

# North Pacific Fishery Management Council

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Mr. Chris Oliver  
Assistant Administrator  
NOAA Fisheries  
1315 East West Highway  
Silver Spring, MD 20910-3282  
Via Email: [chris.w.oliver@noaa.gov](mailto:chris.w.oliver@noaa.gov)

RE: Draft EM Cost Allocation Procedural Directive

Dear Mr. Oliver:

The Council appreciates the opportunity to provide feedback on the draft Electronic Monitoring (EM) Cost Allocation Procedural Directive. The Council is pleased that the agency wants to create a national framework for developing EM programs into the future. Furthermore, the Council understands that EM programs around the country are at different phases of development and appreciates that the draft document outlines a transition plan for existing programs to comply with the finalized procedural directive.

The Council believes that national policies on EM data review and EM video storage should be structured to maintain the same Freedom of Information Act (FOIA) confidentiality waiver ability as we have for data collected for human observer programs. **Therefore, we recommend the final procedural directive document consider EM data as observer data under the MSA, which puts them under same confidentiality standards as those which apply to observer data.**

In light of budget issues and increasing data demands nationwide, the Council finds it logical that the draft procedural directive proposes costs be binned into 'sampling' and 'administrative' categories. The draft document stipulates that sampling costs will include video data storage and review costs to be covered by industry, while administrative costs will be covered by the agency. **We note the proposed cost responsibility structure conflicts with the current process in the fixed-gear EM program in Alaska, where data storage and review costs are being borne by the agency as administrative costs.**

We understand that EM video footage is not useable data until it is reviewed, which is why the review is being classified as part of overall sampling costs in the long-term. Storage for observer data is, however, currently considered an administrative cost that is paid for by the agency, and industry members have expressed concern that Federal policies regarding records retention work against an interest in minimizing the cost of data storage. It is important that the perspectives of industry, which will be bearing a significant portion of the costs, are accommodated to the extent possible. The directive outlines a transition plan for existing programs to comply with the procedural directive, allowing for 2 years to develop a framework and 5 years to implement it. **To allow for a stable transition to the proposed funding system, we recommend that the North Pacific Observer Program use the longest time**

**period allowed for any transition in the way the cost of EM data review or storage is allocated**, and we request the transition period timelines (2 and 5 years) not be shortened from those outlined in the draft document.

The draft directive touches on a number of additional issues, including whether to require third party review of EM video footage, ideas about reducing storage costs, and how to deal with technological developments like automated data review. The Council has some concern there is potential for conflict of interest if industry is paying for hardware, review, and storage. At the same time, if we are too precautionary about managing potential conflicts of interest, it is possible to shut out some business models and hinder innovation. In addition, programs are consistently collecting increasing amounts of higher resolution data, which will continue to raise the cost of data storage. EM programs will have to find a way to obtain and evaluate information in a manner where storage is not onerous. Automated data review is a fast-developing field, which offers promise for increasing efficiencies and decreasing costs, however, we recommend it be addressed at the regional level in the future.

Again, we appreciate the progress made on the draft EM Cost Allocation Procedural Directive to date. We hope you will carefully consider our recommendations for inclusion in the final draft.

Sincerely,



Dan Hull  
Chairman

Cc: Dr. Jim Balsiger  
Dr. Jeremy Rusin  
Mr. Brett Alger  
Ms. Rachel Baker