

# Exempted Fishing Permits and Regulatory Decision Making

Consideration of Electronic Monitoring in  
Pacific Groundfish Catch Share Fishery

# General Characteristics

- \* Allows vessels fishing under EFP to engage in activity otherwise prohibited
- \* Limited Duration “experiments” to inform management
- \* Council has formalized process and specific protocols for EFP proposal solicitation and consideration

# Why have a formal process?



- Ability to prioritize proposals based on specific criteria and needs
- Use Council advisory groups in proposal assessment to understand merits and challenges from different angles
- Link to biennial specs process

# Required Elements of EFP Proposal

- \* Clearly identified applicant(s)
- \* Purpose and goals
- \* Justification for exemption from regulation
- \* Identification of impacts
- \* Duration and species harvested
- \* Monitoring plan
- \* Operational plan
- \* How will contribute to management/utilization

# Pacific Fishery Management Council Groundfish EFP Timeline

November (odd-numbered years)

Council considers EFP applications, recommends proposals for further consideration



November – June

Council directs SSC, GMT, and GAP to do thorough review of applications and give guidance



June (even-numbered years)

Council makes final recommendations on EFP applications; forwards to NMFS for approval and implementation in next biennial management cycle



November (odd-numbered years)

After approved EFPs are implemented, applicants present preliminary reports to Council, (final report in September after the management cycle)



NMFS does own analysis and approves/ disapproves EFP; they give weight to Council's recommendation but hold final say



On back-end, NMFS conducts NEPA scoping/ analysis, collects public input, sorts out technical/ administrative details, ensures compliance with rules, etc.

# Use of EFPs for Monitoring in Pacific Whiting Fishery



Shorside Whiting fishery operated under EFPs from 1992 -2010

- Limited primarily by OFS and prohibited species concerns
- Needed EFP to allow unsorted catch

1992-2003: Observers on portion of vessels; processor agreements

2004-2010; EM used to monitor full retention requirements

## What was learned



- EM most cost –effective monitoring option – per sea day cost 30% less than observer
- Program evolved over time with operational efficiencies and technology improvements
- Fishermen behavior changed, discards reduced

# Whiting EFP and Regulatory Development

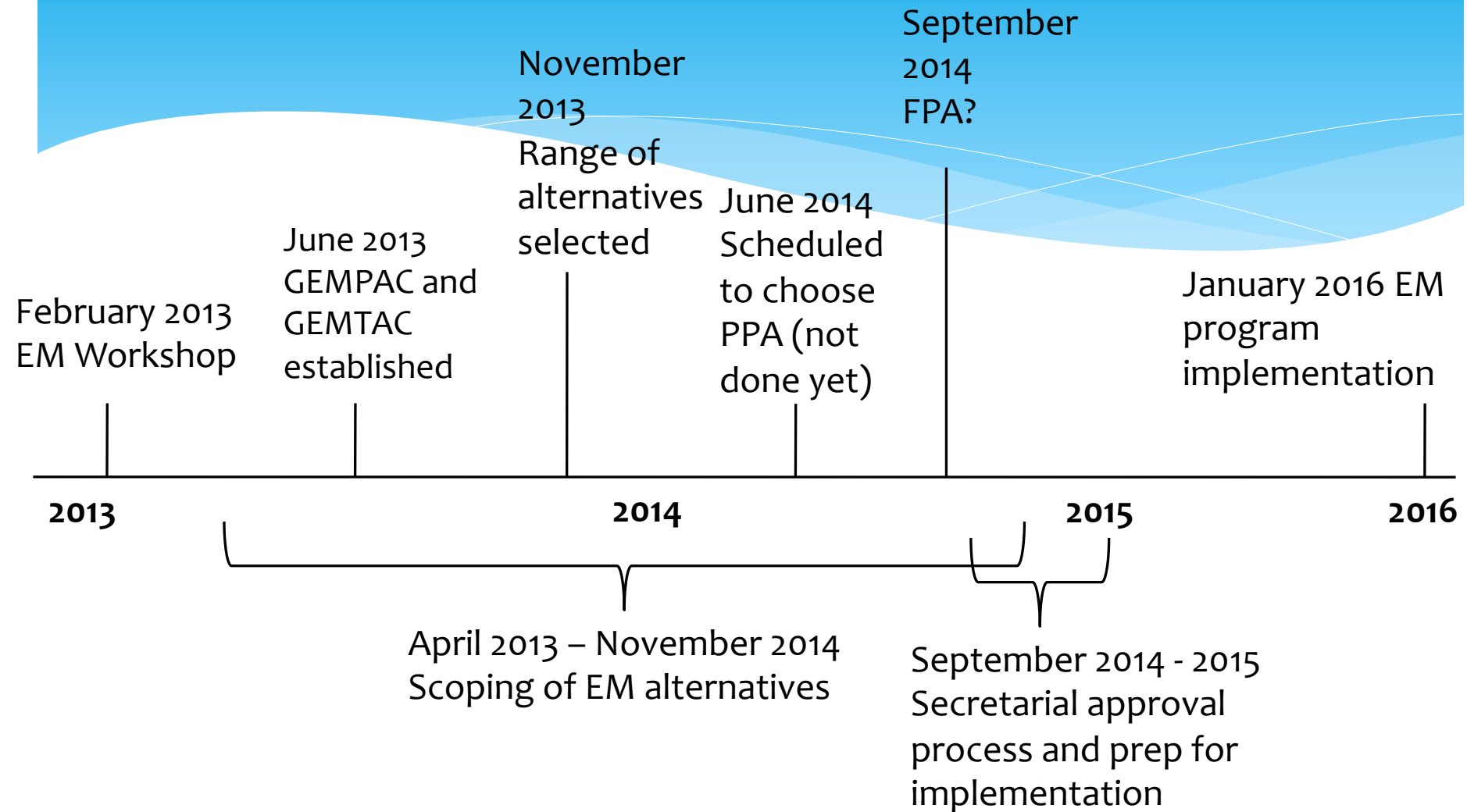
- \* Regulatory Amendment Scoping Began in 2003
- \* Range of alternatives selected in 2006
- \* Other Groundfish Amendments taking place– Fishery continued under EFPs
- \* Council began developing IFQ program – Amendment 10 still on hold
- \* Council decides to not allow EM for whiting fishery – 100% observer requirement instead thru A-20



# EM Discussions in Council Today

- \* IFQ/coop program has been in place for nearly 4 years
- \* Discards dramatically reduced
- \* Increased Economic benefits
- \* Cost of observers is a challenge
  - \* At-sea direct costs being transferred to fleet
  - \* EM being considered
    - \* More cost-effective?
    - \* Operational issues with observers

# EM Regulatory Schedule



# EM EFP Process

November 2013  
Council agrees  
to consider EFP  
proposals in  
2014

April 2014  
EFPs  
considered for  
preliminary  
approval

June 2014  
EFPs  
forwarded  
to NMFS

March 2015 EFPs  
implementation  
approval

March 2016  
Report on  
first year  
EFPs, 2<sup>nd</sup>  
year?

2014

2015

2016



Three different types of operations:

- Mid-water whiting
- Multi-species bottom trawl
- Fixed gear

Different challenges, opportunities and needs

Number of operational questions re EM program structure remain

## Council Action in June



- 4 EFPs Recommended
  - 1 Bottom Trawl Only (FMA)
  - 1 Fixed Gear (Eder)
  - 1 Fixed Gear and Btrawl (Risk Pool)
  - 1 Whiting (MTC/UCB)

# Other Recommendations

- \* Require Logbooks – discard estimates
- \* 100% video review - conducted by PSMFC or NMFS
- \* Observers at level necessary for science
- \* Increased VMS ping rate or data logging for location
- \* Individual Vessel Monitoring Plan
- \* Final report comparing logbook and video data
- \* NMFS report on catch composition/bycatch rates comparison EFP and observer trips by location
- \* 2 year EFPs except for whiting

# EFP Elements

	CA Risk Pool	Eder (FG)	FMA	MTC/UCB
Duration	2015-2016	2015-2016	Until regs implemented	2015-2016
# of Vessels	7 – 3 FG, 4 BT	4 Fixed Gear	6 B- Trawl	28-37 Mid-water
Retention Policy	FG – Maximized 2 BT – Maximized 2 BT – Optimized	Maximized	Maximized	Maximized

# EFP Elements (cont)

	CA Risk Pool	Eder (FG)	FMA	MTC/UBC
Video Review	100% of discards, plus 10% random of all video	To determined based		<ol style="list-style-type: none"> <li>100% discard + 10% all video</li> <li>100% all video</li> </ol>
Observers	100% pre EFP 20% EFP	Up to 30% - TBD	Observers until 3 <sup>rd</sup> trip only	TDB – for biological data only
Halibut	Discarded after measured in EM view	TBD	Discard after crew measures and records	Retained (except MS/CP – discarded)



# Opportunity to test Co-management Arrangements Through EFPs

- \* Concern about accountability and real time enforcement
  - \* Participants agree upfront on rules if something goes wrong
  - \* All vessels sign collective contractual agreement
  - \* Participants held individually and jointly responsible
  - \* EFP managers holds all parties accountable
  - \* Include incentives to report accurately, follow protocols

# EFP Next Steps



Meetings with EFP applicants to refine applications

Discussions with IPHC with respect to halibut retention and mortality estimate methodology

Development of NEPA and other applicable law document

Draft EFPs – and then industry develops RFPs etc for equipment, other services

Target for EFP start: March 2015



# Regulatory Next Steps

Council scheduled to take final action at Sept Council meeting

- For one sector? All sectors? None?
- What level of decision making ?
- What should be new schedule if not completed?

EFPs will not have started

- What decisions could/should be informed by EFPs? What will not?
- Continue regulatory process or wait until end of EFPs?
- How can NEPA process for EFPs reduce regulatory NEPA workload or is it duplicative

# Closing Thoughts



EFPs

Provide opportunity for:

- Collaborative Research
- Collaborative Problem Solving

Challenges in timing

# Questions?

