

ADVISORY PANEL

Motions and Rationale

Sept 29 - Oct 2, 2025 Webinar

C2 Observer Motion

The AP acknowledges the receipt of the 2026 Draft Annual Deployment Plan (ADP), the PCFMAC Report, and the FMAC Report and notes appreciation for staff's work on these items particularly during these challenging times of reduced capacity and budget uncertainty.

The AP supports and encourages the Council to adopt the following recommendations from the PCFMAC and/or FMAC:

- For the 2026 Final ADP, continue the same sampling unit (trip/delivery), stratification (8 partial coverage strata based on monitoring method, gear type, and FMP area), and the proximity allocation method (except for GOA Trawl EM) as the Final 2025 ADP.
- In keeping with the original intent of the pelagic trawl EM program and the EFP prior to implementation:
 - NMFS should include in the Final 2026 ADP that full coverage observers at AFA plants can accept and monitor GOA pollock trawl EM deliveries without the addition of partial coverage observers.
 - NMFS should find an opportunity to resolve the regulatory language requiring vessels in the Trawl EM category to have their EM systems on “from port to port” such that only fishing activity needs to be recorded. The language should be inclusive of situations such as vessels transiting from Washington and Oregon ports to Alaska, vessels acting as tenders or delivering to tenders in non-EM fisheries who may begin pollock trips from a non-EM tender rather than a port.
- NMFS should still pursue changes to the zero-selection pool for fixed gear vessels, in order to base the pool criteria on the amount of quota, volume harvested, or number of trips rather than just vessel size of <40 feet.
- NMFS should continue including committee members on emails that go to ODDS users so that members can help disseminate relevant information and updates to their respective fleets.
- In regards to E.O. 14276, *Restoring American Seafood Competitiveness*, the Council should write a letter to NOAA Office of Management and Budget (OMB) to request that industry-paid partial coverage observer funds not be sequestered in future years.
- Support for the NFWF proposals presented to the FMAC that have also been submitted for this grant cycle, including the Freezer Longline Coalition & Flywire project to identify the limits and capabilities of EM in replicating human observer-derived data in the Bering Sea Pacific Cod Catcher Processor Sector, and the Real-Time Data project to continue the next phase of implementing eLogbooks into the fixed gear halibut and cod fleets.

Finally, in keeping with the original intent of the pelagic pollock Trawl EM program and the EFP prior to implementation, NMFS should include in the Final 2026 ADP budget housing and food costs for shoreside observers in Kodiak.

The AP supports and encourages the Council to consider requesting NMFS conduct a pricing evaluation for observers similar to the suggestions from industry.

Amendment 1 passed 20-0

Main Motion as amended passed 20-0

Rationale in Support of Amended Main Motion

- *The intention of the AP's motion was to adopt all of the PCFMAC and FMAC recommendations, with two additions captured at the end of the motion.*
- *The sampling unit, stratification, and allocation method are consistent with the Council's June motion during the Observer Program Annual Report. There were no noted issues with these methods, there will be an independent CIE review in 2026, and there is no rationale to change the approach at this time.*
- *In the first year of the regulated Trawl EM program, there have been a few issues which were to be expected when implementing a large regulatory package. The AP noted that the PCFMAC and FMAC Committee Reports from September 10th did an adequate job of highlighting two of these issues, but that they were being reiterated to ensure they are captured and resolved:*
 - *The Final Draft ADP should be explicit in that a full coverage Trawl EM AFA plant can accept GOA pollock Trawl EM deliveries without needing to have additional partial coverage observers assigned. The Observer Program confirmed that this is a contract issue that will be resolved in the Final ADP and does not require regulatory action.*
 - *During the Trawl EM EFP, stakeholders had addressed alternate scenarios where trips may not begin from a fishing port, but this intent did not carry over into the regulatory language and the conflict was overlooked during rulemaking. The motion language is intended to capture the various scenarios in which this could occur to ensure future regulatory language is inclusive. The AP noted that the FMAC report reflects that the Agency is working to resolve this through expedited rulemaking so that the regulations match the intent for only fishing activity to be captured with EM.*
 - *The third item is intentionally captured at the end of the motion because it was not a committee recommendation since the issue was discovered after the Sept 10 meeting date. The AP noted that the Trawl EM Final Action motion in October 2022 was explicit in stating that housing and food for partial coverage observers should be included in the partial coverage budget. Shoreside processors in Kodiak already pay into the partial coverage program but some processors have also still been paying out of pocket to house and feed observers. There was discussion during the Staff Presentation that there would need to be additional conversations offline between industry, the partial coverage observer provider, and the Observer Program so that the 2026 budget can accurately reflect the housing and food costs before the Final ADP in December.*
- *The AP carried forward the committee's longstanding recommendation to change the criteria for the zero-selection pool. Revisions could ensure that <40 ft boats that are capable of having EM and have a larger amount of quota could potentially be moved into the pool, while boats with minimal quota could be moved out to prioritize our limited partial coverage dollars to be spent to the best extent possible.*
- *The AP slightly changed the committee recommendation regarding receiving ODDS emails to reflect that the Agency has already implemented this request since the September meeting and members received their first ODDS email in the last week. Appreciation was noted for this;*

when committee members who are non-ODDS users but work directly with their fleets also receive these emails it helps better disseminate the information and provide assistance to vessel operators.

- *The AP noted the PCFMAC committee report and presentation clearly indicates that these funds are industry funds, not appropriations from Congress, and the continued delay of these funds impacts the annual level of Observer/EM coverage. The PCFMAC has been hearing about the challenge with receiving sequestered funds for years and the AP noted that FMA was finally able to receive the 2022 and 2023 sequestered funds this year. This creates significant inefficiencies and unnecessary burden in the budgetary process for Agency staff and removing them fits under EO 14276.*
- *The FMAC received presentations and noted general support for all projects; the Agency noted they want all projects to continue but staffing and capacity may alter how fully they are able to participate. The AP is carrying through the committee's support for all projects that have been submitted with this grant cycle, noting that one project that was presented decided not to submit prior to the deadline.*
- *While the AP heard concerns about the high costs associated with adding Trawl EM to the partial coverage budget, it was noted that the Staff Presentation (slide 18) and 2026 draft ADP (page 8) estimates GOA trawl EM Costs at \$863,000 with an expected 794 trips to be monitored in the GOA, while fixed gear EM is estimated to cost \$996,000 but expected to monitor only 166 trips. It was acknowledged that Trawl EM does impact the budget and monitoring rates for other fisheries, but that improvements have been made through this program and it is monitoring a high volume of effort for that price point. Additionally, another AP member noted that even if trawl non-EM coverage rates have gone down, the presentation shows that the amount of monitored pounds delivered continues to increase since huge strides have been made in improving trawl monitoring.*
- *The amendment was adopted to the main motion in response to oral testimony; the AP heard that some industry associations have been trying to get an analytical framework around the cost of observer coverage and the costs that go into the daily rate. Industry participants feel strongly that an analytical framework be developed and managed for increased transparency and efficiency.*
 - *Specific cost concerns included unnecessarily transporting observers to Seattle for debriefing or other items that may increase costs.*
 - *The maker of the Amendment clarified that this cost analysis should include both full and partial coverage costs to try to make costs more efficient. While some AP members did note some concerns with the amendment, it was not enough to prevent them from opposing the amendment.*
 - *An AP member noted that for several years prior to the PCTC program implementation, Bering Sea trawl cod catcher vessels in BS voluntarily opted into 100% observer coverage for accurate halibut numbers while also still paying the partial coverage fee. It was noted that this is the type of information that could be gleaned from a cost analysis.*
 - *There was a concern expressed in regards to Agency capacity to take on additional projects, but the concern was not significant enough to oppose the amendment.*