

**Observer Advisory Committee – Meeting Report**  
**March 22, 2011: 8:30 am – 5 pm**  
Conference room, Anchorage (Old) Federal Building – Council office  
605 W. 4<sup>th</sup> Avenue, Suite 205 (2<sup>nd</sup> floor)  
Anchorage, AK  
Listen-only teleconference line: (907)271-2896

**Committee present:** Dan Hull (Chair), Bob Alverson, Jerry Bongen, Julie Bonney, Dan Falvey, Kathy Hansen, Michael Lake, Todd Loomis, Darren Stewart, Anne Vanderhoeven. Not present: Kenny Down, Paul MacGregor, David Polushkin, Brent Paine.

**Council and NMFS Staff:** Nicole Kimball (NPFMC), Martin Loefflad (NMFS AFSC), Patti Nelson (NMFS AFSC), Brandee Gerke (NMFS AKR), Jennifer Mondragon (NMFS AKR).

**Other attendees:** Jane DiCosimo (NPFMC staff), Ed Hansen (fisherman), Nathan Lagerwey (NOAA OLE), Gregg Williams (IPHC), Tim Carroll (Saltwater, Inc.), Howard McElderry (Archipelago), Joe Chaszar (Observer Training Center), Amanda Saxton (Observer Training Center).

**Participants by phone:** Elizabeth Mitchell (Association for Professional Observers), Paul MacGregor (APA), Tom Meyer (NOAA GC), Ruth Christiansen (ADF&G), Stefanie Moreland (ADF&G).

## **Agenda**

- I. Review and approve agenda
- II. Observer restructuring amendment package
  - a. Review October 2010 Council action on observer restructuring; objectives
  - b. Update/review workplan for observer restructuring regulatory package
  - c. Update on NMFS observer funding
- III. Electronic monitoring
  - a. Review Electronic Monitoring (EM) discussion paper
  - b. Update on EM halibut fleet pilot project proposal
  - c. Review primary monitoring objectives for small boat fleet
  - d. Discuss development of focused EM program/design for small boat fleet
  - e. Other EM issues
- IV. Public comment
- V. Scheduling & other issues

### **I. Review and approve agenda**

Introductions were made, and the agenda was approved. The Chair confirmed that the purpose of the meeting is to receive updates on the regulatory package for the observer restructuring action approved last October, with the primary task to discuss development of an electronic monitoring (EM) design as a potential alternative for small vessels to meet the requirements of the restructured observer program. The Council noted that discussion would likely focus an EM design for some component of the small vessel fleet, although it is anticipated that other overarching EM issues would be discussed for all sectors.

### **II. Observer restructuring amendment package**

- a. Review October 2010 Council action on observer restructuring; objectives

Nicole Kimball (NPFMC) reviewed the October 2010 Council action, in which the Council approved a restructured observer program. The Council's preferred alternative modifies observer requirements for entities operating in the groundfish industry that will have <100% coverage requirements under the revised program and all entities in the commercial halibut sector. All vessels and processors in this coverage category are subject to a 1.25% ex-vessel value based fee, and would be required to carry an observer as determined by NMFS. Vessels and processors operating in the ≥100% coverage category are not included under the ex-vessel fee-based program and would obtain observer coverage by contracting directly with observer providers ('status quo'). The Council also noted that the OAC may be tasked to review implementation issues associated with the development of the proposed rule.

Prior to action on the restructured observer program, in June 2010, the Council tasked the OAC, Council staff, and NMFS to develop electronic monitoring as a potential alternative tool for fulfilling observer coverage requirements for specified sectors with the intent that it be in place at the same time as the restructured observer program (scheduled for no earlier than 2013). The development of the white paper on EM, which was reviewed at the February 2011 Council meeting, and this OAC meeting, are the first steps toward addressing the Council's motion on this issue.

b. Update/review work plan for observer restructuring regulatory package

Brandee Gerke (NMFS AKR) presented the process for developing the rulemaking to implement the restructured program. The agency is currently identifying tasks and drafting portions of the rule, and Council staff is completing the Secretarial review draft analysis and FMP amendments. The primary components of the rulemaking (teams with leads) include: derivation and collection of fees, sampling and deployment, contract development and award, outreach component, and EM (small vessel pilot studies). NMFS is in the process of finalizing the work breakout structure (tasks and milestones under each component). It was noted that implementation in 2013 denotes an ambitious schedule.

The next step in the formal planning process is an internal agency meeting on April 12, which intends to pull staff from various divisions together to ensure everyone understands the schedule, major milestones, and individual tasks. The goal is to provide a draft proposed rule (PR) to the OAC in September 2011, for review by the Council at its October 2011 meeting. The proposed rule would be published at some time after the October Council meeting. NMFS would need a proposed rule published by January 2012 in order to expect a final rule by September 2012, for implementation in 2013. The committee questioned whether the agency would consider implementing the rule mid-year if it is not possible to meet the January 2013 schedule. Contingencies, such as a mid-year implementation, have not yet been considered. In addition, Section 313 of the MSA requires that NMFS conduct public hearings on the proposed regulations in WA, AK, and OR, during the public comment period on the proposed rule.

The work plan for the proposed rule assumes that Federal start-up funding will be obtained, to pay for deployment in the first year. The schedule includes letting contracts in 2012 and deploying observers under the new program in 2013, as opposed to collecting start-up fees in 2013 for deployment under the new program in 2014. In effect, fees would first be collected in 2013, which would fund deployment in the subsequent fishing year. Federal funding was discussed further under the next agenda item.

Committee members stated that they should have the ability to address implementation issues that arise prior to the formal drafting of the proposed rule. Issues noted include the fee collection mechanism for the IFQ sectors; how to get a vessel into the selection pool for an observer if they are not required to have a Federal Fisheries Permit; implementation details affecting vessels fishing in combination fisheries; and vessel and processor responsibilities related to vessel notification or fee payment. Members conveyed that if the OAC is allowed time to address issues earlier in the drafting process, it will save time at the Council level. The Council reconstituted the committee recently with the intent that its collective expertise be used

for this process, and the OAC is interested in finding ways to provide input early in the process, prior to September. If a draft rule cannot be available earlier than September, members questioned whether they could review components of the rule in a piecemeal manner over the summer. As an alternative, the OAC could receive the draft proposed rule well in advance of its next (potentially September 2011) meeting, so that it is well prepared with comments in September. The committee decided to defer further discussion until agenda item (V).

**The OAC also recommended that it be included in the review process for the annual sampling and deployment plan under a restructured observer program, prior to the Council review.** The Council's final motion under observer restructuring stated that: *"The Council may request its Observer Advisory Committee, Groundfish Plan Teams and/or the SSC to review and comment on this draft plan."* The OAC recommendation confirms that it would like to be part of this review process.

c. Update on NMFS observer funding

Martin Loefflad (NMFS AFSC) provided an update on the potential for NMFS observer funding. The three avenues to obtain Federal funding include: 1) routine Federal process through the Presidential and Congressional budget; 2) Congressional earmarks (noting that Federal agencies cannot lobby Congress); and 3) discretionary funds within an agency budget, to be redistributed toward a specific effort/program. The AFSC is working on #3, and Dr. Balsiger is the contact for talking to NOAA HQ about this issue. The rationale detailed in the correspondence between both the Council and industry and NOAA HQ appears to be compelling. One OAC member noted that he is still working through our Congressional delegation to obtain funding. Members understood that the North Pacific is requesting funds for the direct costs of deployment, and that the agency would continue to use its current budget for program operations, debriefing, training, equipment, etc. The AFSC is also undergoing a several year budget planning process in order to be prepared to implement the restructured program.

One member, noting that a Congressional budget may not be passed for 2011, noted that 2012 is the target fiscal year. They questioned when the agency would need to know whether Federal funds were available, in time for a 2013 implementation date. The agency responded that they are proceeding with developing the regulations and contractual infrastructure necessary, and certainty by a May/June 2012 timeframe would be necessary to move forward with a contract for 2013.

### III. Electronic monitoring

a. Review electronic monitoring discussion paper

Martin Loefflad and Jennifer Mondragon presented a white paper developed by NMFS summarizing previous pilot work evaluating the potential use of EM in Alaska's commercial fisheries, specifically the use of video cameras. This paper was also presented to the Council at its February 2011 meeting. The paper also provided an update on the required use of EM in the Amendment 80 (flatfish and Pacific cod) and Amendment 91 (Bering Sea pollock) fisheries, in which EM is used as a compliance tool to monitor for the pre-sorting of bycatch. While there are no operational EM systems in place in Alaska that routinely extract information from video for science or management, the paper identified potential candidate applications for EM, as well as summarized progress on automated data analysis (in order to provide near real-time data for inseason management). One possible application of EM identified is on the small boat longline fleet, in which video could be used as an alternative to an observer. The report emphasized the need to identify the data collection and monitoring objectives of a particular fishery or fisheries, then consider whether EM is a feasible tool.

The OAC asked questions related to the sampling fraction of the video necessary to obtain sufficient confidence in the data in specific studies. The committee discussed the GOA rockfish pilot studies. In a 2007 study, every species was required to be retained except halibut. EM was used to both detect a halibut discard event and to estimate the measurements of the halibut being discarded. In 2008, this study was expanded to evaluate the efficacy of EM in a real-world operational scenario on additional (four) vessels that designed their own discard chutes, and included an assessment of costs. In this study, hard drives were collected and sent to Archipelago for review, or reviewed in Kodiak if staff were available. Again, all species were delivered to shore, with the exception of halibut.

The most important factors appeared to be the cost and lag time involved with reviewing the video. Near real-time data availability is crucial in this fishery, as it operates under a cooperative management structure and is limited by halibut PSC. The lag time experienced was 9.7 days if reviewed in Kodiak, 15 – 37 days if reviewed in Canada. Members wanted to know if there was a way to have data transmitted to shore while the vessel is at-sea. The focus of improvements to-date has been to reduce the time necessary to retrieve the hard drives and review the data once the vessel has landed, through either sampling a fraction of the data manually or potentially by an automated review. Transmitting very large files from sea has proven difficult for most vessels.

Start-up costs, equipment costs, data review, and infrastructure costs were compared to 100% observer coverage for this particular fleet, and the study concluded that EM was only less expensive than an observer if the vessel fished more than 30% of the rental days of the EM equipment (rental fees are fixed per month). Thus, for larger holders of rockfish quota, EM would be more cost effective than an observer; if a vessel only has one or two trips, an observer is less expensive than EM. If a fishery requires some level of observer coverage in conjunction with EM, in order to obtain biological samples for example, the EM cost savings would be reduced. Costs were estimated at \$1,500 per month to rent the EM equipment, and \$10k - \$15k to purchase equipment. If the ownership of the equipment was shared among a pool of vessels, it would reduce costs. One member noted that although program costs continue to need to be minimized, individual costs are not at issue for vessels under a restructured observer program, as EM would be paid for through the pool of funds generated by the ex-vessel fee. This spurred discussion about how to create incentives for cost efficiencies at an individual level in a program where the expenses are paid through a general pool.

The committee was also interested in discussing a self-reporting component for various sectors, including the hook-and-line fleet, which could then be audited through a video review. In the rockfish project, the skippers counted and measured each halibut that went down the discard chute, in addition to someone monitoring the video to measure halibut. The study indicated that the self-reported halibut counts were accurate, but the measurements were consistently under-estimated.

Julie Bonney stated that the take-home message from these studies on the use of EM for trawl gear is that because the vessel is catching a large amount of fish, EM is only applicable in a full retention environment. EM may be applicable for rockfish, if only PSC species are being discarded; it may also work in the pollock fishery.

Questions continued on the halibut longline pilot projects, and the use of EM in both the BSAI Amendment 91 and Amendment 80 fisheries, where it is used as a compliance tool. This spurred discussion and concurrence that the OAC is not focusing EM efforts on these fleets, as they are not part of the restructured observer program and the Council intent was to focus on providing an EM alternative for small boats or vessels that have not had observer coverage requirements to-date.

NMFS staff noted they are keeping abreast of national EM issues and projects, in part by participating in a national NOAA EM committee. One member noted there is a monitoring workshop planned for the

west coast fisheries on May 3 – 4, 2011, in Portland (Workshop on West Coast Electronic Fishery Information Systems), which NMFS is co-sponsoring. Significant questions for the agency to address involve how to store, review, and extract data from video in a timely manner for use in fisheries management.

b. Update on EM halibut fleet pilot project proposal

Dan Falvey (Alaska Longline Fishermen’s Association) presented a proposal he submitted in partnership with the AFSC and other fishing organizations in southeast Alaska, to the National Fish and Wildlife Foundation (NFWF), as part of its competitive grant program. The NFWF describes the Fisheries Innovation Fund as a grant program to support sustainable fisheries in the U.S. by fostering innovation and supporting effective participation of fishermen and fishing communities in the design and implementation of catch-share fisheries. ALFA submitted this proposal in the 2010 application cycle and anticipates a response in April 2011. If the proposal is not approved, the group is committed to implementing it on a piecemeal basis as funding allows. ALFA will provide an update on the funding situation in the spring.

The pilot project addresses a priority identified by the Council, under its observer program restructuring action, to provide small boats with a safe and effective means of meeting the expanded observer coverage requirements scheduled for implementation in 2013. ALFA’s pilot project proposes to build on previous work, focusing on how to operationalize cameras for use on small longline boats in Alaska. They have developed an approach in terms of logistics and hardware, in order to help inform the final contract that occurs under the restructured program. The four objectives of the project are:

1. Engage stakeholders in the small boat IFQ fleet to develop an EM tool that is workable for the fleet and meets the monitoring needs of NMFS
2. Develop and test EM hardware for reliability on a wide range of boats and in diverse operating conditions
3. Develop a logistical approach to take cameras and hard drives on and off boats, especially in small remote communities
4. Establish a baseline understanding of data quality and costs, such that the restructured program could benefit from information on what an operational EM program might look like and cost.

The intent is to place cameras on two vessels in the summer of 2011, and do further work (12 boats total, from 3 different communities) in 2012. The vessels range from 40’ to 55’ in length, and the goal is to have at least 6 days of seatime from each vessel, but they will leave them on for several trips if possible. The intent is to develop a ‘plug and play’ capability, such that all vessels would be pre-wired in the preseason by a technician, then they would be ready to take a camera if they are chosen to do so. The expense of wiring the vessel occurs once, with some maintenance expected during the year, and a local person would be trained to move the cameras on and off boats. This model of selecting a set of vessels and pre-wiring in the case of vessel selection is consistent with the approach described in the restructuring analysis for the halibut fleet. Dan Hull, who participated in the IPHC pilot study on EM, noted in his experience, pre-wiring vessels in the potential selection pool prior to the season start is preferred.

AFSC asked ALFA to consider a primary monitoring objective of assessing catch and catch composition, particularly at-sea discards, for this project. Because the IFQ fisheries are not constrained by PSC limits, real-time data is not required for catch accounting. Thus, the primary monitoring need is total catch composition and species discards, to complement the existing IPHC dockside monitoring program. The AFSC, as a project partner, is responsible for addressing issues relative to video review and use of the resulting data.

c. Review primary monitoring objectives for small boat fleet

Martin Loefflad provided an outline of the primary monitoring objectives for the small boat fleet for the OAC to consider when evaluating whether EM is a potential tool for this sector (see **Attachment 1** to this report). Fishing mortality is the primary objective in the overall stock assessment process and necessary for establishing catch limits. Two primary ways to meet this objective are: 1) expanding coverage of currently observed fisheries to address spatial and temporal coverage gaps to improve existing catch estimation processes; and 2) expanding coverage into fisheries which have not had past observation to enable first time estimates of discard. An example of the latter is the halibut sector, in which we do not currently have at-sea discard information. The agency currently uses survey data as a proxy for the estimates of the total fishing mortality from the halibut fleet. However, even though the information is needed, it is not necessary to obtain on a real-time basis. Thus, EM may be a suitable tool for this type of fishery.

A third objective outlined by NMFS is to monitor compliance with fishing regulations (examples include streamer line requirements, avoiding closed areas, careful release of halibut, etc.), but the assessment of fishing mortality is the primary driver. In order to simplify development of an EM system, the idea is to design it to meet the most important components of monitoring and management needs.

The committee questioned how to move from a broad discussion of EM to a more focused effort, per the Council's request. Members recognized the different monitoring needs for the various fleets, as provided in the NMFS handout on monitoring objectives. The difficulty is in refining the scope of an initial EM effort – whether to focus on all small boat sectors by length (40' – 60' vessels), by specific fishery (IFQ fleet, GOA pollock and/or Pacific cod fleet), or to try to create a program that would work for every vessel that is incorporated into the restructured program that has not previously had observer coverage requirements (all <60' groundfish vessels and halibut vessels of all sizes).

The committee recognized that the two primary objectives outlined in the NMFS handout lead down two different paths for EM application, and while several fisheries do not require near real-time data for PSC monitoring (e.g., halibut, pot cod, jig), the committee agreed they need to select one fishery or sector on which to focus these initial efforts, with the intent that NMFS can broaden the EM design in the future.

d. Discuss development of focused EM program/design for small boat fleet

The committee summarized the focus of the EM program/design, based on the Council's direction in June 2010 and February 2011. After a lengthy discussion and a review of Council intent, the committee decided to focus on developing an EM alternative for those sectors 1) that are newly included in the observer program; 2) in which it would be relatively difficult or impractical to carry an observer, and 3) that are not dependent on real-time data in order to manage the fishery. In effect, small boat sectors that are not limited by PSC caps that the agency must monitor on a real-time basis in order to ensure the caps are not exceeded. **The committee agreed that the initial phase of an EM program should focus on the 40' – 60' halibut and sablefish longline sector, as it best meets the above criteria.** However, it is expected that information resulting from the initial design will be key to expanding an EM alternative to other sectors, whether small vessels or large.

The practicality issue – whether it was safe and feasible for a vessel to carry an observer – was one of the primary factors guiding the committee's decision. Another significant consideration was the fact that NMFS and the IPHC do not have any discard information associated with this fleet, while other fisheries such as GOA pollock and cod have larger vessels that have been carrying observers and thus have some level of associated data, albeit not specific to the <60' fleet.

The committee also discussed whether regulations implementing an EM alternative would be part of the proposed rule NMFS is developing this year. Staff noted that the regulatory mechanism for EM does not need to be the draft proposed rule, which is intended to focus on the fee and deployment regulations necessary to implement the Council's preferred alternative. The EM regulations could be a supplemental rule, or follow-up regulations, if necessary. The goal is to have sufficient regulations or a pilot program in place to allow for an EM alternative at the time of a restructured program, regardless of the regulatory vehicle used. The committee noted that the regulations should be broad, such that every detail of an EM system is not regulated, in order to increase flexibility and prevent multiple regulatory amendments as NMFS learns from the initial years of implementation.

The agency also noted that the scale of an EM system will be limited by the pool of funding generated by the ex-vessel fee. NMFS intends to contract with a private company to provide and install EM systems, and the company would determine how to provide the necessary staff in ports to implement the program.

**In sum, given the discussion and rationale above, the OAC recommended three possible priorities for EM development:**

- Discard estimates in the 40' – 60' halibut and sablefish IFQ fleets. The committee also recommended that NMFS should consider, in the start-up phase, to prioritize an EM alternative for the smaller vessels within this sector, notably those <57.5', as larger vessels would be expected to be able to accommodate an observer. It is also expected that, if cost effective, this alternative could be offered to the ≥60' IFQ fleets in the future.
- Compliance monitoring of the no discard requirement for Chinook salmon in the GOA pollock fishery (estimation occurs at the plant).
- Near-real time estimates of PSC for catch accounting purposes, e.g., small boat GOA Pacific cod longline fishery, trawl fishery.

The OAC discussed that the small boat Pacific cod longline fishery does not have identical monitoring needs as the IFQ sectors, even though many of those vessels also fish IFQ species. In the GOA Pacific cod A season, there is a PSC issue (the cod fishery closes before the IFQ fishery), such that EM would not provide data quickly enough to monitor the PSC in this fishery. However, in the B season, the cod fishery is not driven by PSC, and vessels may be able to use EM to monitor for compliance with the halibut retention rule (if IFQ onboard) or for catch accounting. Currently, however, NMFS does not have the ability to translate EM data from those vessels real-time. Thus, while this sector is not the first priority for EM design efforts associated with restructuring due to some of these complicating factors, it is included in the priority list. In addition, it is expected that some of the issues the small cod longline fleet has faced with regard to the extrapolation of observer data from other segments of the fleet (e.g., applying data from the CP sector to the CV sector) will be mitigated through restructuring the observer program and getting more representative data from the CV sectors.

It was emphasized that the OAC needs to know a target (coverage level) for the 40' – 60' IFQ sectors from NMFS, in order to understand the number of EM systems that might be necessary and the associated costs. NMFS stated that the intended approach is 'low and slow', and that receiving annual discard estimates, even if via a limited data set, would be much improved over the status quo. The intent is not to create a 'race for EM' within the small boat sectors that are eligible to use EM as an alternative to an observer.

Finally, it was recognized that implicit in the development of EM is the requirement that NMFS develop the capability to review the data internally. While contractors could provide equipment, hard drives, and installation, NMFS would need staff to complete the data review, extraction, and storage.

e. Other EM issues

Other EM issues that were discussed and recognized include the following:

- Vessel responsibilities for either observer or EM requirements should be the same, if possible.
- Chain of custody, ownership, and confidentiality issues relative to video. The committee discussed whether these issues still exist if NMFS uses a contractor to employ EM (i.e., the contractor removes the hard drives and submits them to NMFS), and whether video can be obtained through a FOIA request. Staff noted that under a voluntary EM program (pilot project), data are not protected under MSA if they are provided to NMFS. However, when moving to a required EM program, the confidentiality of video data and observer data are both equally protected under MSA. NMFS noted that the issue of data quality (e.g., ensuring that the video received from the contractor has not been tampered with prior to submittal to NMFS) would be addressed through the contract provisions.
- The use of EM as an audit tool, recognizing that data review constitutes a significant percentage of the overall costs. NMFS could provide a standard to meet for the specified fishery (e.g., would a 10% sample frame be sufficient for developing discard estimates in the IFQ sector?).

#### **IV. Public comment**

Public comment was provided by Howard McElderry (Archipelago, Inc), Gregg Williams (IPHC), and Tim Carroll (Saltwater, Inc.). Tim provided suggestions regarding programs and applications to use for document control when a large group is collaborating on a product (desktop sharing).

Howard stated that Archipelago is very interested in trying to be part of the EM construct in Alaska, possibly working with other service providers that already have some infrastructure in place. He noted that the biggest challenge in Alaska is providing the necessary infrastructure, and recommended considering selecting the ‘lowest hanging fruit’ in terms of fisheries that could adopt EM, even if other fisheries have a greater need for this alternative. At a minimum, one needs the equipment available and people who understand how to put it on boats and make it successful. He emphasized that the broader the universe of people that are familiar with the technology, the better and broader the application, and that industry needs to be involved to facilitate a bottom-up approach to operationalizing EM. He also emphasized that in whichever fishery one needs information, the most immediate data is self-reported, the next is observer-generated, and the slowest is EM-generated. But EM has a very valuable role in making the self-reporting mechanisms work.

Howard related that even with a fully implemented EM program, it will take 2 to 3 years to establish a very productive data generation system; starting on a limited scale will extend that timeline. Thus, he recommends a planning process in which we consider where the fisheries will be in 5 and 10 years’ time: the number of vessels targeted for EM use, areas they fish, days at sea, ports, and harvest species and amounts.

Howard concluded with the statement that EM works best where there is very strong industry ownership of the program (as opposed to agency driven), and that the OAC and NMFS need to find a way to tap into the international community working on EM issues. He will provide Council staff with a paper accepted for publishing from a recent international monitoring conference, when it is available for circulation.

Gregg Williams (IPHC) provided comments related to the need to continue to collect biological samples, which cannot be done via EM. The need exists because a small vessel fleet monitored primarily by EM



may fish different areas than a large vessel fleet fishing further offshore, which would be more likely to carry observers capable of collecting biological data. One member noted that vessel crews could be trained to collect certain types of biological samples.

Gregg also noted that with limited funding and a potentially small number of EM systems, there should be a focused approach for starting EM coverage. For example, one option would be to broadly disperse the few available systems on vessels across several management areas. This would likely result in a few precise estimates per area, but would not likely be representative of the fishery in each area. Conversely, the systems could be deployed in a more focused fashion, providing a more representative data set for a smaller geographic area. The emphasis for this first effort should be on the ecological footprint, i.e., total catch, of the halibut sector, on a spatial scale that would produce usable data.

## **V. Scheduling and other issues**

The committee discussed the need for a summer meeting to discuss draft implementation issues prior to the development of the proposed rule for the restructured observer program. The primary concern with a summer OAC meeting is the risk to the current schedule of trying to provide a draft PR by September. The PR will require significant clearance through NMFS. The intent currently is to provide the same draft PR to the OAC and the Council, in September and October, respectively, recognizing that the OAC can recommend revisions to the rule through the Council at its October meeting. If the expectation is that NMFS provides a draft PR earlier in the summer, receives feedback from the OAC, then revises the rule prior to it receiving clearance through NMFS and sending to the Council, there is not likely time available to complete that process.

The committee debated the advantages and disadvantages of a summer OAC meeting versus other methods of providing input, recognizing that the primary goals are to provide feedback early in the process and to avoid significant surprises when the draft rule is available. The committee did not necessarily want to incorporate more time into its review process at the expense of reducing the time between the final rule and implementation, which is intended to allow vessels and processors time to gear up for the new program (e.g., NMFS would like to publish a final rule by September 2012, with implementation in January 2013). The committee also did not want to delay the implementation schedule beyond 2013.

**In sum, the committee recommended that staff compile a list of implementation issues, both previously identified by the Council and identified by NMFS as they plan the rulemaking package, for distribution to committee members.** The OAC would be able to focus their input on significant issues and provide this input in a structured manner to NMFS staff via email, early in the summer. This approach allows NMFS to use the expertise and experience of OAC members and solicit input without jeopardizing the schedule, recognizing that any input provided is from an individual and not an OAC recommendation. Staff committed to providing this list in mid-April, if the Council agrees. NMFS also expects to contact individual OAC members for input as the rule develops.

The committee's formal review of the draft proposed rule would continue to be scheduled for September 2011, with the intent to provide recommendations to the Council at its October meeting. **The OAC recommends that the Council approve an OAC meeting for this purpose, potentially to be scheduled in conjunction with one of the plan team meetings in Seattle.**

***Draft Goals and Objectives***  
**for monitoring vessels less than 60' operating in the Bering Sea and Gulf of Alaska**

NMFS' primary objectives for monitoring are to assess fishing mortality. To that end, NMFS has a need to:

1. Expand coverage of currently observed fisheries to address spatial and temporal coverage gaps to improve existing catch estimation processes.

Examples include:

Western gulf pollock fishing by 58'-60' trawl vessels,  
Cod fishing across the GOA by less than 60' hook and line vessels.

Requirements: timely transmission of data into the Catch Accounting System (CAS) for catch estimates to support in-season closure decision making.

Potential to consider: dockside monitoring could be utilized in cases where there is a no-discard requirement that is verifiable.

2. Expand coverage into fisheries which have not had past observation to enable first time estimates of discard.

Examples include:

The Pacific halibut fleet (developing bycatch estimates for this fleet has been a plan team priority noting they currently have no independent observation of the fishery)

Requirements: there is not a current in-season monitoring requirement, so NMFS would need annual estimate of discards that would be included in stock assessments. If the magnitude of catch is significant, or if the Council created bycatch limits for this fishery with an inseason monitoring requirement, then consider developing systems to integrate the information into the CAS.

Potential to consider: use video to supplement human observation in a sampling and estimation process. Industry self-reporting is an option but consider the monitoring necessary (Canada model has 100 percent video on all vessels with a low level of compliance sampling) to implement.

Note: For each of these two primary objectives, NMFS has relied heavily on observer information to provide an independent estimate of discard. Industry self reporting would only be viable if there was a reasonable way to monitor their activity to ensure the reports were accurate.

3. Monitor compliance with fishery regulations:

Examples include: streamer line requirements, avoiding closed areas, careful release of halibut on H+L vessels, etc.

Potential to consider: there are many tools to achieve compliance some of which can involve observers and/or video systems. In general, observers are used when the information is obvious, or is collected as an additional part of their routine work.