



North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director
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November 22, 2019

Mr. Chris Oliver
Assistant Administrator
NOAA Fisheries
1315 East-West Highway
Silver Spring, MD 20910
VIA EMAIL: chris.w.oliver@noaa.gov

Dear Mr. Oliver:

Thank you for the opportunity to comment on the Draft Procedural Directive on Minimum Data Retention Period for Electronic Monitoring Programs for Federally Managed U.S. Fisheries. The Council is strongly invested in the development of electronic monitoring (EM) systems in the Alaska fisheries as a primary tool for managing costs of monitoring which are borne by the fishing industry, and requirements for retention of imagery collected by EM systems is an important consideration in designing a cost-effective structure for such monitoring.

The draft directive was reviewed by the Council Coordination Committee (CCC) in November 2019, and we support the comments that were discussed at the meeting, and which are being provided to you in a separate letter. The draft directive describes a requirement for storing imagery during the monitoring year (which may extend beyond the calendar year of fishing activity) following on to a 12-month retention period. The Council supports the CCC statement that the overall requirement for the retention period be minimized and clearly justified, in order to ensure that electronic monitoring programs remain an economical method for monitoring.

Our Council believes that the 12-month retention period is a reasonable balance between providing an opportunity for the Office of Law Enforcement to go back and investigate to substantiate evidence of wrongdoing in an alleged case, and imposing reasonable costs on the EM program that is paid for by industry. The Council also supports the CCC's position that depending on the purpose of the EM program, storage needs may be different, and so for some fisheries, it may be possible to overlap the monitoring year with the minimum retention period. Once the directive is finalized, the Council looks forward to exploring options with NMFS for defining the period of the monitoring year for Alaska fisheries, and assessing when the 12-month storage retention period begins.

Specific to Alaska, we would like to highlight an apparently unresolved issue of whether our fixed gear EM program currently falls under the authority of this directive, given that Federal dollars granted to Pacific States Marine Fisheries Commission (PSMFC) currently pay for EM video review, and in the future the EM program will be funded by the industry's observer fee. The Council notes that certainty regarding video retention requirements is critical for ongoing efforts to optimize EM fixed gear efficiency and contain partial coverage costs. If EM video reviewed by PSMFC is considered a Federal record, rather than as data collected under the cost responsibility of the fishing industry, **any costs for storage retention beyond the first twelve months past the monitoring year should be paid for by Federal dollars rather than the observer fee, to maintain parity with the intent of this directive.**

Finally, the Council notes that the directive should not apply to compliance monitoring video that is required on Alaska catcher processors that weigh catch on a flow scale (under 50 CFR 679.28). In relation to Section 2 on page 4, the Council would like clarity that the video maintained on these catcher/processor vessels would not be subject to this directive, as retention schedules are already well defined in regulation.

We appreciate the opportunity to comment on this directive, and look forward to continued coordination with NMFS on the implementation of EM in North Pacific fisheries.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Witherell". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke.

David Witherell
Executive Director

cc: Dr. Jim Balsiger, Regional Administrator, NMFS Alaska Region (jim.balsiger@noaa.gov)
Dr. Bob Foy, Director, NMFS Alaska Fisheries Science Center (robert.foy@noaa.gov)