



Pacific Fishery Management Council

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Philip Anderson, Chair | Charles A. Tracy, Executive Director

December 9, 2019

Mr. Chris Oliver, Assistant Administrator
NOAA National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Council Recommendation to Delay Final Rule Effectiveness for Electronic Monitoring Program Regulations for the West Coast Until 2022

Dear Mr. Oliver:

The Pacific Fishery Management Council (Council) appreciates all the work National Marine Fisheries Service (NMFS) staff have done to develop the information and engage the industry to support implementation of the electronic monitoring (EM) Program regulations that are set to be effective January 1, 2021. The Council recognizes that NMFS can move forward with finalizing its guidelines and program manual and meet the January 1, 2021 implementation timeline. However, given the importance of this program, the need to have strong industry buy-in, and our collective desire to build on the successes we have achieved thus far, the Council strongly recommends that NMFS delay implementation of the EM Program regulations until 2022.

Most importantly is the Council's concerns about the cost effectiveness of the program and how the program will be funded by the industry and NMFS in the future. In particular, the Council believes that additional time is needed for the industry to continue to work with NMFS and Pacific States Marine Fisheries Commission (PSMFC) to examine ways to develop a mechanism for industry to fund video review by PSMFC. This is something PSMFC has conditionally committed to doing based on a resolution they passed in September 2019: "PSMFC shall continue to provide the third-party video review for EM coverage of the West Coast groundfish fisheries, which has proven to be professional, cost-effective, and supported by the industry, contingent upon the receipt of funds up front – from either NOAA or the industry – rather than on a cost-reimbursement basis."

At the November meeting, the Council heard from the public regarding potential modification of the existing EM Exempted Fishing Permits (EFPs) that would include testing of such a funding mechanism in 2021. Based those discussions, the Council expects the industry, in coordination with PSMFC, to submit a modified EM EFP for Council feedback at the March 2020 Council meeting in Rohnert Park, CA and discuss the potential extension of the current EM EFPs through 2021.

The Council understands that NMFS intends to continue development of the EM Program as scheduled for implementation on January 1, 2021. We further understand that NMFS has the option of delaying the effectiveness of the final rule based on a conclusion that an additional year of EM implemented through an enhanced EFP will provide valuable information that will lead to a more successful, stable, and economically viable EM regulation. The Council believes this is an important step and has scheduled preliminary and final consideration of EM EFPs extension and potential changes to the final rule, including implementation delay, for the April and June Council meetings.

In addition, before moving forward with the final rule, the Council would like more information about video review to inform an appropriate level of review of steam time (non-fishing activity) and which entity should review the information (NMFS or Third-Party Providers). The Council would also like time to consider an analysis of vessel-specific video review options for applying halibut discard mortality rates to non-reviewed trips.

The Council strongly desires to continue working collaboratively with NMFS and affected stakeholders to develop and implement an EM program that effectively meets our goals and objectives relative to catch accounting and cost-effectiveness for the groundfish industry. Should you or your staff have any questions, please feel free to contact me or Executive Director, Chuck Tracy.

Sincerely,



Philip M. Anderson
Council Chair

BLW:kma

Cc: Pacific Council Members
Mr. Sam Rauch
Mr. Brett Alger
Ms. Melissa Hooper
Mr. Justin Kavanaugh
GEMPAC
GEMTAC