



Fishery Monitoring and Advisory Committee

REPORT

May 13-14, 2024

9:00 am-4:00 pm AKDT

Committee members present: Bill Tweit (co-chair), Nicole Kimball (co-chair), Bob Alverson, Julie Bonney, Beth Concepcion, Ruth Christiansen, Kathy Hansen, Stacey Hansen, Julie Kavanaugh, Michael Lake, Charlotte Levy, Mike Orcutt, Courtney Paiva, Chad See, Luke Szymanski, Abigail Turner-Franke, Paul Wilkins, Sarah Williamson

Council/NMFS Staff: Sara Cleaver (NPFMC), Jennifer Ferdinand (NMFS AFSC), Jennifer Mondragon (NMFS AKR), Phil Ganz (NMFS AKR), Jennifer Cahalan (PSMFC), Cathy Tide (NMFS AKR), Geoff Mayhew (NMFS AFSC), Chris Oliver (PSMFC), Anna Henry (NPFMC), Gwynne Schnaittacher (NMFS AFSC), Lisa Thompson (NMFS AFSC), Josh Keaton (NMFS AKR), Melanie Rickett (NMFS AKR), Alex Perry (NOAA OLE), Joel Kraski (NMFS AKR), Tom Meyer (NOAA GC), Josh Keaton (NMFS AKR) Mike Vechter (NMFS AFSC), Jason Jannot (NMFS AFSC), Morgan Saladino (NMFS AFSC)

Other Attendees: Karla Bush (ADF&G), Rachel Baker (ADF&G), Anne Vanderhoeven, Chelsae Radell, Lauren Howard, Wayne Walter, Pam Gale, Mellisa Johnson, Kiril Basargin, Edward Phillips, Heather Mann

This list may not be comprehensive as some attendees did not use full names.

1. Introduction

The co-chairs of the Fishery Monitoring Advisory Committee (FMAC) opened the hybrid meeting and gave an overview of the agenda. The purpose of this meeting was for the committee to receive the 2023 Observer Annual Report, and to receive additional monitoring-related updates. Opportunities for public input were provided throughout the meeting though no formal comments were given.

2. 2023 Observer Annual Report

Ms. Jennifer Ferdinand, Mr. Geoff Mayhew, and Ms. Jennifer Mondragon provided a presentation on the 2023 Observer Annual Report (report). While the committee and Council recommended an abbreviated report for 2023, NMFS produced a full annual report. The committee acknowledged that no other region develops this type of retrospective annual monitoring report and appreciates the work required to produce and present this information every year. The annual report covers full coverage fisheries, which is the majority of harvest in the North Pacific (including 91% of pelagic trawl harvest and 94% of non-pelagic trawl harvest), and partial coverage fisheries, which is primarily the halibut and sablefish IFQ fleet and groundfish fisheries in the Gulf of Alaska not in a catch share plan. The committee noted that because the full coverage (100% or 200% coverage) fisheries are straightforward in terms of regulated coverage rates, much of the annual report focuses on the partial coverage fisheries operating under the fee system and subject to an annual deployment plan that is informed by the annual report.

The annual report evaluates monitoring deployment performance, i.e., whether actual coverage rates by each category met the coverage rates projected in the prior year's Annual Deployment Plan (ADP), and whether the characteristics of monitored trips are similar to unmonitored trips in partial coverage. The 2023 report also includes information on budget and costs, electronic monitoring (EM) video review, enforcement and compliance information, and agency recommendations for the 2025 ADP. **The monitoring plan evaluated in the 2023 report is different from the plan that was selected for the 2024 fishing year as a result of the cost efficiencies analysis.** Thus, NMFS is not recommending significant changes for the 2025 ADP, because information is not yet available to inform how the 2024 ADP performed. NMFS also addressed topics the FMAC requested last year to be included in the annual report.

The committee appreciated seeing multiple years of information where it was possible to compare across years, particularly for issues that the committee is attempting to address, such as potential bias introduced by trip cancellations.

Enforcement and compliance

During the 2023 fishing year, the AFSC's Fisheries Monitoring and Analysis Division (FMA) and NOAA Fisheries Office of Law Enforcement (OLE) made significant changes to the database used by observers to report potential violations. These changes include improved (and increased) categorization of potential violations and improved quantifications of incidents and are responsive to recommendations from past years. However, these changes prevent comparison of 2023 data to previous years.

NMFS also reported on efforts to further connect observers with NOAA's Workplace Violence Prevention and Response (WVPR) Program and OLE. The Annual Observer Operation was again held in Dutch Harbor for several weeks in February 2023. During this time, observers and members of the industry can meet directly with OLE Special Agents and the WVPR Regional Coordinator, with the goals to improve reporting, advocacy, and support for observers. Additionally, WVPR has been participating in the enforcement section of observer training.

The committee appreciated measures the agency has taken to help ensure a safe working environment for observers and appreciates continuing to receive updates on those efforts.

Committee Recommendations on the 2023 Observer Annual Report

The following includes FMAC discussion and responses to NMFS recommendations on p. 119-121 of the annual report, and any additional discussion points or recommendations from the committee.

Deployment design: The FMAC supports continuing the proximity allocation method and strata used in 2024 for the 2025 ADP. However, the committee requests NMFS further describe how the proximity allocation method used in 2024 addresses prior FMAC and Council recommendations to explore a revised hurdle in the 2025 ADP.¹ The committee noted the expectation that this requires further evaluation of the needed time/space scale for biological samples. NMFS explained the goal of the monitoring program is to have enough coverage to meet many data needs (e.g., catch accounting, protected species, stock assessments), thus is challenged to provide a minimum sampling rate.

ODDS: The FMAC supports the NMFS recommendation to work with the PCFMAC to develop an ODDS trip cancellation policy for the 2025 ADP that will not significantly impede industry, affords the observer provider adequate time to deploy an observer, and reduces impacts to coverage rates and non-random monitoring. Trip cancellations and inheriting trips creates a

¹ [September 2023 PCFMAC Report](#), [October 2023 Council Motion](#)

potential bias because monitoring then occurs in a way that is not random in space and/or time. Last year's report (for the 2022 fishing year) indicated observer deployment rates in the hook-and-line (HAL) fleet were lower than expected, which was caused by a combination of operators canceling selected trips and a few waivers issued by NMFS. When a vessel cancels a trip, the next trip they log into ODDS gets automatically selected for coverage (which is not necessarily the next trip they take, since they can log 3 trips at a time). While cancellation rates decreased in 2023, there were still considerable canceled trips in the HAL stratum. And while the overall monitoring target was achieved due to inherited trips, it can introduce temporal bias (more coverage at a certain time of year rather than spread out in time).

The FMAC discussed several reasons fishermen cancel trips, including weather or having logged trips in advance but then finished their season early. The FMAC supports any voluntary efforts by vessel trade associations and observer providers to better understand the reasons behind trip cancellations.

EM video review: **The FMAC supports the NMFS' recommendations on EM video review.** The committee had significant discussion about the timeliness of EM video review, as about $\frac{2}{3}$ of the data were reviewed by the writing of the annual report. Some committee members questioned the utility of data review remaining from the previous year, in contrast to directing resources to focus on reviewing video from this year. Courtney Paiva from PSMFC noted that reviewers at PSMFC are planning to review 2024 fixed gear video first to keep up with the current year. She also mentioned that they are hiring additional reviewers, so video review and resulting data should become timelier. **The committee supported the efforts of PSMFC to build capacity by increasing the number of reviewers, and reiterated the PCFMAC idea to subcontract video reviewers during surge times.**

Fixed gear EM: **The committee supported the NMFS recommendations on fixed gear EM and reiterated that vessels can opt out of EM on an annual basis.** The committee encouraged industry representatives to continue to remind their associations they can opt in by November 1 each year, and that this would also be the time to opt out, if applicable.

The committee also highlighted the improvements in fixed gear EM video image quality. Fewer issues are being reported by video reviewers and the amount of usable video has increased over the past three years. This reflects the effectiveness of outreach from the NMFS and PSMFC and feedback occurring with vessels using EM.

EM trawl implementation: **The committee supported NMFS' recommendations on actions needed to incorporate pelagic trawl EM into ODDS under the regulated program starting in 2025.**

EM development: **The committee supported NMFS' recommendations to continue collaboration with industry and the monitoring committees on EM development and cost efficiency projects.** The FMAC appreciates the work NMFS has put into working on EM projects proposed by industry over the past several years.

3. NMFS Budget Update

Ms. Jennifer Ferdinand provided an update on 2023 observer fees (Chapter 2 of the Annual Report) and the anticipated budget for 2024. As of the FMAC meeting, due to the Dept of Commerce's transition to a new financial system, NMFS had not yet received funds from cost recovery nor from 2023 observer fees. Six processors also have not yet paid observer fees from 2023 totaling \$390,677, and it is uncertain whether some of these fees will be recouped due to a processor going out of business.

In addition, NMFS has not received sequestered observer fee funding from 2022 or 2023. Each year, a percentage of the industry's fees paid for monitoring in the North Pacific is held in the fund. NMFS tracks sequestered funds and typically receives the previous year's sequestered funds. The Council has previously expressed concern about this process. **The committee recommended the Council write a letter to request that the agency receive sequestered funds from 2022 and 2023, and to address the possibility of preventing sequestration of funds in the future.** This letter could be similar to the one sent from the Council in 2016 to the NOAA Fisheries Budget Execution Chief, which was forwarded to the Department of Treasury and the Office of Management and Budget.

The preliminary estimate for revenue generated from 2024 landings (observer fees) for use in 2025 is \$3.7 million, a \$670,000 decrease from 2023. This is expected due to the decrease in landings and value from 2023 to 2024. For fiscal year 2025, NMFS expects federal funding to decrease which may result in the program being flat funded.

In relation to observer costs, the committee discussed the feasibility of having more observer debriefings conducted remotely. This would be less expensive than requiring observers to stay in Anchorage or Seattle for debriefing with NMFS and would allow observers to be home sooner. NMFS indicated that remote debriefing has been found to be less effective in terms of data quality and takes more time than in-person debriefing. The committee acknowledged the need to balance data quality, cost efficiency, and potential influence of remote debriefing on observer morale and encouraged observer providers and NMFS to continue to explore ways to balance these considerations. **The FMAC recommended NMFS consider expanding the rules on remote observer debriefing as an option. Additionally, the committee encourages further communication from NMFS, both with the committee and observers, on the reasons and criteria for when remote debriefing can occur.** The committee is interested in revisiting this topic at a future meeting.

4. Other NMFS-related Updates

Proposed rule on confidentiality requirements

The committee had an opportunity to discuss NMFS' proposed rule to update the confidentiality requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) ([89 FR 17358, March 11, 2024](#)). The comment period on the proposed rule closed in late April, and the agency is currently in the process of responding to comments. The Council, as well as industry groups, and NGOs, and interested members of the public commented on the rule. Comments can be read at <https://www.regulations.gov/document/NOAA-HQ-2023-0146-0002/comment>.

The FMAC appreciated the Council's letter, and highlighted the importance of this issue as it relates to the continued use of the eLandings system and NMFS' ability to share data with ADF&G and IPHC. The committee discussed options such as an evening session during the June Council meeting, to bring awareness to the proposed rule and its potential impact on data-sharing and federal fisheries in Alaska. Ultimately, the committee encouraged user groups to continue spreading the word and decided that the FMAC could discuss the issue in the fall, when the agency would be able to provide more feedback (i.e., after review of public comments) on the implications of the rule.

Supreme court cases

Ms. Ferdinand described the status of two pending U.S. Supreme Court cases that are relevant to fisheries monitoring in the North Pacific. *Loper Bright Enterprises v. Raimondo* and *Relentless, Inc. v. Department of Commerce* address whether NMFS can require industry to pay for at-sea monitoring programs. The outcomes of these cases could impact NMFS' ability to require vessels to pay for observers under the full coverage program and could also have more far-reaching consequences for government agencies. It is not

expected to impact fees collected under the partial coverage program, which is explicitly authorized by Congress in the Magnuson Stevens Act. The decisions on these cases are expected to be released in June.

Changes to data collections

Ms. Ferdinand provided an update on changes to data collection in 2024. Some of the changes include:

- a special research project using photos to determine if sunflower sea stars are being encountered in observed fisheries, as this species is proposed to be ESA listed;
- a new marine mammal interaction code to specify injuries caused by the vessel, which provides an initial assessments of marine mammal interactions with fishing vessel; and
- improved information on pot gear such as measurements of escape rings and types of pots being used.

Trawl EM update

Mr. Joel Kraski provided an update on implementation of the Pelagic Trawl EM Program. The targeted publication date for the final rule is September 2, 2024. NMFS is currently putting together the EM hardware service provider permits. The current hardware providers will be assessed on the criteria outlined in the proposed rule in the coming months. The key requirement is that the EM hardware providers' data need to be able to be reviewed by NMFS' chosen EM review provider (and software). As long as the current hardware providers meet that requirement and other program expectations, they will receive a permit.

Updates on the Pacific Cod Trawl Cooperative (PCTC) Program

Mr. Josh Keaton provided an update on implementation of the PCTC Program. Under the program, fishing commenced on February 1 and concluded in April. NMFS reminded the committee that for vessels to remain in full coverage for the C season (not part of the catch share program), they must have already opted into full coverage by October 15. Otherwise, they must log trips in ODDS for a partial coverage observer. Operators should reach out to NMFS if they think they are in full coverage; no vessels opted in for the 2024 C season. Reminders for the 2025 fishing year will go out again in August 2024, prior to the annual October deadline. NMFS provided clarification that EM under the Pelagic Trawl EM Program is not allowed for PCTC trips. The agency reiterated that communication between processors, observers, and vessels is critical when vessels are delivering, in order to determine delivery type (e.g., PCTC, Trawl EM, observed pollock) and ensure proper monitoring.

5. Other Updates from Committee Members

The committee received updates on funded NFWF proposals and other projects from Bob Alverson, Chelsae Radell, Abigail Turner Franke, Stacey Hansen, and Chad See. These included the following:

- An update on funding for the Fishing Vessel Owners' Association (FVOA) proposal to test changes to the observer service delivery model outside of the federal contract. Ms. Ferdinand submitted the proposal under the Fisheries Information Systems program. A pre-proposal has undergone a first level of review and was approved for a full proposal to be submitted, but funding remains very competitive. If funded, this project would allow 10-12 vessels to procure observers directly from observer providers, interface with PSMFC to pay the observer providers, and assess whether vessels can procure observers in a more cost-efficient way. **The FMAC expressed support to the agency for trying to find funding for this proposal and appreciates the work to date.**

- An update on a pilot project being conducted by Alaska Groundfish Data Bank (AGDB) to use EM on GOA rockfish trawl vessels combined with shoreside observers in processing plants. This is the second year of this NFWF-funded pilot project. Due to market issues, fewer participants, and agency resources, the project is not operating under an experimental fishing permit this year as planned, so these vessels are continuing to carry observers in addition to cameras. AGDB is working with the agency to refine some of the operations and procedures and determine how to collect the necessary data. Within this discussion, NMFS also provided a reminder to meeting attendees that mid-May is the time to begin EFP discussions with the agency for the following year.
- Alaska Longline Fishermen’s Association (ALFA), North Pacific Fisheries Association (NPF), and FVOA are partnering with Real Time Data on a project that provides vessels an option for using an eLogbook that works for the IPHC and agency.
- NPF project with Saltwater, Inc., and the Under Sixty Pot Cod Harvesters, to improve protocols for catch handling in the pot cod fishery.
- ALFA, Saltwater, Inc. and Archipelago were working on projects to improve image quality.
- Saltwater, Inc. is working on a NFWF-funded project to use EM in plants to alleviate observers currently enumerating salmon. This would allow observers to focus on collecting biological data.
- Observers on Freezer Longline Coalition (FLC) vessels are deploying satellite tags on Pacific cod and collecting stomach sampling.
- FLC is looking into the potential to use EM in the freezer longline fleet. This could be a future EFP.
- FLC is testing the viability of their technology to use flow scales in the sablefish fishery to inform the potential discussion paper tasked by the Council in October 2023.²
- FLC has been involved in a voluntary effort to have two observers on their vessels to help observers receive the training they need for Lead Level 2. The FLC appreciates NMFS efforts to accommodate this program, due to the need to ensure there is a sustainable pool of Level 2 observers to draw from. Due to the additional costs required for two observers, FLC would like to continue working with NMFS towards an end date for this program. The observer availability discussion paper will help to assess what the pool of observers looks like to aid in this discussion.

Ms. Sarah Williamson, the FMAC’s observer representative, provided the committee with a recommendation to have three observers on the FMAC. She particularly emphasized the need for an observer from the partial coverage fleet on the PCFMAC, and described the importance of hearing from observers who are active on the water and having observer representation from each observer provider company. Ms. Williamson also proposed ideas to consider allowing observers to nominate their own representatives for the sector and allowing alternates for committee meetings.

The committee discussed how to achieve a balance of representation on the monitoring committees. The committee noted that each observer company is represented on the committee, though not by observers themselves. Committee members discussed benefits and disadvantages of using alternates; while it is challenging for an active observer to attend committee meetings and the flexibility to allow alternates would help mitigate scheduling issues, there is a learning curve involved in coming up to speed on

² [Council motion, October 2023](#)

committee/ Council issues and not participating in meetings can diminish the effectiveness of any representative.

Above all, the discussion highlighted the need to increase observer awareness about and involvement in the Council process. Observer providers mentioned that they currently let observers know when there are Council meetings and aim to make observers aware when there are issues that may affect them. Ms. Gwynne Schnaittacher described the Groundfish Gazette— a quarterly newsletter targeted at the observer community that includes updates to fisheries management topics. Both the agency and observer providers mentioned that they could be better conduits of information between the Council and observers. The committee also acknowledged the Council could increase observer awareness about applying for seats on the Advisory Panel.

As this was Ms. Williamson’s last committee meeting, the FMAC thanked her for her contributions to the committee to provide effective representation for observers in the process.

6. Timeline and Future Scheduling

The next monitoring committee meetings are typically in September. The FMAC suggested a one-day meeting to review the observer availability discussion paper and NFWF EM proposals. This meeting could be scheduled in conjunction with the September PCFMAC meeting, which is to review and make recommendations on the draft 2025 ADP.