

## OLE EMWG Considerations, May 11, 2016

### General Considerations - EM Data Collection Program

- The EMWG should consider benefits and costs of available compliance tools.
- Purpose of compliance components include:
  - Compliance with EM program, FMP requirements, and sensitive species requirements
  - Level playing field (access to resources and markets) for fishery participants
- Data reviewers should look for some violation types and report potential violations to OLE.
- OLE will request EM data for investigations when investigations indicate that evidence was recorded.
- Aside from routine field compliance checks and investigations, OLE does not plan in shop review of video collected primarily for data purposes.

### Potential Methods to manipulating EM data

- Fail to maintain system or fail to record/send required reports
- Tamper with systems (electronic tampering, moving or disabling equipment, etc.)
- Obstruct system (lighting, objects, covering/dirtying lens, improper/poor maintenance, etc.)

**Observer Reported Violation Statement Headings** - Observers report most violations at the end of a cruise. Egregious violations may be reported in season. Most headings have multiple violation types

#### **(Priority)**

1. Harassment – Assault
2. Harassment – Sexual
3. Interference/Sample Bias
4. Intimidation, Coercion, Hostile Work Environment
5. Disruptive/Bothersome Behavior

#### **(LAPP's)**

6. AFA
7. Amendment 80
8. Catcher Processor Longline
9. IFQ Retention
10. Rockfish Program

#### **(Salmon)**

11. Amendment 91 Salmon
12. Gulf of Alaska Salmon

#### **(Applicable to all fisheries)**

13. Failure to Notify
14. IR/IU

15. Prohibited Species – Mishandling
16. Prohibited Species – Retaining
17. Reasonable Assistance
18. Record Keeping and Reporting
19. Restrict Access
20. Inadequate Accommodations
21. Safety – NMFS
22. Marine Mammal – Feeding
23. Marine Mammal – Harassment
24. Sample Bias – Marine Mammals
25. Sample Bias – Seabirds
26. Seabird- Avoidance Measures
27. Seabird – Harassment
28. Miscellaneous Violations
29. Contractor Problems

**(USCG)**

30. Safety – USCG Equipment
31. Safety – USCG – Fail to Conduct Drills
32. Safety – USCG – Marine Casualty
33. MARPOL/Oil Spill

**EM Reviewer Potential Violation Types** - Review of effort logs, Vessel Monitoring Plans, compliance video, VMS etc. (*italic - real time capability*)

1. *Fail to comply with a VMP or other component of the EM data collection program*
2. *Conduct fishing contrary to inseason action, closure, or adjustment - 679.7(a)(2)*
3. *Steller sea lion No fishing zone or approach - 223.202(a)*
4. Feed a marine mammal - 216.11(b)
5. Discharge a firearm within 100 yds of an endangered Steller sea lion - 223.202(a)
6. Take or lethally take a marine mammal - 229.3(a)
7. Fail to comply with effort log, logbook, or electronic logbook requirement at - 679.5
8. Submit false information on a report - 679.7(a)
9. Retain undersize or out of season fish - multiple.
10. Discard Legal sized IFQ halibut - 679.7(f)
11. IFQ required retention or discard - 679.7(f)
12. IRIU - 679.27
13. Remove fins of a shark and discard the carcass at sea - 600.1203
14. Fail to return prohibited species to sea with a minimum of injury - 679.21(b)(2)
15. Fail to release halibut outboard of the rail - 679.7(a)(13)(i)
16. Fail to release halibut by cutting ganion, twisting or straightening hook - 679.7(a)(13)(ii)
17. Puncture or gaff a halibut - 679.7(a)(13)(iii)

18. Crucify or otherwise strip halibut by contact with the vessel 679.7(a)(13)(iv)
19. Retain or possess prohibited species - 679.7(a)(12)
20. Fail to collect seabirds - 679.51(e)(1)
21. Fail to meet avoidance gear material and performance standards - 679.24(e)(4)
22. Pursue, take, capture, kill any migratory bird - 16USC 703(a)
23. Fail to make a reasonable effort to release seabirds alive - 679.24(e)(2)
24. Marine pollution

### **OLE Compliance Recommendations**

1. Program requirements consistent with other regulatory programs and simplified where possible  
- maximize compliance and minimize unintentional violations
2. Utilize established compliance tool, ODDS where appropriate
3. Consistent program performance reviews, releases, and vessel removals
4. Agency or direct contractor owned EM equipment and software
5. Integrated compliance video and electronic effort log with system maintenance checks, set/haul number, and GPS positions, date, and time
6. Sound and consistent practices for handling, transfer, and storage of data
7. Referral of select potential violation types to OLE
8. Closer to real time reporting where possible - speeds enforcement response, limits continued/repeat violations, decreases penalties
9. Data storage timeframes that allow for reasonable compliance review and investigative timeframe (120 days – 5 years)
10. Prohibition against operating with critical EM failure and a strong definition of “critical failure”
11. Regulation on compliance with VMP and basic at sea maintenance standards and records in regulation, “vessel responsibilities”
12. Vessel specific maintenance, EM configuration, lighting, camera views, etc. in Vessel Monitoring Plans
13. VMS or equivalent requirement as compliance tool

### **VMS v. integrated GPS**

- 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 and/or equivalent
- VMS is used in place of human monitoring (exemptions) for vessel clearances and IFQ area fished
- Advantages of VMS

- Legally established compliance and management tool administered by OLE with existing infrastructure
- Relatively tamper resistant and maintenance free
- Provides independent date/time stamp with each transmitted position
- Options for advanced features including declarations of gear type, fishery, and reports; geographic fencing; two way communications; fishery data reporting; signatures, etc.
- Compliance tool that provides information back to the owner/operator (voluntary compliance and owner monitoring).
- Established OLE evidence for many violation types (area fished, transit, management units, gear restrictions, etc.)
- Establishes jurisdictional authority (state, federal, international)
- Provides corroborative evidence for complaints and other collected evidence
- Provides evidence in favor of innocent operators
- Utilized to locate vessels in emergency situation