

OLE EMWG Considerations, Jan 11-12, 2016

General Compliance - EM Data Collection Program

- The EM data collection program will include compliance components. As part of EM program development, the Council and EMWG should consider new and existing compliance tools.
- Components of the EM data collection program must support:
 - Compliance with FMPs and the EM data collection program.
 - A level playing field (access and markets) for honest fishery participants.
- Fisheries data reviewers should report certain potential violations to OLE, just as human observers report potential violations.
- There will be a need to review compliance monitoring data from EM systems (compliance camera, effort logs, Vessel Monitoring Plans, VMS, etc). Video review will require significant time and budget. The Observer Program, OLE, and/or contractor(s) may perform this task.
- OLE does not plan to proactively review video collected primarily as fishery data.
- As with human observer data and witness accounts, OLE will request EM fishery data for investigations when we have a reason to believe evidence may have been recorded.

Compliance with EM Program

Reasons (motives) to violate either program (human, EM) will be similar.

- Conceal illegal fishing behavior (areas fished, target species, retention, over limits, etc).
- Conceal bycatch events (birds, prohibits, undersized fish, IRIU, sensitive species, marine mammals, etc)
- Prevent collection of data or manipulate data to extend a fishery or vessel/individual quota.
- Prevent detection of other violations (safety, MarPol, R&R, EM program, etc)

Methods of manipulating EM vs human observer data will be different.

Human observer –

- Coerce/manipulate/harass
- Tamper with data
- intentional bias human observer data

EM observer -

- Tamper with EM systems (electronically, moving or disabling equipment, etc)
- Obstruct the EM system (lighting, strategically placed objects, covering or dirtying camera lens, improper maintenance, etc)

Tools for EM Compliance Monitoring

For data integrity and compliance monitoring, OLE recommends the following.

1. Agency owned and configured EM equipment and software
2. Compliance video and electronic effort log tagged with maintenance checks, set/haul number, position, and date/time
3. Sound/consistent practices for data handling, transfer, and storage – engagement with OLE and GC
4. Consistent performance reviews, releases, and vessel removals administered by the Observer Program
5. Prohibition against operating with critical EM failure.
6. Strong definition of “critical failure” and associated requirement - return to specific ports, releases, tampering.
7. Common at sea maintenance and performance standards in regulation, “vessel responsibilities”
8. Vessel specific EM configuration, lighting, camera views, etc. in Vessel Monitoring Plans
9. Strong regulation for failure to comply with a Vessel Monitoring Plan
10. VMS requirement as compliance tool
 - OLE uses VMS and observers to establish position and/or verify reported positions during investigations.
 - Human-observed - verification through observer collected data and interview
 - EM-observed - VMS
 - VMS is used in place of human monitoring (exemptions) for vessel clearances and IFQ area fished
 - Advantages of VMS
 - Legally established compliance tool
 - Relatively tamper resistant
 - Provides independent date/time stamp with each transmitted position
 - Can provide fishery and gear type declarations, communications, and signatures (time, speed, activity)
 - Can be a strong voluntary compliance tool by providing information back to the owner/operator.
 - Supports evidence of many violation types including area fished, transit, management units, gear restrictions, etc
 - Establishes jurisdictional authority (state, federal, international),
 - Provides corroborative evidence for statements of vessel crew and other collected evidence
 - Often provides evidence in favor of innocent operators
 - Utilized to locate vessels in emergency situation