



Fishery Monitoring and Advisory Committee REPORT

May 17, 2021, 8:30am-4pm, AKDT

Committee: Bill Tweit (co-chair), Nicole Kimball (co-chair), Julie Bonney, Beth Concepcion, Paul Wilkins, Dan Falvey, Stacey Hansen, Mike Orcutt, Michael Lake, Chad See, Abby Snedeker, Luke Szymanski, Abigail Turner-Franke, Caitlin Yaeger, Kathy Hansen, Chad See

Members absent: Tom Evich, Julie Kavanaugh, and Bob Alverson

Agency staff: Kate Haapala (NPFMC), Maria Davis (NPFMC), Diana Evans (NPFMC), Anna Henry (NPFMC), Sara Cleaver (NPFMC), Jennifer Mondragon (NMFS), Maggie Chan (NMFS), Josh Keaton (NMFS), Phil Ganz (NMFS), Brett Alger (NMFS, National Observer Program), Jennifer Ferdinand (NMFS), Lisa Thompson (NMFS), Gwynne Schnaittacher (NMFS), Geoff Mayhew (PSMFC), Craig Faunce (NMFS), Alex Perry (NMFS OLE), Jaclyn Smith (NMFS OLE) Laura Keeling (NMFS, Office of Sustainable Fisheries, Cindy Tribuzio (AFSC)

Other attendees: Ernie Weiss (AEB), Ruth Christensen (UCB), Rachel Baker (ADFG), Steve Barbeaux (AFSC), Theresa Petersen (AMCC), Jane DiCosimo, John Warrenchuk (Oceana), Melissa Mahoney (EDF), Megan Smith (AIS), Heather Mann (MTC)

At this meeting, the Fishery Monitoring and Advisory Committee (FMAC) discussed the 2020 Observer Annual Report and made recommendations on the 2022 Draft Annual Deployment Plan (ADP). Related to the 2022 Draft ADP, the committee also discussed an analytical workplan for achieving cost efficiencies in the partial coverage observer program and ongoing electronic monitoring (EM) innovation work.

1. Introduction

The co-chairs of the FMAC opened the meeting with introductions and Kate Haapala gave an overview of the agenda. Ms. Haapala also provided an update on Council actions related to fishery monitoring since the last meeting of the FMAC on May 19, 2020 to provide the committee additional context for its work. The update covered the [Council's June 2020 recommendation](#), as part of the ongoing response to COVID-19, to reintroduce partial coverage using a combined trip and port-based approach where observers would deploy on randomly selected trips in ODDS from 14 key ports across the state. The June 2020 motion also reiterated the Council's priorities for the 2021 ADP including: 1) continued support for the trawl EM EFP; 2) EM integration into the overall monitoring of fixed gear; and 3) an evaluation of different criteria to define the 'zero selection' pool to meet data needs and improve cost efficiency.

At the Council's October 2020 meeting, [the Council recommended](#) NMFS develop an abbreviated 2020 Annual Report on observer deployment and provide an updated timeline for partial coverage cost efficiencies. An abbreviated 2020 Annual Report was recommended because the primary purpose of the annual report is to determine whether NMFS implemented the deployment plan to meet its monitoring

objectives and to guide future ADPs. It was anticipated that the 2020 Observer Program Annual Report would not be especially helpful in that regard as the spatial and temporal deployment objectives were unlikely to be met due to changes mid-year that were necessary to mitigate COVID-19 risk.

2. 2020 Observer Annual Report (ADP modified mid-year in response to COVID-19)

The FMAC received a presentation from Ms. Jennifer Ferdinand (FMA), Dr. Craig Faunce (NMFS), and Ms. Jaclyn Smith (NMFS OLE) on the 2020 Observer Program Annual Report. Both the agency and the FMAC extended thanks to all observers, observer providers, captains, crew members, processing staff, EM providers, video reviewers, and agency staff who made data collection possible during a challenging year. The FMAC appreciates the hard work that went into ensuring the North Pacific region was able to maintain the vast majority of at-sea data collection during the global pandemic. This was not the norm across all U.S. regions.

Overall, for all federal fisheries off Alaska, 4,072 trips (44.8%) and 375 vessels (38.2%) were monitored by either an observer or EM system in 2020. In 2020, observers collected data for a total of 40,838 observer days for both full and partial coverage fisheries.

Observer training: Throughout 2020, the agency re-worked observer training and briefings to keep observers, fishermen, and fishing communities safe. These changes included a hybrid in-person and virtual training for new observers, trainees working in small groups, maintaining physical distancing, having observers wear required face coverings except for when they are in the water, and all briefings being conducted virtually. In 2020, 373 observers were trained, briefed, and equipped for deployment to vessels and processing facilities operating in the BSAI and GOA groundfish and halibut fisheries.

Full coverage: The largest components of the Alaska groundfish fisheries are required to have full coverage (100% or 200% observer coverage), including catcher processors and vessels and processors in limited access privilege programs. Coverage was implemented as planned in 2020 for these sectors and no waivers were issued due to COVID-19. Additionally, requirements for deployment of EM were not waived for full coverage trawl catcher vessels fishing under the trawl EM EFP. In 2020, observers collected data on board vessels or at processing facilities for 39,153 full coverage days; the average cost per observer sea day was \$375.

Partial coverage: From January 1-March 25, 2020 partial coverage observer deployment was performed in accordance with the 2020 ADP. Starting in March 2020, the COVID-19 pandemic created limitations on available air travel and quarantine/shelter in place restrictions, particularly in many remote Alaska communities. Under the authority of a temporary emergency action (85 FR 17285), NMFS waived observer coverage and other observer program requirements for many partial coverage vessels between April and June, except those fishing out of Kodiak. Beginning on July 1, 2020, and after receiving recommendations from the Council, the agency changed the 2020 ADP and used a combined trip and port-based deployment model where a vessel embarking from one of 14 key ports would be eligible for coverage if the vessel's trip was randomly selected in ODDS. Despite these challenges, NMFS did meet its goals with respect to target coverage rates in trawl fisheries, Chinook salmon genetic sampling, and minimizing observer effects. In 2020, observers collected data on vessels and in shoreside processing facilities across 1,977 partial coverage days for an average cost of \$1,381 per day.

NMFS approved 169 vessels in the 2020 EM selection pool. Of these, 131 vessels fished at least one trip but not all vessels were selected to turn on their EM system. Only a few trips were released from coverage under the fixed gear EM portion of the partial coverage category for circumstances when an EM service

technician was unable to travel. In 2020, EM data was collected from 105 unique vessels on a total of 253 trips (193 hook-and-line trips and 60 pot trips) for an average cost of \$922 per day.

Enforcement and compliance: Ms. Jaclyn Smith (NMFS OLE) presented the enforcement and compliance chapter of the Annual Report (Chapter 5), noting observers play a compliance role in Alaska fisheries closely connected to their scientific role. Ms. Smith explained that summaries of potential violations will now be reported by the number of occurrences (e.g., one statement may result in multiple occurrences of a particular violation). Ms. Smith's presentation highlighted observer reporting on interpersonal statements which cover issues that impact the observer in a personal way and are the highest priority for OLE. There are four types of occurrences that fall under interpersonal statements including intimidation, coercion, and hostile work environment; sexual harassment; sexual assault; and disruptive/bothersome behavior: conflict resolved. The presentation noted high occurrence rates of interpersonal statements in 3 categories: GOA processing plants, non-pelagic trawl CPs in the BSAI, and AFA pelagic trawl CPs in the BSAI. OLE will take these trends into consideration when planning outreach and education efforts and when conducting patrols and operations. The FMAC expressed concern and disappointment with the rate of interpersonal incidents experienced by observers.

2022 Draft ADP:

Agency staff presented NMFS recommendations from Chapter 6 of the 2020 Observer Program Annual Report, which includes recommendations for the 2022 Draft ADP. As noted in the [PCFMAC's April 2021 report](#), the agency is also recommending a new approach to achieving the Council's priorities related to cost efficiencies and the integration of both observer and EM data in the fixed gear fleet. Specifically, **NMFS outlined a plan to complete a comprehensive analysis of the Council's cost efficiency priorities that would be conducted during 2022, for review in 2023, to incorporate in the 2024 ADP.** To enable staff time for this work, the 2022 Draft ADP would evaluate and compare the trip-based and port-based deployment approaches as the main analytical task. NMFS would then carry the design selected in 2022 forward into 2023, effectively creating a two-year deployment plan.

The FMAC had significant discussion on the agency's proposed approach and appreciated the review. The committee raised several points for consideration, which are discussed in the following section. The bullet points below capture the FMAC's recommendations related to the 2022 Draft ADP:

- **The FMAC recommends evaluating for comparison the trip-based and port-based deployment approaches as a primary analytical task for the 2022 Draft ADP to look at potential cost savings.** This analysis is consistent with prior recommendations from the PCFMAC that NMFS use this opportunity of the port-based approach employed due to COVID-19 to gather information on costs to enable evaluation of port-based deployment in the future. **The FMAC also recommended that NMFS' evaluation of port-based deployment not extend to new smaller communities but remain focused on the 14 key ports from 2020 and 2021.**
 - The FMAC also recommended NMFS should not use the same assumptions that were required for 2020 (e.g., requirements of a 14-day quarantine before deployment and keeping observers primarily to one port). Committee members are interested in looking at the potential cost impacts of limiting observer travel and reducing observer down days but NMFS expressed concern about the accuracy of cost data for evaluating a port-based approach, given that 2020 data cannot be separated from COVID-19 restrictions.
- The FMAC agrees with the NMFS recommendation to use the three current observer coverage strata defined by gear type (hook-and-line, pot, and trawl).
- Currently, observer deployment is allocated using a 15% baseline hurdle plus optimization based on discarded groundfish, Pacific halibut PSC, and Chinook salmon PSC. The committee discussed an alternative optimization by gear type rather than by discards. Given the 2022 Draft

ADP will effectively be a two-year deployment plan, **the committee recommends that the 15% base hurdle be retained to ensure data across gear types, and further recommends the agency evaluate putting all additional partial coverage observer days above the baseline (optimization) on trawl gear.** This approach is also responsive to public comment that the FMAC received which was interested in greater coverage on non-pelagic trawl.

- Some committee members noted that reduced budgets may result in very few observer days available for optimization during the two year “freeze” of the ADP. One potential way to ensure there are enough days for optimization would be to specify a target number of observer days (i.e., 300) of a certain percentage (i.e., 15%) dedicated to optimization and move vessels into zero selection as needed to achieve is result.
- The committee discussed Plan Team concerns that the current 15% base coverage rate has not been sufficient to support sufficient sampling in the BSAI fixed gear sablefish fishery and expressed concern over the current coverage rates potentially being “frozen” for a two-year deployment plan. Committee members were interested in exploring options for BSAI sablefish vessels to volunteer for additional observer coverage/biological sampling and whether NMFS would be able to fund that coverage against the current Federal contract. AFSC staff are aware of this opportunity and will further discuss this possibility.
- **The FMAC recommends the agency continue its support for ongoing work on the pelagic trawl EM EFP.** The analysis to support a regulated program may be initiated at the June Council meeting.
- **The FMAC recommends NMFS maintain the current fixed gear EM pool of 169 vessels and recommends expanding the pool by an additional 30 vessels if funding is available.** The committee also recommends the agency’s tiered proposal for prioritizing placement in the fixed gear EM pool if funding is insufficient (see Section 6.1), and that a vessel’s ability to share EM systems in select ports be considered as part of the criteria used to evaluate new vessels if funding is limited.

3. Analytical Workplan for Partial Coverage Cost Efficiencies

The FMAC received a presentation from Ms. Jennifer Mondragon on an analytical workplan for partial coverage cost efficiencies, which was requested by the PCFMAC at its April 2021 meeting. This workplan laid out a timeline and major milestones, including potential linkages between and timing of the trawl EM regulatory package, the next upcoming partial coverage contract, and potential fixed gear EM program changes. The committee appreciated the agency’s work and made the following recommendations:

- **The FMAC recommends NMFS proceed with the comprehensive analysis of partial coverage cost efficiencies,** which includes integrating fixed gear EM data with observer data (including how to address biological samples needed and whether shoreside sampling is required), re-evaluating the zero selection pool, and implementing pelagic trawl EM.
- **The FMAC recommends the cost efficiency analysis be completed in time to inform the next Federal contracting period.** The current Federal contract is set to expire in August 2024, and a new RFP would be expected to be issued in October 2022, depending on NOAA Acquisition and Grants Office timelines. A particularly important project in this regard is integrating EM with observer monitoring as it would impact the amount of base sea days specified in the contract.
- Some committee members expressed concern with the agency’s proposed timing to determine if regulatory changes would be needed to enact cost efficiencies (June-September 2021 in the workplan), feeling it would be more appropriate to evaluate regulatory changes after an analysis was completed. The agency clarified their intent is not a full regulatory analysis, but rather brief review to understand how existing regulations could constrain sampling design ideas, in order to

understand what is feasible under current regulations and what ideas might need modifications to regulations. **The FMAC recommends identifying needed regulations but stresses the need for early and ongoing communication with the committees and industry when developing the cost efficiency analysis.**

4. Federal Record Status of PSFMC Data Review

The FMAC received a presentation from Mr. Brett Alger (NMFS, National Observer Program) on how Federal information law will be applied to EM data in U.S. fisheries. Recall that all regional councils were previously asked to comment on a draft procedural directive that established a framework for allocating costs of EM programs between NMFS and industry. As part of this cost allocation guidance, the industry raised concerns over their potential EM data storage costs and the length of time raw EM data must be stored. In April 2020, NMFS published a second procedural directive outlining on how long EM service providers should retain raw data when the fishing industry is responsible for the costs of storing and maintaining non-federal records. The directive requires third party EM video be stored for 12 months following the conclusion of the monitoring year. In conjunction with the National Archives and Records Administration (NARA), NMFS is also working to establish a 5-year retention schedule for raw EM data that are federal records.

The presentation provided an overview of a third procedural directive that the agency is drafting and will be soon circulated to Council's for review and comment. The purpose of the newest procedural directive is to clarify how the Federal Records Act (FRA), the Freedom of Information Act (FOIA), and the confidentiality provisions of section 402(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (collectively referred to as "Information Law") apply to raw EM data. Mr. Alger's presentation clarified that data made or received by NMFS when conducting official business, as well as other forms of EM data (e.g., summary reports) are Federal records and both FOIA and MSA confidentiality provisions apply. Data made and retained by NOAA Fisheries contractor or grantee or a 3rd-party (and not provided to NMFS) is not considered a Federal record. One point of concern for the FMAC was the unresolved issue of whether PSMFC will be considered a as a third party reviewer through an industry contract service agreement (the West Coast EM model) or if PSMFC would be a NMFS financial assistance recipient (e.g. grantee). **The agency clarified the anticipated cost structure for Alaska EM programs and that NMFS would pay for video review for partial coverage using the observer fee and NMFS would use a cost recovery authority to recover costs associated with EM video review for full coverage vessels.**

5. EM Updates

AK Region Implementation Plan: FMAC received a high-level update from Mr. Josh Keaton (NMFS) on the region's ET Implementation Plan. The Council reviewed the Plan in February 2021 and NMFS has submitted the document to NMFS headquarters. The plan is considered a living document as the agency makes periodic updates as the Council deems necessary. This discussion clarified the process for prioritizing future EM work, namely that the Council and its monitoring committees can identify or express interest in a particular project. **The FMAC recommends Table 2 of the Plan be updated to include shoreside observers achieving biological sampling goals in relation to reducing costs to gain efficiencies.**

EM Innovation: The FMAC received a presentation from Ms. Jennifer Ferdinand (FMA) outlining priority project(s) to learn where EM innovation programs are in their development. This presentation provided an opportunity for industry FMAC members and the agency to dialogue about potential areas for collaboration, prioritizing new pilot projects, and how/when innovation programs may tie into future

operational EM programs. The presentation highlighted the process by which the AFSC applies for competitive and project-specific funding through NMFS Office of Science and Technology's Fisheries Information Systems and the National Observer Program.

2020 Research Foci include 1) trawl fishery camera chute systems for species identifications, counts, and sizing for catch accounting purposes; 2) HAL systems for automating analysis of video to count, identify, and measure catch using vendor camera systems, 3) preliminary investigations on approaches to automate review on slinky pot catches; 3) and EM systems to validate reporting of salmon bycatch at processing plants. New 2021 EMI Foci include investigating integration of identification algorithms in operational data review, and a publication of a Technical Memorandum on 5 years of EMI Research. **In terms of industry and agency collaboration on EM innovation, the industry is interested in exploring ways to understand what types of EM innovation NMFS is putting forward early in the process. NMFS emphasized this is a competitive process, and the best approach is for industry to be involved early on in the pre-proposal process as a full partner.**

6. Monitoring Committee Structure

The FMAC discussed the current structure of the Council's monitoring committees (Trawl EM, FMAC, and PCFMAC) to better understand committee members' perceptions of what is or is not working under this approach. There is no specific recommendation from the FMAC at this time related to restructuring the committees, but the committee provided valuable feedback. Specifically, the current structure can make it challenging for individuals to understand what each committee is doing and when, especially with crossover issues. In particular, there is a lot of overlap between the PCFMAC and Trawl EM. One solution is to consider whether future meetings can have similar agenda items grouped together (e.g., those issues affecting both fixed gear and trawl EM vessels, or partial coverage) or to plan the committees on consecutive days. One committee member reminded the FMAC of the importance of considering travel costs when the committees return to in-person meetings, emphasizing the original intent to try to schedule the PCFMAC to coincide with a Council meeting. Another committee member representing the full coverage sector noted appreciation and efficiency of the FMAC and only having a single meeting per year.