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William T. Hogarth, Ph. D  
Acting Assistant Administrator for Fisheries  
NOAA Fisheries, SSMC3  
1315 East West Highway  
Silver Spring, MD 20910-3282

Dear Dr. Hogarth,

We are writing to request that National Marine Fisheries Service (NMFS) take a series of steps to ensure the success of the West Coast groundfish observer program and to implement a full bycatch assessment for Pacific groundfish. We are encouraged that NMFS is developing a West Coast groundfish observer program. This year's limited program is a long overdue step towards gathering essential data. A full and adequate observer program is a key element in the advancement of a suite of tools to quantify bycatch and total mortality in this fishery, as required by the Magnuson-Stevens Act.

The final regulation published on April 24, 2001, conceded: "Establishing an observer program to collect total catch data would bring the Pacific coast groundfish FMP closer to the Magnuson-Stevens bycatch requirements for a standardized reporting methodology on bycatch." (*Emphasis added.*) It is critical that NMFS and the Pacific Fishery Management Council move aggressively towards full compliance with the Act. NMFS could develop a more complete program by employing some combination of more observers, a full-retention program, electronic logbooks, video and other technological supplements, and logbooks that seek fisher's documentation of their bycatch and discards.

We very much appreciate the effort and commitment demonstrated by the Fisheries Resource Analysis and Monitoring (FRAM) division of the Northwest Fisheries Science Center in crafting the observer sampling and logistics plan for this year's limited observer program. While we regret that the program will not have a larger scope this year, we believe that FRAM has developed a carefully considered framework for the initial essay. Through monitoring, NMFS and the agency's constituents can evaluate the efficacy of this plan.

There have been long delays in implementing the groundfish observer program. At this point we are both encouraged and apprehensive. In some other programs, observer data were collected but not used, or problems with fleet participation affected the scientific integrity of the data collected. We also have considerable reason for concern about whether NMFS and the Council will comply with the full Magnuson-Stevens bycatch requirements on a schedule that will both prevent additional populations from becoming overfished and help ensure that rebuilding timetables are met.

We want this program to succeed. The program would benefit from a procedure that would allow public input and agency accountability. We offer below specific suggestions for steps that would enhance the transparency, effectiveness and timeliness of the program. Following these suggestions would build support for the integrity of the data collected, so that it can be more confidently used to improve management of the fishery. Implementing public reporting and feedback mechanisms would help strengthen the program while keeping constituents informed. By acting on our suggestions NMFS would not only foster good relations and nurture allies in the effective management of sustainable fisheries, but also increase the likelihood of the program's success.

#### REQUEST ONE: REGULAR REPORTS

The observer program staff should provide brief reports once a month. These reports should be posted to an agency web-site, with a provision for interested parties to subscribe to an email distribution list. The reports should provide basic information on how the program is progressing, in particular: 1) the number of observer days logged and from which ports; 2) instances of fleet non-participation; 3) the type of information that is being processed, and; 4) when the data will be available for fisheries management purposes. To keep the program on track, it is critical to keep the public informed about whether the sampling plan is being followed and what modifications may be necessary.

#### REQUEST TWO: PUBLIC MEETINGS

NMFS should promote accountability for the observer program through periodic public meetings. These meetings, while informal in approach, would nonetheless provide a formal opportunity for port coordinators to report on the progress of the program locally and to hear concerns from fishers, conservationists and other interested parties, with the goal of resolving any problems that arise. The intent of these meeting is to monitor the program and find ways to cooperatively improve its effectiveness. This protocol is typical for other programs of this type. We envision at least three meetings per year within each port group, facilitated by the port coordinator. The first meeting would be held within 45 days of program initiation so that any start-up problems could quickly be addressed. If additional communication or staff support is needed in a particular location, NMFS would have the flexibility to schedule additional meetings.

#### REQUEST THREE: DEVELOP A FULL BYCATCH ASSESSMENT PLAN AND SCHEDULE FOR IMPLEMENTING IT

NMFS has rightly acknowledged that this year's observer program will not complete the job of assessing bycatch. Until a more comprehensive program is in place, NMFS will remain unable to estimate total mortality accurately in groundfish fisheries and unable to evaluate the effectiveness of rebuilding plans and catch quotas. We ask that the agency forthwith develop a full bycatch assessment plan and adopt an aggressive schedule to implement it. Such a plan should be a real guide for action, not simply a menu of options. We stand ready to cooperatively assist NMFS in developing this important plan.

The basic steps in this letter are intended to ensure success of the first-year limited observer program and make it a building block for a full program. This success will help propel us towards a fully-funded superior program next year and in years to come. We are actively seeking congressional support and appropriations for the West Coast groundfish observer program. The ability to demonstrate the thoughtful and effective implementation of this year's program will assist in our advocacy.

If you have any questions about this letter, please do not hesitate to have your staff contact any or all of the undersigned.

Respectfully,

Rod Fujita, Senior Scientist  
Environmental Defense

Drew Caputo, Attorney  
Natural Resources Defense Council

Phil Kline, Fisheries Program Director  
American Oceans Campaign

Mark Powell, Pacific Fisheries Program Manager  
Center for Marine Conservation

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cc:

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