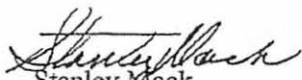
Dear Chairman Olsen

The Aleutians East Borough is committed to supporting sustainable fisheries in Alaska and the North Pacific, and we believe reliable data collection and observation of our fisheries is crucial to that end. We believe one good way to strengthen the collection of fisheries data, is to accelerate the process to make electronic monitoring available as an alternative to having human observers on board smaller vessels through the ongoing work of the NMFS Observer Program electronic monitoring pilot project.

We appreciate the June 24th letter of Executive Director Chris Oliver that emphasized the need to expand the volunteer pool for the electronic monitoring pilot project. Please accept the attached Resolution 14-02 of the Aleutians East Borough Assembly supporting a process that makes the EM pilot program more accessible to Aleutians East Borough fishermen, including the installation of electronic monitoring equipment in the fishing port of Sand Point, Alaska.

Thank you for the opportunity to comment on the NPFMC October 2013 agenda item C-1(d).

Sincerely,


Stanley Mack
Aleutians East Borough Mayor

Cc: Martin Loefflad, Director Observer Program



RESOLUTION 14-02

A RESOLUTION OF THE ALEUTIANS EAST BOROUGH ASSEMBLY TO ENCOURAGE NMFS TO MAKE THE OPPORTUNITY TO PARTICIPATE IN THE ELECTRONIC MONITORING PILOT PROGRAM READILY AVAILABLE TO AEB FISHERMEN

WHEREAS, the National Marine Fisheries Service (NMFS) observer program struggles to provide adequate fisheries information for managers and can be an inefficient burden on fishermen; and,

WHEREAS, electronic monitoring (EM) can be useful as a viable alternative to human observers on board fishing vessels; and,

WHEREAS, an EM pilot program is available to fixed gear vessels under 60 feet in length targeting halibut & blackcod IFQ or groundfish in the Gulf of Alaska; and,

WHEREAS, installation and removal of the EM equipment is currently only available at five Alaska ports: Kodiak, Homer, Petersburg, Seward or Sitka; and,

WHEREAS, small boat fishermen of the Aleutians East Borough would have a better opportunity to participate in the EM pilot program if equipment installation was available in or near the AEB; and,

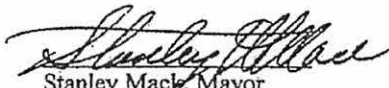
WHEREAS, increased participation by AEB fishermen in the EM Pilot Program will mean expanded coverage and greater success of the program.


NOW THEREFORE BE IT RESOLVED, the AEB Assembly encourages NMFS to work to increase AEB fishermen participation in the EM pilot program, and to expedite EM as a viable alternative to observer coverage; and,

BE IT FURTHER RESOLVED, the AEB Assembly supports the availability of the EM Pilot Program equipment installation in Sand Point, Alaska, giving a better opportunity to AEB fishermen to benefit the program; and,

BE IT FURTHER RESOLVED, the AEB Assembly directs the AEB Natural Resources Director work with NMFS observer program staff and Sand Point Harbor staff to facilitate the participation in the EM pilot program by eligible AEB fishermen.

PASSED AND APPROVED by the Aleutians East Borough on this 16th day of August, 2013.


Stanley Mack, Mayor

ATTEST: 
Tina Anderson, Clerk

Paul Olson, Attorney-at-Law
606 Merrell St.
Sitka, AK 99835
polsonlaw@gmail.com

September 24, 2013

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

Re: Agenda Item C-1 Annual Deployment Plan

Dear Mr. Olson:

Thank you for the opportunity to comment on the North Pacific Fishery Management Council's ("the Council") review of the 2014 Annual Deployment Plan (ADP). I submit the following comments on behalf of The Boat Company (TBC). TBC is a tax exempt, charitable, education foundation that conducts multi-day tours in southeast Alaska aboard its two larger vessels, the 145' M/V Liseron and the 157' M/V Mist Cove and features sport fishing opportunities for halibut and chinook. Both species are experiencing ongoing declines, resulting in conservation-based harvest restrictions for targeted recreational, commercial and subsistence fisheries.

TBC objected to the proposed rule implementing the restructured observer program in part because the restructured program failed to implement a cost-efficient approach to address priority fishery monitoring needs, including sufficient observer deployment rates needed to produce statistically reliable bycatch estimates for halibut and chinook and to acquire other data needed to assess the relationship between bycatch in the higher volume trawl fisheries and ongoing declines in halibut and chinook populations. While these concerns are ongoing, TBC thanks the Council for its June 2013 motion which requested that the 2014 Annual Deployment Plan (ADP) prioritize monitoring vessels under PSC limits in the trip selection pool.

However, the 2014 Draft ADP renews the approach taken in the 2013 ADP by retaining the vessel and trip selection pools as sampling strata and the random sampling approach with equal probability specific to each of the two strata. It anticipates that the deployment rate will decrease to 13.7% for the trip selection pool and 10.2% for the vessel selection pool. Although NMFS attempted to balance the PSC monitoring priority with concerns about compromising sampling rates in the vessel selection pool, the proposed 13.7% coverage rate for the trip selection pool is not adequate to assure credible PSC data or to meet the critical need to develop a better understanding of the stock composition of chinook salmon taken in the trawl fisheries.

TBC thus requests that the Council recommend that NMFS adjust the ADP. In particular, given the limited resources and priority management needs, the Council could recommend that NMFS establish a vessel selection pool for the pollock fishery to address the statistical bias caused by tender deliveries and to at least partially implement the Pella and Geiger (2009) sampling protocol to obtain chinook stock composition data. In the alternative, the Council could recommend the reassignment of vessels into different pools or further

changes in the sampling strategy.¹ Finally, TBC requests that the Council take an independent look at NMFS's budget estimates, including the possibility of shortfalls, prior to making final recommendations. It may be necessary to recommend that NMFS seek additional agency funding to meet the most urgent coverage needs such as chinook sampling.

I. NMFS Target Budget: Possible Shortfall

First, due to revenue declines from the IFQ fishery, it is unclear whether even the suggested 13.7% coverage rate will be achieved for the trip selection pool unless there is supplemental federal funding for the program. It would thus be appropriate for the Council to request further explanation from NMFS regarding its budget estimates because the ability of the public and Council to meaningfully comment on and set priorities for the Draft ADP is potentially limited by the absence of actual budget data.

Section 1.4.2, which projects at-sea deployments, does not identify the actual budget because there is a perceived difficulty with projecting fee revenue from July – December 2013 while fisheries are ongoing. Instead, the deployment rate is an estimate that could decrease later relative to available funds. The target budget of \$4.8 million is not an estimate of projected fee revenue but instead is an amount which would keep the observer coverage rate from falling significantly below the 2013 rate. NMFS estimates that \$4.8 million can purchase 4,718 observer days in 2014 for the partial coverage fleet, which means that the daily cost of observer coverage is roughly \$1,000.

However, it should be possible for NMFS to provide a reasonably informative estimate for the observer program budget prior to the annual Council meeting in October based on foreseeable revenues from the three species that provide nearly 90% of the program budget: halibut, sablefish and cod. The environmental analysis for the restructured program, using 2005 – 2008 price and harvest data, anticipated that revenues from the IFQ fisheries, and particularly halibut, would account for roughly 70% of the observer program budget.² According to NMFS' IFQ landing annual catch reports, from 2009 – 2012, halibut IFQ holders typically caught nearly all of their quota (up to 99%), sablefish IFQ holders typically caught approximately 90% of their quota and Gulf of Alaska cod fishermen also harvested all or nearly all of their quota. Thus, NMFS should reasonably be able to project IFQ and cod fishery fee revenues since ex-vessel prices, quotas and harvest rates are known well in advance of the October Council meeting.

Revenue from the halibut IFQ fishery in particular will drive GOA coverage rates in 2014 and in the future. It appears likely that there will be a shortfall in 2013 fee revenue relative to previous NMFS budget calculations, meaning that there may be further reductions in the deployment rate unless the agency is able to obtain supplemental federal funding for the program. In September of 2012, NMFS estimated observer fee revenues using 2011 catch and price values and calculated an estimated budget of \$4.9 million. The halibut IFQ harvest of 28.7 million pounds of halibut, provided \$2.3 million to the observer program

¹ As NMFS explains in its final rule, the assignment of vessels into different selection pools or changes in the allocation strategy are adjustments that can be made through the ADP process. The primary restriction that would require a regulatory amendment is moving vessels to or from the full or partial coverage categories. Groundfish Fisheries of the Exclusive Economic Zone Off Alaska and Pacific Halibut Fisheries; Observer Program. 77 Fed. Reg. 70062, 70069. (Nov. 21, 2012).

² See, e.g. Environmental Analysis/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Proposed Amendment 86 to the Fishery Management Plan for the Bering Sea/Aleutian Islands and Proposed Amendment 76 to the Fishery Management Plan for the Gulf of Alaska at 99-101.

budget, or nearly half of the estimated revenue. Sablefish IFQ holders caught 19.1 million pounds, generating another \$1.2 million. In other words, combined, the IFQ fisheries accounted for \$3.5 million of the \$4.9 million total, or more than 70% of the revenue. For 2013, however, the halibut quota decreased substantially to 21,810,800 pounds, meaning that the IFQ halibut fishery, if wholly harvested, is likely to generate \$130.9 million dollars in ex-vessel value at \$6.02 per pound and \$1.63 million in observer fees. The sablefish IFQ fee revenue will be similar to NMFS's 2012 simulations - 90% of the 2013 sablefish quota is 25.2 million pounds, which would generate an ex-vessel revenue of \$107.4 million at \$4.26 per pound and an observer fee revenue of \$1.34 million. The two fisheries combined will generate a half million dollars less in 2013, or 500 less observer days.

Based on NMFS' 2012 estimates, the diverse fleet participating in the Pacific cod fishery is the only other significant contributor to the observer program budget with an estimated \$870,000 in fee revenue from 2011 as simulated by NMFS, or roughly 18% of the \$4.8 million target budget.³ The pollock fishery generated less than 8% of the observer fee revenue (\$376,000) and other flatfish and rockfish species, combined, generated less than a hundred thousand dollars in observer fee revenue. Thus, whether or not these fisheries are ongoing, their contributions are unlikely to be of any significance in terms of offsetting the decline in fee revenue from the halibut IFQ fishery.

II. The Annual Deployment Plan: The Council Should Recommend Sampling Strata Changes as Needed to Ensure the PSC Monitoring Priority Can be Met with Limited Observer Program Resources

TBC requests that the Council continue to encourage NMFS to prioritize observer coverage for fisheries under PSC limits and recommend that NMFS implement some level of targeted sampling. More targeted sampling of PSC fisheries could occur through a combination of changes to the ADP – an increased diversion of resources from the vessel selection pool to the trip selection pool, changes to the sampling strata so that lower impact fisheries such as the pot cod fisheries are excluded from the trip selection pool, the development of a new vessel selection pool or requests for supplemental federal funding.⁴

The 2014 Draft ADP explains that future deployment plans will use information from the prior year's deployment to identify areas where improvements are needed to collect fishery management data, address statistical bias and develop a cost-effective program. However, NMFS did not recommend major changes in the sampling design for 2014. The 2013 review in section 1.3 selectively isolates several changed coverage patterns as "deployment attributes that appear to be working well" relative to previous years but fails to identify the substantial overall declines in coverage levels in high volume fisheries as areas where improvements are needed in 2014. The review cited improved coverage in the Area 610 longline cod fishery which had coverage in 9 out of 10 weeks with effort versus 5 out of 11 weeks in 2012.⁵ The review also states that "some coverage improvements in some trawl fisheries were also observed: for example, coverage was more evenly distributed throughout the year in the federal reporting area 620 trawl fishery."

³ The 2012 simulation showed that 184 million pounds of Pacific cod harvested by various gear sectors would have generated \$870,000.

⁴ The vessel selection pool does not appear to be working very well, and does not seem to be an appropriate use of limited resources. As noted in NMFS September 2013 letter to the Council, NMFS has achieved a much lower sampling rate than the anticipated 11% – as low as 4% and no more than 9%.

⁵ This appears to be mostly, if not entirely, the full coverage fleet.

The implementation of different monitoring patterns on a spatial and temporal basis in 2013 relative to previous years for a few selected fisheries does not mean that the 2013 sampling design should carry over into 2014 without any major changes. The Draft 2014 ADP's review omits consideration of how far observer coverage levels of PSC-limited fisheries have fallen relative to the previous program, to the expectations for the restructured program or even to the coverage levels projected in the 2013 ADP. NMFS did identify one significant problem with the 2013 deployments – statistical bias associated with tender deliveries – but then it defers responsive action to future ADPs rather than tailoring deployment patterns in a manner that addresses current management needs and data quality concerns.

Overall, there were significant declines in coverage rates relative to previous years in high volume trawl fisheries with large numbers of participating vessels and continued low (or no) levels of observer coverage for the flatfish trawl fisheries. The Performance Review does not identify declining coverage rates as problems. Fishery-specific observer coverage rates were displayed through color-coded percentage ranges in heat maps but were not analyzed, presented in actual numbers or through other graphic means that would better enable the public and the Council to provide more specific input or make recommendations regarding changes in sampling strata or priorities.

For example, in the 2013 ADP, NMFS anticipated that it would increase the median coverage rate on 7 of 12 area/target combinations for trawl gear. While the 2013 ADP did not explicitly identify those fisheries where the median coverage rate would improve, it seems likely that it referred to flatfish fisheries that had previously been unobserved or marginally observed. But the 2013 deployment review does not discuss whether or not these projections were met and it seems likely that they were not. For example, there was no coverage for the 10 CGOA rex sole trips in 2013 and the coverage rate declined for the shallow water flatfish fishery to less than half of 2011 and 2012 coverage levels.⁶

For the higher volume arrowtooth and cod trawl fisheries that have multiple trips occurring per week it is difficult to decipher the extent of coverage rate reductions from the heat maps although it is clear that the reduction is significant. The CGOA cod fishery had 40% observer coverage for the 106 trips taken during the initial two weeks of effort for the 2011 season, or a total of roughly 40 trips for the first sixteen weeks of 2011. The 2013 ADP appears to have provided less than half that amount of coverage for the same time period.⁷ The arrowtooth fishery was observed at a coverage rate of 30 – 40% during 4 of 8 weeks during the first four months of 2011 and at a substantially lower rate in 2013.

These declines in coverage for PSC-limited fisheries are highly relevant to the Council's decision on whether or not to recommend major changes to the 2014 ADP, including sampling strata, and allocation of resources among strata.

III. Chinook Bycatch Issues: Representative Samples and Stock Composition Sampling

⁶ For rex sole, in 2011 there was one trip with no observer coverage; in 2012 there were three trips with two trips receiving observer coverage. In 2013 there were ten trips, with no coverage. For shallow water flatfish, in 2011 observers covered 2 of 7 trips; in 2012 observers monitored 5 out of 12 trips and in 2013 observers monitored 2 out of 15 trips.

⁷ The heat map display shows that NMFS covered approximately 10% of 55 trips and 25% of 13 trips taken in Area 630 during weeks when trawl cod trips were selected for coverage, or roughly 10 trips, and 5% of 33 trips, 10% of 23 trips and 40% of 8 trips taken during selected weeks in Area 620, or roughly 7 trips.

TBC requests that the Council recommend that NMFS substantially improve the 2014 ADP by revising the sampling strata for the pollock fisheries to address two of the significant problems identified in the draft ADP: the inability to implement the Pella-Geiger protocol for obtaining chinook stock composition data under the 2013 ADP and the observer effect, or potential bias in catch data that likely results from tender deliveries. The need to develop a better understanding of chinook stock composition in the GOA fisheries has been a Council and SSC priority for years and is increasingly becoming a public priority.

To meet this priority, the Council could recommend targeted sampling for the pollock trawl fishery during weeks of intensive effort, or recommend that NMFS develop an additional vessel selection pool. While the heat maps do not provide explicit coverage rate information for the pollock fishery, it appears that there has been a substantial decline in the coverage rate for the pollock fisheries under the 2013 ADP: the heat maps for the final 2013 ADP showed that there were periods of 40% observer coverage in 2011, 15 – 40% coverage overall in 2012, and a decline to 10 – 15% coverage in 2013. Historically, well over a third of the CGOA pollock catch has been observed. An increased coverage rate is the best way to address both problems and is an appropriate management response even if it compromises NMFS' ability to obtain baseline data on other lower impact fisheries.

Increased coverage is necessary to obtain better data on the stock composition of chinook bycatch in the GOA fisheries. Section 1.4.5 considers the costs and benefits of two sampling methods – the dockside observer program implemented in 2013 and the proposal to randomly sample chinook from randomly selected trips in 2014. Appendix B explains that the 2013 dockside deployment was intended to implement Pella and Geiger's 2009 protocol which requires that observers have access to all salmon bycatch within a fishery, with a subset removed for genetic tissues. The Pella and Geiger protocol appears to be an effective sampling method in the Bering Sea where there is 100% observer coverage which ensures 100% retention of all salmon and allows for systematic sampling and limits variance.

However, the Pella and Geiger protocol is more expensive to implement and the 2014 Draft ADP indicates that chinook genetic sampling under the 2013 ADP was inadequate. Appendix B explains that at-sea observer coverage levels were too low to ensure compliance with Amendment 93's 100% chinook retention requirement and dockside sorting facilities did not allow for sufficiently accurate catch sorting. In 2014, NMFS intends to instead randomly sample chinook from randomly selected trips which may increase the total number of samples but the difficulty of generating stock of origin estimates from unrepresentative samples will continue. Essentially, NMFS anticipates obtaining more overall genetic data through the shift to at-sea deployments in 2014, but recognizes that the change falls short of the development of a strict protocol to ensure representative sampling. TBC submits that the 2014 ADP is replacing one sampling method that did not work with another method that will also fail to yield representative stock composition data, and thus require revision in the 2015 ADP. The underlying problem with both approaches is an insufficient level of at-sea observer coverage, and TBC requests that the Council recommend that NMFS implement targeted sampling or the development of an additional vessel selection pool that covers pollock fisheries at a higher rate than the current pools in order to address the urgent need to acquire stock composition data.

The 2014 Draft ADP identified another significant problem with obtaining representative data on chinook bycatch in that unobserved vessels made longer trips and more frequent deliveries to tenders than observed vessels. This problem is likely to bias chinook bycatch estimates and compromise efforts to conduct systematic sampling for stock composition data. NMFS recommends that responsive action be deferred until a full year of

data is available, and then the agency would conduct additional analysis, including possible regulatory changes such as tender deployments for observers. Tender deployments for observers could be an important component of a chinook genetic sampling protocol over the long-term. However, TBC requests that the Council recommend that the 2014 ADP implement measures to address the observer effect associated with tender deliveries in 2014. Again, the underlying problem is insufficient levels of observer coverage.

TBC reiterates that the optimal solution – as suggested and then rejected in the 2014 Draft ADP – is the development of an additional vessel selection pool for the pollock fisheries. The extended coverage period for the vessel selection pools was established in large part for the purpose of mitigating the potential for the observer effect because the period of observer would be long enough to make unrepresentative fishing on observed vessels impractical. This problem is not addressed in the trip selection pool. Alternatively, the Council could recommend increased coverage for the pollock fisheries. The ADP process was intended to allow for adjustments and improvements as needed to collect the data necessary to manage the fisheries and thus should allow for NMFS to develop corrective measures in 2014 that respond to an identified problem with the 2013 deployment.

Conclusion

TBC requests that the Council recommend additional changes the 2014 ADP, particularly in light of the low overall coverage levels resulting from the cost of the program and possible budget shortfalls. In particular, given the limited program resources, the Council should recommend that NMFS prioritize measures that address the need to acquire chinook stock composition data and minimize the observer effect associated with tender deliveries.

Sincerely,

Paul Olson



September 24, 2013

North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Re: Agenda Item C-1: Observer Program

Dear Chairman Olson and members of the Council:

The Alaska Marine Conservation Council (AMCC) is a non-profit dedicated to protecting Alaska's marine ecosystems and promoting healthy, ocean-dependent communities. A robust observer program which gives us accurate information about catch and bycatch in all of our fisheries is critical to the sustainable management of our fisheries. As we prepare for the second year of deployment under the restructured program, we have several ongoing concerns and recommendations with the current program.

1. Prioritize coverage on the Gulf of Alaska (GOA) trawl fleet in the restructured observer program to achieve a level of coverage which will provide confidence in PSC estimates and reduce the opportunity for observer bias.

AMCC and many other groups supported the Council's October 2010 action to restructure the observer program. The Council's action was specifically focused on addressing the issue of needing additional information from some fisheries to address specific management needs. Specifically, the issue of prohibited species catch (PSC) in the Gulf of Alaska (GOA) trawl fisheries was a guiding force behind the need for a restructured program. In numerous Council decisions, notably Amendments addressing Tanner crab bycatch, Chinook salmon bycatch and halibut bycatch, all in the Gulf of Alaska, the inaccuracies of the data available from the current observer program has been a central point of discussion. In the past, concerns with available data have been addressed throughout the Council debate on these topics with the promise that things would be better under the restructured observer program. With serious declines in Chinook salmon and halibut in the Gulf of Alaska, and huge impacts to those who fish directly for these species, accurate data on PSC is even more important now than when the Council took final action on the observer program.

The 2013 Annual Deployment Plan and the proposed 2014 Annual Deployment Plan both increased coverage for the trip selection pool. However, the coverage rate remains low, with a rate

of 13.7% proposed for the trip selection pool.¹ While the restructured program as implemented eliminates the bias associated with picking when to carry an observer, a low coverage rate still allows for a significant ability to fish differently with an observer on board. The review of the first six months of deployment presented by NMFS concludes, in reference to conditional releases, that “Conditional releases issued by NMFS have the potential to cause biased estimates of catch and discard if these vessels behave in a different manner (locations, catch, discard rates and species) than those vessels that are not released.”² The same can be said of vessels in the trip selection pool – there is potential for biased estimates of catch and discard if the vessels selected for coverage behave differently than those that are not selected for coverage. Logically, the higher the observer coverage rate, the less ability to create non-representative samples by fishing differently with an observer on board, because proportionally more of the catch will be harvested when an observer is on board.

A particular problem in regards to observer deployment rates in the trawl fisheries continues to occur in relation to Tanner crab bycatch. In October 2010 the Council took action to create two areas in which 100% observer coverage would be required to gain better data about what the bycatch actually is in those areas and design future management measures. The intent of this action was to get at least a full year of 100% coverage in these areas before the new observer program came on-line. That regulation was not implemented before the restructured observer program came on-line, and therefore that year of 100% observer coverage was not obtained. At the time of Council action, getting additional data via 100% observer coverage was intended to provide a better understanding of the impacts of groundfish trawl fisheries on the rebuilding Tanner crab stocks in these specific areas. Under the restructured program, the fleet of concern is in the partial coverage category, and the intent of the Council action to gather more data has been completely lost. Collecting this data is still vitally important, particularly as Tanner crab stocks continue to struggle to rebuild, and demonstrates yet another reason that the current levels of sampling do not meet the management needs of this fishery.

Getting better data on PSC in the Gulf of Alaska trawl fleet was a major goal of the restructured program, as amply expressed both by the public and by the Council in the problem statement and in deliberations on this action. The 2014 Deployment Plan must strive to meet this objective with the flexibility provided in the restructured program. **We ask the Council to provide direction to the agency at this meeting to prioritize coverage on the Gulf of Alaska (GOA) trawl fleet, in the 2014 Annual Deployment Plan and beyond, to achieve a level of coverage which will provide confidence in PSC estimates and reduce the opportunity for observer bias.** While 100% coverage would be ideal, 60% coverage at a minimum would begin to address this issue.

2. Initiate a regulatory process to ensure that vessels delivering to tenders are being observed at a comparable rate to those which are delivering shoreside.

¹ National Marine Fisheries Service, *Draft 2014 Annual Deployment Plan for Observers in the Groundfish and Halibut Fisheries off Alaska* 8 (Sept. 2013) [hereinafter *Draft 2014 Annual Deployment Plan*].

² Alaska Fisheries Science Center and National Marine Fisheries Service, *2014 Draft Annual Deployment Plan for observers in the Groundfish and Halibut fisheries off Alaska, Observer Advisory Committee Briefing 35* (Sept. 17, 2013).

Available information from the review of the first six months of deployment under the restructured program suggests strong evidence of an observer effect in vessels delivering to tenders.³ This seems to be a result in large part of the definition of a “trip” when delivering to a tender, which provides an opportunity for vessels to make multiple deliveries to a tender under one trip when they are not selected to carry an observer. This comes as no surprise – this problem with the definition of a trip in regards to tendering was raised when the proposed rule was issued. The ability to bias observer coverage by delivering to a tender impacts the observer data itself, and also has substantial impacts on salmon sampling protocols, since salmon are not sampled to the same degree as those delivered shoreside under current sampling protocols. For these reasons, **we recommend the Council begin the regulatory amendment process immediately to address the loophole provided by the current definition of a trip.**

3. Adopt a salmon sampling program for the Gulf of Alaska trawl fisheries that will provide for representative sampling for genetic stock identification work.

Chinook salmon sampling in the Gulf of Alaska trawl fisheries for purposes of generating reliable genetic stock identification continues to be an area of concern. It is absolutely critical that we have accurate stock identification estimates from the GOA trawl fisheries to measure the impact of the bycatch and refine future bycatch management programs. We understand that the protocol implemented in 2013 to require 100% retention and sample all pollock offloads with a census approach did not result in the expected outcome. While nearly 100% of the offloads in Kodiak were sampled, overall 88% of the offloads were sampled, with very low percentages of deliveries sampled in some ports.⁴ The proposed change for 2014 moves to sampling all salmon in a trip at offload, but only for observed trips. While the analysis shows this will result in more samples at a lower cost, it is not clear that these samples will be any more representative. In fact, if all of the samples are coming from observed trips in a fleet which is observed at 13.7 %, the samples may be less representative, particularly if vessels behave differently when carrying an observer.

In addition, the move away from observing or sampling offloads from both observed and unobserved vessels may have impacts on our ability to adequately monitor impacts on Endangered Species Act-listed Chinook salmon stocks. According to the most recent annual report relating to Alaska groundfish fisheries Chinook salmon bycatch and Endangered Species Act-listed Chinook salmon stocks, in 2012, when full retention was required halfway through the year and all salmon could be checked for adipose fin clips, Coded Wire tag (CWT) recoveries were the highest number recovered since 2000.⁵ While this may be due to stock abundance as well as changes to sampling protocols, it is nonetheless important that both observed and unobserved vessels’ salmon are checked for adipose fin clips and CWTs. It seems that under the proposed sampling protocol for

³ Draft 2014 Annual Deployment Plan, *supra* note 1, at 23.

⁴ *Id.* at 17.

⁵ James Balsiger, Administrator Alaska Region, National Marine Fisheries Service, *2012 Annual Report for the Alaska Groundfish Fisheries Chinook Salmon Incidental Catch and Endangered Species Act Consultation*, Memo to William W. Stelle, Jr., Administrator, Northwest Region 10 (Jun. 21, 2013).

2014, without any shoreside monitoring unobserved vessels will not be checked for fin clips. If this is true, this will significantly reduce the efficacy of sampling for purposes of monitoring impacts on ESA-listed stocks via CWT recoveries.

Ultimately, the restructured observer program should prioritize sampling salmon in the GOA trawl fisheries which will give us an accurate estimate of stock composition. **If the proposed approach of sampling only salmon on observed vessels is adopted for 2014, then the observer coverage rate for this fleet must be increased. In addition, if this approach is utilized, we also recommend the use of metal detector tunnels in the plants to ensure that tagged salmon are sampled from both observed and unobserved vessels.**

4. Prioritize development of an Electronic monitoring (EM) option.

Throughout development and discussion of the restructured observer program, electronic monitoring (EM) has been presented as an option for the small boat fleet on which deploying observers could be challenging, expensive to the observer program, or both. In the 2014 Draft Deployment plan, however, electronic monitoring continues to be available only to a limited part of the fleet as a pilot project. While the experience in this first year will feed into future EM development, it leaves small boats (in the 40 foot to 57.5 foot range) that were expecting to have the option of electronic monitoring in the position of having to carry a human observer.

EM is a critical component of the observer program. The lack of an EM option continues to be a significant deficiency, and it's critical that we prioritize development of electronic monitoring as a viable alternative to meet at-sea monitoring requirements.

In closing, we continue to support improved monitoring and data collection via the observer program. We remain concerned that the current program, as implemented, will not achieve some of the primary reasons for restructuring the program. We continue to engage in this process in the hopes that the Council will utilize its ability to redirect the restructured program and ensure that the data collected under this program meets the Council's management needs. Thank you for your consideration of our comments.

Sincerely,



Kelly Harrell
Executive Director

Peninsula Fishermen's Coalition

Beth Stewart

2767 John Street, Juneau, AK 99801

Phone: 907.364.3646 Cell Phone: 907.635.4336 Email: bethontheroad@gmail.com

Eric Olson, Chairman

September 16, 2013

North Pacific Fishery Management Council

605 West 4th Avenue

Anchorage, AK 99501

In Re: Agenda Item C1 Observer Program

Dear Chairman Olson:

The Peninsula Fishermen's Coalition would like the Observer Program to be modified to provide a uniform playing field for vessels delivering to tenders and those delivering to shore base plants.

During previous Council discussions, NMFS suggested that fishermen may be choosing to deliver to tenders in order to avoid carrying an observer. This isn't the case, and we have commented previously that we believe that observers can be placed on tenders.

While tendered vessels remain in the observer pool, a vessel cannot end an observed trip until it delivers to a shore plant. Currently, deliveries to tenders cannot be used for whole haul sampling because the observer is not allowed to board the tenders.

In our area it would simple for the observer to do this. The tenders have a fish sorting table and the observer could have full access to this area.

We believe that by stationing observers on the tenders, NMFS will have a better statistical picture of our pollock and P. cod fisheries, as well as leveling the playing field between vessels.

I have spoken to one tender operator who believes that it is entirely possible to make this option workable.

Thank you for taking our views into consideration.

Sincerely,

Beth Stewart

Kiley Thompson, President (F/V Decision)

Steven Galovin (F/V Shawna Rae)

A.J. Newman, Vice President (F/V Lady Lee Dawn)

Art Holmberg (F/V Tern)

Ben Ley, Treasurer (F/V Alaskan Lady)

Melvin Larsen (F/V Temptation)

Mike Alfeiri (F/V Ocean Storm)

Robin Larsen (F/V Courtney Noral)

Jody Cook (F/V Cape Reliant)

Taylor Lundgren (F/V Primus)

John de Groen (F/V Primus)

Tom Manos (F/V Alaskan Lady)

Tom Evich (F/V Karen Evich)

Pete Schoenberg (F/V Equinox)

Dwain Foster (F/V Heather Margene)

Corey Wilson (F/V Justin Case & F/V Miss Courtney Kim)

Joe Puratich (F/V Marauder)

**FISHING VESSEL OWNERS' ASSOCIATION
INCORPORATED**

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

SINCE 1954 September 20, 2013

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

RE: C-1 Discussion of alternate observer coverage for clean-up IFQ trips within multiple regulatory areas.

Dear Chairman Olson:

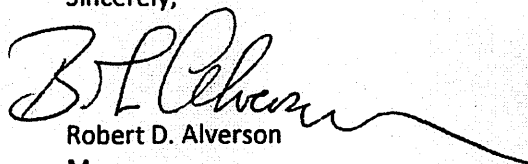
This letter is a request to the North Pacific Fishery Management Council (NPFMC) to provide the necessary regulatory relief in the Gulf of Alaska to allow vessels and their crews to clean up IFQs which are in multiple regulatory areas. This issue was discussed at the recent Observer Advisory Committee (OAC) meeting in Seattle. Based on the discussion, the best alternative probably does not require amendments to the observer program.

The problem for the IFQ vessels arises at the end of a vessel's season that has QS of either sablefish or halibut in multiple regulatory areas. Under the observer rules prior to 2013, a vessel owner could extend the use of an observer on their vessel so that small amounts of IFQ left in multiple regulatory areas could be harvested in a single trip. The new observer program does not provide for this type of use of an observer based on the random process of selecting an observer. This use of an observer puts the observer in a compliance monitoring role which is not a proper use of an observer.

The current rules allow a vessel to fish in multiple areas as long as they have quota to cover the amount. At the end of the year, however, there can be residual amounts of QS left in multiple regulatory areas. This issue was addressed in the Bering Sea regulatory areas for halibut by allowing the use of a VMS and identifying the fish from the various regulatory areas in the fish hold.

FVOA members request the Council to initiate regulatory relief to extend the VMS provision currently provided in the Bering Sea districts for IFQ holders of halibut and sablefish to the Gulf of Alaska. It was pointed out at the OAC meeting that this alternative could be cheaper for the vessel and crew and would eliminate any necessity to amend the observer program.

Sincerely,



Robert D. Alverson
Manager

RDA:cb