

FEB 04 2020



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

RECEIVED

FEB 07 2020

PFMC

Agenda Item H.3  
Attachment 9  
March 2020

Mr. Philip M. Anderson  
Chair  
Pacific Fishery Management Council  
7700 NE Ambassador Place, Suite 101  
Portland, OR 97220-1384

Dear Mr. Anderson:

Thank you for your letter regarding the Pacific Fishery Management Council's recommendation to delay the effectiveness of the West Coast groundfish electronic monitoring (EM) program regulations, in particular your concerns about the cost-effectiveness of the program and the need to find a mechanism for industry to fund video review by the Pacific States Marine Fisheries Commission. I also understand the Council would like to request a new exempted fishing permits (EFP) to test this mechanism, as well as other information relevant to the video review.

For several years, other regions and councils have explored EM as an alternative to meeting industry-funded monitoring requirements, similar to the West Coast. To promote equity and transparency across all EM programs, we developed a national framework for allocating EM program responsibilities and associated costs, which included engagement from all councils and other interested parties. We raise this to show that the policy does allow any entity, such as the Commission, to provide part or all of the data sampling components (i.e., hardware, primary video review, and data storage) as part of an industry-funded EM program. The Commission can choose to participate under the final regulations for the West Coast EM program. However, as you point out, it will require some collaborative work with the Commission, the Pacific Council, and other West Coast trawl stakeholders to develop a mechanism for how that could work.

As noted above, the current EM regulations do not preclude the Pacific States Commission from applying to be certified as a third-party EM service provider or fishery participants from contracting with the Commission and testing different ways to pay for their services. Neither do the regulations preclude the testing or further consideration of the other aspects of the video review mentioned in your letter in the remaining time before 2021 or even after the program transitions to regulations in 2021. In order for NOAA Fisheries to approve an EFP, it must be an activity regarding the targeting or incidental harvest of species managed under a Fishery Management Plan or fishery regulations that would otherwise be prohibited. It is not clear from your letter that any of the proposed reasons meet these requirements. I encourage the Council to work with the EFP applicants and the Commission to clearly articulate in the EFP application what can only be tested under an EFP and not under the EM regulations as currently written. A well-defined rationale will assist us in evaluating the application and the Council's recommendation for a further delay of the regulations to 2022.



While I am sympathetic to the delay requested by the Council, we must continue to prepare for transition of the EM program to regulations that we committed to implement in 2021, pending review of the new EFP application. I assure you that we will seriously consider the delay request in the context of the EFP application.

I appreciate the Council's continued collaboration with us as we work to finalize the guidelines, manual, and other aspects of implementation over the next year. If you or your staff have any questions, please contact Melissa Hooper, Branch Chief for Permits and Monitoring in the West Coast Region, at (206) 526-4357.

Sincerely,

A handwritten signature in black ink, reading "Chris Oliver". The signature is written in a cursive, flowing style.

Chris Oliver  
Assistant Administrator  
for Fisheries