



# North Pacific Fishery Management Council

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## Partial Coverage Fishery Monitoring Advisory Committee REPORT

September 17, 2021: 8:30am-3:45pm AKDT

*Committee members present: Nicole Kimball (Chair), Bob Alverson, Julie Bonney, Dan Falvey, Luke Szymanski, Kathy Hansen, Stacey Hansen, Julie Kavanaugh*

*Members Absent: Tom Evich, Abigail Turner Franke, Caitlin Yaeger*

*Agency Staff: Sara Cleaver (NPFMC), Kate Haapala (NPFMC), Maria Davis (NPFMC), Diana Evans (NPFMC), Anna Henry (NPFMC), Shannon Gleason (NPFMC), Jennifer Mondragon (NMFS), Geoff Mayhew (PSMFC), Jennifer Ferdinand (NMFS), Craig Faunce (NMFS), Lisa Thompson (NMFS), Phil Ganz (NMFS), Josh Keaton (NMFS), Cindy Tribuzio (NMFS), Tom Meyer (OLE), Pearl Rojas (NMFS), Jennifer Cahalan (PSFMC), Melanie Rickett (NMFS), Joel Kraski (NMFS), Christine Forcucci (NMFS), Caroline Lawrence (NMFS)*

*Other Attendees: Troy Quinlan, Zoe Reed, Pam Gale (AOI), Michael Lake (AOI), Wayne Walter*

### 1. Introduction

The chair of the Partial Coverage Fishery Monitoring Advisory Committee (PCFMAC) opened the virtual meeting and gave an overview of the agenda. The chair also explained the purpose of the PCFMAC meeting was for the Committee to receive a presentation on the Draft 2022 Annual Deployment (ADP) for the partial coverage category of the Observer Program and to make recommendations to the Council on the major analytical components. Recall that in [April 2021](#), the National Marine Fisheries Service (NMFS) recommended the major analytical components of the Draft 2022 ADP be carried forward to 2023. This proposal would free up Agency resources to complete an integrated cost efficiencies analysis (referred to throughout this report as the Partial Coverage Integrated Analysis) to achieve the Council's goal of spending limited observer fee revenues more efficiently such that greater coverage for both observers and electronic monitoring (EM) is attained given the limited available budget.

### 2. Draft 2022 ADP

Ms. Jennifer Ferdinand (FMA) and Mr. Geoff Mayhew (PSFMC) presented the Draft 2022 ADP, which describes how NMFS intends to assign observer and EM resources to vessels in the partial coverage category. The PCFMAC appreciates the work completed by the Alaska Fisheries Science Center and Alaska Regional Office staff on the Draft 2022 ADP and understands the final ADP will be provided to the Council in December.

**The PCFMAC endorses NMFS' recommendations for 2022 and 2023 observer and EM deployment, as represented in the [Draft 2022 ADP](#).**

- **Three gear-based deployment strata (hook-and-line, pot, and trawl)**
- **15% + opt 95 allocation scheme (Strategy 4 in the draft ADP)**
- **Fixed and trawl gear EM deployment strategies**
- **Three trip selection limit and updated NOAA waiver policies that continue to allow NMFS to waive observer coverage on a trip-by-trip basis**

The following sections capture the Committee’s discussion and recommendations on the major analytical components of the draft ADP.

**a. Updates to observer deployment under the 2021 ADP**

Starting in July 2020, the Agency utilized a port-based approach for partial coverage observer deployment where observers were deployed from 14 ports (Akutan, Dutch Harbor/Unalaska, False Pass, Homer, Juneau, Ketchikan, King Cove, Kodiak, Nome, Petersburg, Sand Point, Seward, Sitka, and Yakutat). This deployment approach is responsive to the Council’s [June 2020 recommendation](#) for reintroducing partial coverage observers during COVID-19 after a blanket waiver was discontinued. As of September 1st, 2021, NMFS returned to deploying observers from all ports on a trip basis and recommends this approach be utilized in 2022 and 2023. The port-based model was evaluated in the 2020 Observer Annual Report, and it was found to have introduced data gaps and bias into the sampling design and was not particularly cost effective due to the 14-day port-specific quarantine period for observers to increase safety for observers and crew on vessels.

Given the Agency’s return to observer deployment from all ports in Alaska and ongoing health and safety concerns for processors, crew, and communities related to COVID-19, some Committee members asked the partial coverage observer provider (AIS) to explain current COVID-19 safety protocols. Luke Szymanski explained there is a consistent approach to maintain safety for observers and crew, and AIS is currently following guidance applicable to contractors of the Federal government. Observers are also held to any additional safety requirements that vessels may be operating under. For example, if a vessel has a COVID-19 protocol that is more conservative than that of the observer provider, observers will follow the more conservative requirements, such as getting a rapid test between each trip rather than being tested after every other trip. AIS encouraged vessel owners to contact AIS staff if there are questions related to COVID-19 safety protocols.

Additionally, NMFS has the capability to issue trip-specific waivers for reduced travel availability or when no observer is available. The temporary rule that allows increased flexibility in other program requirements is still in place but expires March 26, 2021. This rule can expire earlier if the Secretary of Health and Human Services deems the State of Emergency caused by the pandemic over. The flexibilities currently used by the Agency afforded by this rule include: 1) observers may be deployed where a normal certification of endorsement would not normally allow them to be deployed, and 2) the ability to waive full coverage trips (this has only happened once since the start of the pandemic). Indeed, the prioritization of full coverage has had minimal impact on coverage rates for partial coverage trips. The Agency has additional flexibilities included in Federal regulations, including increasing the deployment duration allowed for observers beyond 90 days. The Agency stressed they do not like to exercise this waiver and it has typically only been used to extend deployment by a week or two.

**b. Allocation strategies**

The Draft 2022 ADP compares four allocation strategies for deploying observers. At the June 2021 meeting, the [Council recommended](#) NMFS maintain the 15% baseline hurdle for each gear type (i.e., strata) and optimize such that all additional observer days above the baseline coverage level are placed on trawl gear. NMFS evaluated this new optimization strategy (Strategy 3 in the draft ADP) as well as an adjusted 15% minimum baseline plus optimization based on discarded groundfish, halibut PSC, and Chinook PSC (Strategy 4 in the draft ADP). The ‘adjusted’ 15% baseline strategy is different from previous 15% baseline strategies (Strategy 2 in the draft ADP) in that it provides a higher (95% vs 50%) confidence interval that the baseline hurdle will be met for all gear types.

**The PCFMAC supports NMFS’ recommendation to use allocation Strategy 4, an adjusted minimum baseline of 15% plus optimization based on discarded groundfish, halibut PSC, and Chinook PSC. The PCFMAC also supports the NMFS recommendation to maintain this stratification and allocation strategy for 2023 and not evaluate new strata or allocation scenarios**

**for 2023.** The Committee supports this allocation strategy because it offers a higher level of confidence that the 15% baseline hurdle will be met across strata when the allocation strategy selected in the 2022 ADP is intended to be carried forward to 2023. The Committee agreed that NMFS should evaluate what constitutes an appropriate baseline in the future for the partial coverage category of the Observer Program when fixed gear and trawl EM data are integrated in the Partial Coverage Integrated Analysis.

The preliminary\* observer coverage rates associated with these recommendations are:

- Hook-and-line – 18%
- Pot – 17%
- Trawl – 28%
- Fixed Gear EM – 30%
- Trawl EM EFP – 100% at-sea EM (plus 30% shoreside monitoring in GOA and 100% in BS)

*\*These coverage rates are preliminary; the final projected rates will be provided in the final ADP in December, based on final budget and effort projections.*

### **c. Funding update**

The PCFMAC appreciates seeing three years of preliminary budget projections. NMFS has developed a budget to achieve a fiscally solvent partial coverage observer program for the remainder of the Federal contract, which is set to expire in 2024. The presentation noted NMFS' intent is to distribute available funding across the remaining years of the Federal contract to remain solvent and stable through contract rather than having large fluctuations in coverage between years. While a stable budget is anticipated for 2022 and 2023, there was significant discussion among Committee members about budget uncertainty for 2024, at which point the Trawl EM Program is expected to be an implemented program covered under the observer fee rather than supplemental funding through the National Fish and Wildlife Federation (NFWF). **The PCFMAC requested NMFS consider the costs of incorporating Trawl EM under the observer fee in 2024 in the Partial Coverage Integrated Analysis.**

### **d. Electronic monitoring**

**The PCFMAC supports the NMFS recommendation to maintain the current fixed gear EM pool of 169 vessels in 2022 and expand the fixed gear EM pool up to 200 vessels as funding allows, provided vessels opt-in prior to November 1, 2022, and meet the additional criteria set forth in the Draft ADP.** The PCFMAC is aware that funding may be insufficient to accommodate all new vessels that request to participate in the fixed gear EM selection pool. **The Committee supports maintaining priorities for EM vessels as follows: 1) vessels that are already equipped with EM systems; 2) vessels that are cost effective for EM and unlikely to introduce large data gaps; and 3) vessels which are 40-57.5 ft. LOA where carrying an observer is problematic due to bunk space or life raft limitations.**

## **3. Partial Coverage Integrated Analysis**

At the April 2021 PCFMAC meeting, NMFS outlined a plan to complete a comprehensive analysis of the Council's cost efficiency priorities for the partial coverage category of the Observer Program. The purpose of the integrated analysis is to achieve a scientifically robust sampling plan that is fiscally sustainable and achieve the Council's other goals related to cost efficiencies, increased monitoring on trawl-fisheries for PSC accounting, monitoring that has the least impact on fishing operations, and a partial coverage program that is less contentious. This analysis will be conducted in 2022, released for review in 2023, and incorporated into the 2024 ADP. To enable staff time for this analysis, NMFS recommends carrying forward the major analytical components of the 2022 ADP into 2023, effectively creating a two-year deployment plan.

At the September 2021 PCFMAC meeting, Ms. Jennifer Mondragon (AKR SF) presented an update on the Partial Coverage Integrated Analysis that focused on how existing regulations may constrain sampling design ideas so the Committee and Council could have a better understanding of what is feasible under current regulations and could be implemented in the ADP, and which projects might need modifications to regulations. The Committee appreciates the Agency's work thus far and had significant discussion related to the Partial Coverage Integrated Analysis. The Agency asked the Committee whether any of these ideas were non-starters, to focus the analysis on changes that are most feasible. The major themes of discussion and recommendations are captured below in no particular order of priority.

**a. Port-based deployment**

As mentioned previously, in the Draft 2022 ADP NMFS recommends using a trip-based approach from all ports because deployment out of a limited number of ports introduced data gaps and bias into the sampling design. However, the PCFMAC previously recommended that NMFS use the opportunity of the port-based approach to gather information to evaluate the costs of port-based deployment in a non-COVID-19 future when the costs of quarantine are not a factor. In particular, the Committee has discussed looking at potential cost reductions by limiting observer travel and reducing observer down days.

NMFS has reported that it is not possible to tease out COVID-19 costs from the port-based approach used in 2020 and 2021. The port-based deployment model was developed in direct response to COVID-19, and the 14 selected ports were chosen because observers could complete the 14-day port-specific quarantine in these ports. The PCFMAC understands that an evaluation of port-based deployment in the Partial Coverage Integrated Analysis would not be the same as the model that was implemented in response to COVID-19. **The PCFMAC recommends the integrated analysis evaluate a port-based deployment model and understands that this approach would require a regulatory change by restricting vessels and requiring them to pick up observers and embark from a limited set of ports and then return to drop off an observer in a set of specific ports.**

The Committee had significant discussion on the port-based approach. First, Committee members expressed concern that requiring vessels to embark and return from the same port would impose significant constraints on vessels' current fishing practices and alter patterns of commerce. Some Committee members supported NMFS' evaluation of a 'mini vessel selection' model that would require a vessel selected in ODDS to carry a partial coverage observer on multiple trips. This would allow the vessel to pick the observer up in one port and drop the observer in a different port. Allowing a vessel to drop the observer in the port they want to return to could help to eliminate the data gaps and bias found in the 2020 Observer Annual Report.

**b. Fixed gear monitoring and size/composition of EM pool**

The Committee discussed several ways the Partial Coverage Integrated Analysis could evaluate monitoring of the fixed gear fleet more holistically and optimize the size of the EM pool:

- One sampling approach would consider requiring a vessel to carry both an observer and EM on some trips (i.e., be in both the EM pool and the observer pool on specified trips). This approach would potentially reduce data gaps and enable collection of biological samples and average weights by deploying some level of observer coverage on EM vessels. This approach would not require a regulatory change. Committee members discussed that a benefit of this approach is that NMFS could post-select EM trips for review that best meet the needs for data collection, such as discarded species (e.g., skates) that are important for stock assessors. However, Committee members expressed concern with a blanket approach to deploying observers onto fixed gear vessels already carrying EM equipment because some vessels have opted into the EM pool because they cannot carry an observer (i.e., minimal bunk space). **The Committee supports this**

**evaluation in the analysis with the caveat that if pursued, NMFS would evaluate criteria to identify vessels that would be in a stratum to carry both EM and observers.**

- Another sampling approach to consider in the analysis would be implementation of observer sampling in shoreside processing plants. NMFS outlined that this sampling design would require a change in regulation and the requirement for vessels to “hail in” and provide notification of upcoming landings. This approach is also being considered as part of the Trawl EM program and PCFMAC members did not express strong objection to idea of a hail in system.
- **The PCFMAC continues to support re-evaluating the zero selection pool for cost efficiencies.** Changing the definition of the zero-selection pool could provide an opportunity for cost savings but it could also increase data gaps. If vessels that take very few trips per year were added to the zero-selection pool, and these vessels were taken out of the EM pool, this could improve the efficiency of the EM program, but the level of impact these changes would have on observer deployment is less certain. Currently, the ADP defines vessels in zero selection as fixed-gear vessels less than 40 ft. LOA and vessels fishing with jig gear, which includes handline, jig, troll, and dinglebar troll gear. The zero selection pool can be modified without regulatory changes.

#### **c. 72-hr notice for observer deployment**

NMFS put forward the idea of extending the length of notice for deploying at-sea observers. Currently, vessels operating in the partial coverage category log their fishing trips in ODDS 72 hours in advance of their departure. This is an expensive approach as it gives NMFS and observer providers relatively little notice for when a vessel intends to embark on a fishing trip. Committee members noted the 72-hour notice window reflects the duration of fixed gear fishing trips and extending the notice would likely make it challenging for vessels to predict when their next trip would occur, especially in a scenario where a vessel has logged three trips but cannot log another until one trip is closed out in ODDS. Additionally, the 72-hour notice window allows smaller vessels to better forecast when they will fish based on weather conditions and extending the notice window would likely lead to more cancelled trips or smaller vessels fishing in inclement weather.

#### **d. EM Workshop and stock assessment author report**

When the PCFMAC Chair opened the meeting and reviewed the agenda, a Committee member asked to discuss the [report](#) from the [recent NMFS EM Workshop](#) which was posted to the upcoming Groundfish Plan Team meeting. The purpose of this workshop was for AFSC Stock Assessment staff to prepare for using EM data in the 2021 stock assessments. Of particular interest to PCFMAC members were the recommendations (p5 of the report), including one that recommends a process be developed so assessment authors can provide coordinated feedback to NPFMC advisory bodies regarding stock assessment data needs. The Committee noted the need for increased communication between stock assessment authors/Plan Teams and the Committee at relevant times. Related to filling data gaps from EM data, there was discussion on observer to EM data comparison, i.e., how well estimates of average weights from observer data reflect EM data and what level of precision in time and space may be necessary for accurate catch accounting, and how to provide sufficient biological data for stock assessments. The Committee highlighted the importance of incorporating stock assessment perspective and input into the Partial Coverage Integrated analysis.

#### **e. Timeline**

NMFS’ presentation included an approximate timeline and major milestones for the Partial Coverage Integrated Analysis (included on p6 of [the document](#)) and the targeted implementation date in the 2024 ADP, along with other upcoming actions that will impact the partial coverage category of the Observer Program including: implementation of the BSAI Pacific cod Limited Access Program which moves a

number of vessels out of partial coverage and into 100% coverage, transition of Trawl EM to a regulated program, and a new contract for observer coverage in the partial coverage category starting no later than August 2024.

The Committee appreciates the opportunity for early communication on the timeline for this analysis. However, Committee members expressed concern that the next opportunity for the PCFMAC to provide recommendations on the analysis to NMFS is April/May 2022. **The Committee recommends a check-in earlier than the April/May timeframe in the existing schedule to allow additional interaction between industry and NMFS as the analysis is developed.** A PCFMAC meeting earlier in 2022 would help to ensure industry input into the analysis early in the process, which is especially important since the analysis will inform the RFP for the new Federal contract which is scheduled to be released in October 2022. Additionally, if any regulatory changes are required, this could pose additional restraints on the analytical timeline. **The Committee recommends that the Council ensure the timeline for analysis is such that it informs the new contract for the partial coverage category of the Observer Program which begins in 2024. The likely elements affected are the minimum number of observer sea days and the deployment strategies necessary for collection of biological samples.**

#### **4. Observer Provider Labor Issues**

At the June 2021 Council meeting, the Council received public comment from a full coverage observer provider about the challenges that provider companies are facing with respect to a labor shortage, especially for experienced observers that meet lead certification levels. Pam Gale (Alaskan Observers, Inc.) provided a [summary](#) of observer labor shortage issues and potential recommendations to address these challenges. One of the main challenges, which has been ongoing but was exacerbated by the pandemic, has been getting observers qualified for lead level status. As more LAPPs are formed and vessels enter the EM program, more lead-level certified observers are needed, yet the training platforms previously provided by those vessels are reduced, and it becomes more and more challenging for observers to obtain the requisite experience needed for lead-level certification.

Another option to address the labor shortage is to allow observers the option to deploy for up to 120 days instead of 90, however NMFS noted that this is not a long-term solution and is currently intended only to allow small extensions (i.e., a few days). PCFMAC members acknowledged that this discussion and developing potential solutions were also appropriate for the FMAC, however, this committee only meets once per year, typically in May to review the Observer Annual Report prior to the June Council meeting. Observer providers, however, emphasized that observer labor shortages could affect both the full and partial coverage categories.

#### **5. Public Comment**

There was one public testifier, and 13 written public comments submitted to the public comment portal on the e-Agenda. All public comment was related to the observer shortages described in the above section.

#### **6. Future scheduling**

In the Partial Coverage Integrated Analysis update, NMFS proposed the next meeting of the PCFMAC occur in April or May 2022, ideally coinciding with the FMAC's annual May meeting to reduce the travel and time burden placed on overlapping committee members. The PCFMAC agrees that a May 2022 meeting is appropriate to review the annual report and other items. However, as noted previously, Committee members recommended a PCFMAC meeting in February 2022 to provide input on the integrated cost efficiencies analysis. The Committee is aware that asking NMFS to participate in an additional committee meeting requires additional resources and reiterated its support for an abbreviated 2021 Annual Report so more resources can go into the cost efficiencies plan/integrated analysis.