

North Pacific Fishery Management Council

Dan Hull, Chairman
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.npfmc.org>

April 18, 2017

Mr. Glenn Merrill
Assistant Regional Administrator
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802-1668

RE: Proposed Rule on Integrating Electronic Monitoring into the North Pacific Observer Program,
NOAA-NMFS-2016-0154

Dear Mr. Merrill:

The Council has reviewed the proposed rule to implement the integration of electronic monitoring (EM) into the North Pacific Observer Program (Amendments 114/104 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area / FMP for Groundfish of the Gulf of Alaska). The Council recognizes that the proposed rule is generally consistent with the Council's recommendation on this action in December 2016, and appreciates the agency's efforts to produce a high quality rule in a timely manner.

The Council's EM Workgroup highlighted several minor points in the proposed rule, and the Council recommends that the following six issues be revised or further considered before the final rule is published.

- 679.51(f)(5)(iii) and 679.7(g)(2) state that to use an EM system, the vessel must have the approved Vessel Monitoring Plan (VMP) onboard while fishing. However, this should be clarified so that the VMP is only required onboard when the vessel is fishing in fisheries that are subject to observer regulations, and not, for example, when fishing in state fisheries. A vessel may reconfigure their boat, for example in salmon fisheries, in which case it could be out of compliance with the VMP.
- 679.7(g)(9) states that vessels may not tamper with or disconnect the EM system. There should be some provision in the regulations or the VMP to accommodate deck reconfiguration (for example, for participation in salmon fisheries) or vessel repairs without triggering a violation.
- 679.2 definition of a "fishing trip," paragraph (3)(iv), defines an EM trip as beginning and ending in a shore port. This means that when vessels are delivering to a tender, their "fishing trip" for purposes of being selected for EM coverage may include multiple deliveries to a tender. It is possible to get an EM hard drive mailed mid-trip, while the vessel is delivering to a tender, which would result in more timely data. The Council recommends changing this definition for vessels in the EM selection pool so that a fishing trip begins with an empty hold and ends when all fish are delivered.
- 679.51(f)(2)(i) states that vessels must register their anticipated trip in the Observer Declare and Deploy System (ODDS) a minimum of 72 hours prior to embarking on the fishing trip. The Council believes this requirement, a legacy of the human observer ODDS regulations, is unnecessary for EM. The regulations separately specify the conditions that must be met for EM

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vessels to leave on an EM-selected trip, and as long as these are clear, the additional 72-hour notice requirement seems unnecessary and onerous.

- 679.51(f)(6)(iv) states that when a vessel is fishing individual fishing quota (IFQ) in multiple areas, the vessel must cease fishing and contact the NMFS Office of Law Enforcement (OLE) immediately if an EM system malfunction occurs during a fishing trip. If a vessel is unable to contact OLE (for example, because they are not in range of communication), the regulations or the VMP should clarify that the vessel is not required to abandon their gear before proceeding to a location from which they can contact OLE. Also, the VMP template should include information on the ways to contact OLE.
- page 14857, column 3, paragraph 2 – the preamble language states that vessels can use an EM system if it is already onboard to meet the specifications in the VMP. It should be clarified that the system must also meet the specifications required in the observer provider contract for data quality and specificity of data output.

Thank you for the opportunity to comment.

Sincerely,

Chris Oliver
Executive Director