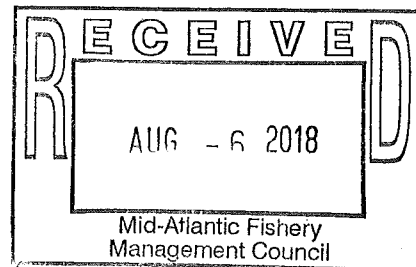


**Western
Pacific
Regional
Fishery
Management
Council**

July 31, 2018

Mr. Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service/NOAA
U.S. Department of Commerce
1315 East-West Highway
Silver Spring, MD 20910



Dear Chris:

At the February 2018 Council Coordination Committee (CCC), NMFS provided the CCC with the NMFS Procedural Directive on Cost Allocation in Electronic Monitoring Programs for Federally Managed U.S. Fisheries (Agency Draft February 2017) and asked for comments by August 1, 2018. This letter provides our comments on this draft directive.

1) EM program objectives

Within the section labeled "Purpose" on page 1, the directive states that all appropriated funds designated for implementing systems to [monitor landings] of fishing vessels are fully subscribed and that any new monitoring system must be funded through discretionary spending appropriation or industry contributed funds. This statement appears to limit the applicability of EM systems. It is our view that the objectives for EM implementation will vary among managed fisheries with the monitoring of landings being only one consideration. Other considerations include supplementing human observer programs focused on protected species interactions and/or monitoring compliance of regulations.

2) EM Funding Obligations

We support the directive's acknowledgement that NMFS will pay for all EM costs if associated with meeting legal obligations, with the Endangered Species Act provided as an example. The Council supports the policy that NMFS pay for all EM costs associated with observer coverage objectives focused on monitoring protected species interactions. However, the directive would be more informative if it listed other statutes and/or other examples of legal obligations that serve as criteria for NMFS fully funding EM programs (e.g. Marine Mammal Protection Action, international RFMO obligations, etc.)

3) Treating all fishing industries equal

Page 6 of the directive provides that for new and existing EM programs: 1) costs for the EM program be categorized and allocated between NMFS and the fishing industry, 2) a statement that the EM program is discretionary based on available appropriations or include a mechanism to ensure third party funding, and 3) a transition plan from NMFS funding to industry funding.

We are concerned that the requirements to include a mechanism for third party funding and transition to industry funding may deter the development and application of EM in various fisheries. Not all fishing industries are equal and revenues and profits generated by the Nation's fisheries participants widely vary. EM has been demonstrated effective on small scale fisheries, although appropriate configuration and on-board requirements can be challenging; however, placing the cost burden on such fisheries may restrict implementation. Costs should also be considered for larger scale fisheries that are economically distressed. The American Samoa longline fishery, for example, which is managed under the Council's Pelagic Fisheries Ecosystem Plan has been subject to economic collapse for several years, including recorded negative profits in recent years. Requirements that would potentially leave fishery participants obligated to meet EM costs if NMFS suddenly 'pulled the plug' may deter interest in EM. NMFS should include provisions in the directive that NMFS may also consider economic situations of some fisheries with respect to cost allocations and transitions to non-government funding.

4) Inclusion of Vessel Monitoring Systems in EM definition

The Western Pacific council pioneered the use the Vessel Monitoring Systems (VMS) in the late 1980s for the main purpose of monitoring compliance with spatial management measures. In our region today, VMS is still used to monitor fishing around spatially managed areas; however, it is increasingly being leveraged to transmit other data collected on-board vessels.

In Appendix A of the draft directive, the definition of EM is as follows: the use of technologies- such as vessel monitoring systems or video cameras- to passively monitor fishing operations through observing or tracking.

Although many on-board camera systems use VMS units to transmit data (e.g. sensor data), including VMS in the scope of this procedure directive is not appropriate. The scope of the draft directive is on video systems and should remain limited to video monitoring. Including VMS in the EM definition without any discussion of VMS, funding sources, or obligations muddies the applicability of the directive. Our view is that VMS should be removed from the EM definition in this directive, and have the directive focus solely on video monitoring systems and associated sampling and administrative costs.

Conclusion

Thank you for the opportunity to comment on the draft directive. Overall, the Council supports it, however, we do have concerns and suggestions as listed above. Please contact me or my staff lead, Eric Kingma, if you have questions on our comments.

Sincerely,



Kitty M. Simonds
Executive Director

Cc: Sam Rauch
Alan Risenhoover
Mike Tosatto
Council Executive Directors