



# NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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## Legislation Details (With Text)

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**Attachments:** 1. D2 Action Memo, 2. D2 EM Prioritization, 3. D2 Fee Analysis Update, 4. D2 Observer Analytical Tasks, 5. Link to Comments, 6. PDF of Public Comment, 7. PRESENTATION: D2 Insurance updates, E.Chilton, 8. MOTION: EM Priorities, 9. MOTION: Fee Analysis, 10. D2 Public Testimony Sign-Up Sheet

Date	Ver.	Action By	Action	Result
2/5/2018	1	North Pacific Council		

**Dan Hull, Chairman**  
**David Witherell, Executive Director**

### SUBJECT:

Observer and Electronic Monitoring Projects (including EM and Observer prioritization, outline for raising the fee analysis, observer insurance tech memo, observer safety program review)

STAFF CONTACT: Diana Evans and Elizabeth Figus (NPFMC)

### ACTION REQUIRED:

- National Observer Program update on observer provider insurance and the national Observer Safety Program Review.
- Prioritize next areas for Electronic Monitoring (EM) development.
- Review update on the analysis to raise the observer partial coverage fee; adopt purpose and need, and alternatives.
- Review and provide feedback on Observer Tasking list.

### BACKGROUND:

- National Observer Program update on observer provider insurance and the national Observer Safety Program Review

A representative from the National Observer Program (NOP), Elizabeth Chilton, will provide an update on two issues of interest to the Council. First, the NOP recently released an Observer Provider Insurance Technical Memo in December 2017, which summarizes the discussions from a November 2016 workshop and May 2017 follow-up webinar. The workshop was initiated partially in response to the Council's request with respect to how to address conflicting regulations regarding observer provider insurance requirements at regional and national levels. The memo is available at <https://spo.nmfs.noaa.gov/sites/default/files/TMSPO176final.pdf>. Ms. Chilton will provide an update on the NOP's plans to develop national guidelines for appropriate observer provider insurance requirements, which are directly relevant to the Council's initiation of an amendment to

adjust those requirements in our regulations.

The second issue on which Ms. Chilton will update the Council is the completion of the Observer Safety Program Review. The agency aims to have the final report released either during the Council meeting or shortly thereafter. Ms. Chilton will brief the Council on the recommendations that are relevant to the Alaska region, although not all recommendations lie within the scope of actions that NMFS can carry out on its own.

b) Electronic Monitoring Project Prioritization

In October 2017, the Council requested that staff provide information to help the Council prioritize among electronic monitoring (EM) projects and to determine whether and when an EM workgroup should be appointed to shepherd new projects. NMFS Alaska Region has prepared a short discussion paper (**attached**) describing the status of current and proposed EM projects, and providing, for context, a summary of the EM strategic and implementation plans that were prepared in 2013 and 2015. Staff is looking for input from the Council about the relative priority of EM projects, and how to prioritize staff time and stakeholder engagement, perhaps through a reconfigured EM workgroup.

c) Raise the Fee Analysis

In October of 2017, the Council initiated an analysis to consider increasing the observer fee, but at that time did not provide a purpose and need statement or a set of alternatives. Staff have prepared a short paper to update the Council on our progress with scoping the analysis (**attached**). The paper includes a draft purpose and need statement and alternatives prepared by staff, for Council consideration.

In initiating the analysis, the Council reacted to information from the NMFS Assistant Administrator that they could not count on any further Federal supplemental funding for the partial coverage program. As such, staff have developed a timeline that, under a best-case scenario, results in implementation of an adjusted fee by January 2020 (and increased monitoring in the fishery by 2021), which is the shortest timeframe that is reasonable. In order to meet this timeframe, it is not possible for staff to address all of the requests from the OAC as part of the fee analysis. In September 2017, the OAC had recommended that staff develop observer coverage reference points and assess how changes to EM and the zero-selection pool might impact coverage levels, before the Council makes a decision about whether to raise the fee. The **attached** paper identifies two of the three reference points that would be developed for inclusion in the analysis, and also notes that the analysis will consider the effects of EM optimization on the need for an increased fee. Under this timeline, staff would not attempt to design major changes to the zero-selection pool as part of the fee analysis, rather this project would be added to the observer tasking list as an independent project.

At this meeting, staff are asking the Council to adopt a purpose and need statement and alternatives for this action, as well as to provide feedback on the proposed timeline and resulting analytical considerations.

d) Observer Tasking

At each meeting, the Council reviews the task list for projects and analyses related to the Observer Program, which are provided in priority order. The updated task list is **attached**. Staff welcomes feedback from the Council.