



UNITED STATES DEPARTMENT OF COMMERCE
 National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 West Coast Region
 1201 NE Lloyd Boulevard, Suite 1100
 PORTLAND, OREGON 97232

PUBLIC NOTICE

Update to West Coast Groundfish and Highly Migratory Species Fleets on Observer and Catch Monitor Coverage and COVID-19

On March 24, 2020, in response to the spread of COVID-19, NOAA Fisheries issued an [emergency action](#) to provide the authority, on a case-by-case basis, to waive observer coverage, some training, and other program requirements while meeting conservation needs and providing an ongoing supply of fish to markets. Under this emergency action, a NOAA Fisheries Regional Administrator, Office Director, or Science Center Director has the ability to waive observer requirements in three specific circumstances, after consulting with observer providers. The three circumstances that may warrant a waiver are:

- The providers do not have sufficient observers to staff a fleet or a port or a vessel (i.e., the observers are under quarantine).
- The providers cannot physically get observers to fishing vessel departure points - perhaps because of travel restrictions, or shelter in place guidance, etc.
- The providers do not have enough trained observers because we could not offer training due to building access restrictions, meeting guidance, etc.

At this time, following consultation with our observer providers, the West Coast Region will maintain existing observer coverage and catch monitor requirements for each of our groundfish and highly migratory species (HMS) fleets. This applies to the following West Coast groundfish fisheries: the Shorebased IFQ Program, Limited Entry Fixed Gear fishery, Open Access fisheries, Sablefish Primary fishery, At-Sea Hake fishery, and all groundfish exempted fishing permit (EFP) fisheries. This notice also applies to the following West Coast HMS fisheries: the Large Mesh Drift Gillnet fishery, West Coast permitted Deep Set Pelagic Longline fishery, and all HMS EFP fisheries.

We do not currently have a shortage of observers or catch monitors due to COVID-19. We recognize the situation is fluid and will consider waivers on a case-by-case basis if availability of observers or catch monitors changes. We are closely monitoring all local public health notifications, as well as the Centers for Disease Control and Prevention (CDC) for updates and are responding accordingly. We are committed to protecting the public health and ensuring the safety of fishermen, observers, and others, while fulfilling our mission to maintain our nation's seafood supply and conserving marine life.



We have provided the following guidance to the companies that provide observers and catch monitors on the West Coast:

- We advised observers, catch monitors, and their provider companies that anyone who tests positive for or is experiencing potential symptoms of COVID-19, as determined by the CDC (<https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>), should not deploy on a vessel or to a processing plant.
- We instructed provider companies to contact vessel operators and plants immediately if a recently deployed observer becomes symptomatic for COVID-19.
- We also ask that all vessels or plants inform their provider company immediately if there is a potential or confirmed exposure to COVID-19 of any persons on their vessel or at their plant.

Participants in the Groundfish Electronic Monitoring EFP program must continue to follow all protocols described in the EFP terms and conditions and vessel monitoring plan at this time. This includes the requirement for contacting the West Coast Groundfish Observer Program 48 hours prior to the start of a fixed gear or trawl gear trip (non-whiting) for potential scientific observer coverage selection.

Participants in the Large Mesh Drift Gillnet, Deep Set Buoy Gear EFP, and West Coast permitted Deep Set Pelagic Longline fisheries must continue to provide 48 hour pre-trip notifications to the West Coast Region Observer Program's observer provider as normal.

For additional information, contact the Northwest Fisheries Science Center Observer Program at 1 (866) 780-8064.

Sincerely,



Barry A. Thom
Regional Administrator

(iii) You can run a draft electronic submission of payment online form through MyIBFS, in association with a filed application, and the system will automatically enter your required fee on the form.

(2)(i) A complete FCC electronic submission of payment online form must accompany all fee payments. You must provide the FRN for both the applicant and the payer. You also must include your International Bureau (IB) submission ID number on the electronic submission of payment online form in the box labeled “FCC Code 2.” In addition, for applications for transfer of control or assignment of license, call signs involved in the transaction must be entered into the “FCC Code 1” box on the FCC electronic submission of payment online form. (This may require the use of multiple rows on the electronic submission of payment online form for a single application where more than one call sign is involved.)

(ii) You can generate a pre-filled FCC electronic submission of payment online form from MyIBFS using your IB submission ID. For specific instructions on using MyIBFS to generate your FCC electronic submission of payment online form, go to the MyIBFS website (<http://licensing.fcc.gov/myibfs>) and click on the “Getting Started” button.

(3) * * *

(i) Pay by credit card (through MyIBFS);

(ii) Pay by online Automatic Clearing House (ACH) payment; or

* * * * *

(4) You must electronically submit payment on the date you file your application in MyIBFS. If not, we will dismiss your application.

(5) For more information on fee payments, refer to Payment Instructions found on the MyIBFS internet site at <http://licensing.fcc.gov/myibfs>, under the Using IBFS link.

■ 7. Revise § 1.10010 to read as follows:

§ 1.10010 Do I need to send paper copies with my electronic applications?

When you file electronically through MyIBFS, the electronic record is the official record. You do not need to submit paper copies of your application.

■ 8. Amend § 1.10011 by revising paragraphs (a) through (c) and (d) introductory text to read as follows:

§ 1.10011 Who may sign applications?

(a) The Commission only accepts electronic applications. An electronic application is “signed” when there is an electronic signature. An electronic signature is the typed name of the person “signing” the application, which

is then electronically transmitted via MyIBFS.

(b) For all electronically filed applications, you (or the signor) must actually sign a paper copy of the application, and keep the signed original in your files for future reference.

(c) You only need to sign the original of applications, amendments, and related statements of fact.

(d) Sign applications, amendments, and related statements of fact as follows:

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■ 9. Amend § 1.10015 by revising paragraph (b) to read as follows:

§ 1.10015 Are there exceptions for emergency filings?

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(b) Emergency authorizations stop at the end of emergency periods or wars. After the emergency period or war, you must submit your request by filing the appropriate form electronically.

* * * * *

PART 63—EXTENSION OF LINES, NEW LINES, AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

■ 10. The authority citation for part 63 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 160, 201–205, 214, 218, 403, 571, unless otherwise noted.

■ 11. Amend § 63.53 by revising paragraph (a) to read as follows:

§ 63.53 Form.

(a) Applications for international service under section 214 of the Communications Act must be filed electronically with the Commission. Subject to the availability of electronic forms, all applications and other filings described in this section must be filed electronically through the International Bureau Filing System (MyIBFS). A list of forms that are available for electronic filing can be found on the MyIBFS homepage. For information on electronic filing requirements, see §§ 1.10000 through 1.10018 of this chapter and the MyIBFS homepage at <http://www.fcc.gov/ibfs>. See also § 63.20.

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[FR Doc. 2020–05800 Filed 3–26–20; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 200321–0084]

RIN 0648–BJ70

Emergency Measures To Address Fishery Observer Coverage During the COVID–19 Coronavirus Pandemic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; emergency action; request for comments.

SUMMARY: NMFS issues this temporary rule (also referred to herein as “emergency action”) to provide it with authority to waive observer coverage requirements established in regulations promulgated under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other statutes, consistent with applicable law and international obligations. NMFS is taking this action to address public health concerns relating to the evolving pandemic of Coronavirus Disease 19 (COVID–19). NMFS is taking this action to protect public health, economic security, and food security, and to safeguard the health and safety of fishermen, observers, and other persons involved with such monitoring programs, while safeguarding the ability of fishermen to continue business operations and produce seafood for the Nation. This action also authorizes NMFS to waive some training or other program requirements to ensure that as many observers are available as possible while ensuring the safety and health of the observers and trainers.

DATES: Effective March 24, 2020 through September 23, 2020. Comments must be received by April 27, 2020.

ADDRESSES: Written comments, identified by NOAA–NMFS–2020–0036, may be submitted to NMFS using an electronic submission via the Federal e-Rulemaking portal. Go to <https://www.regulations.gov/docket?D=NOAA-NMFS-2020-0036>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and generally will be posted for public viewing on

www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Kelly Denit at 301–427–8517.

SUPPLEMENTARY INFORMATION:

Background

NMFS is promulgating this emergency action in response to the evolving COVID–19 pandemic. Currently, NMFS requires many fishing vessels to carry an observer as part of a mandatory observer program (or provides for voluntary observer programs) under the MSA (16 U.S.C. 1801 *et seq.*) and other Federal fishery statutes, including the Marine Mammal Protection Act (MMPA, 16 U.S.C. 1361 *et seq.*), and statutes implementing international agreements, such as the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*), South Pacific Tuna Act of 1988 (16 U.S.C. 973 *et seq.*), Western and Central Pacific Commission Implementation Act (16 U.S.C. 6901 *et seq.*), Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), Antigua Convention Implementing Act (16 U.S.C. 951 *et seq.*), High Seas Fishing Compliance Act (16 U.S.C. 5501 *et seq.*), and the Agreement on the International Dolphin Conservation Program as per MMPA. National observer regulations for the adequacy of a vessel for safety purposes are at 50 CFR 600.746, but there are also fishery-specific regulations regarding observers.

Many fisheries across the Nation are subject to mandatory observer coverage requirements that prohibit a vessel from fishing unless it carries one or more observers or at-sea monitors. While observers most frequently are deployed on fishing vessels, they are also deployed on motherships and at shoreside locations, including first receivers and processing facilities. Observers can also be called “catch-monitors” or “at-sea monitors.” Observers provide critical fishery-dependent data, which are used to manage fisheries pursuant to catch limits, collect information on bycatch, and monitor compliance. Observers also collect biological information that may not otherwise be collected. In some fisheries, observers are placed on only a portion of fishing vessel trips, while in other fisheries, observers are placed on every fishing vessel trip. Observers are

also placed at fish processing plants and collect additional information, such as that associated with a prohibited species census. Regulations requiring observer coverage do not expressly address the circumstances when NMFS may waive coverage due to a public health emergency. Further, some observer coverage regulations stipulate specific training and other program requirements that observers must meet in order to continue to serve as an observer, and do not address when NMFS may waive such requirements. Consistent with applicable law and international obligations, this emergency action will allow NMFS, under certain circumstances related to the COVID–19 pandemic, to waive observer coverage and some training and other program requirements for observers.

Given the COVID–19 pandemic, the resulting national and local declarations of emergency, and guidance from the Centers for Disease Control and Prevention, NMFS has determined that an emergency action is needed to enable NMFS to waive observer coverage and some related training and other program requirements. This emergency action would permit waivers in appropriate circumstances to protect public health and to ensure the safety of fishermen, observers, and other persons involved with observer coverage, while meeting conservation needs and providing an ongoing supply of fish to markets.

Emergency Management Measures

Under this emergency action, NMFS may waive observer coverage requirements if:

- Local, State, or national governments, or private companies or organizations that deploy observers pursuant to NMFS regulations, restrict travel or otherwise issue COVID–19-related social control guidance, or requirement(s) addressing COVID–19-related concerns, such that it is inconsistent with the requirement(s) or not recommended to place an observer(s); or
- No qualified observer(s) are available for placement due to health, safety, or training issues related to COVID–19.

If either of these conditions is satisfied, then NMFS may waive observer coverage requirements for an individual trip or vessel, an entire fishery or fleet, or all fisheries administered under a NMFS Regional Office (*see* 50 CFR 600.10 (defining Region) and <https://www.fisheries.noaa.gov/regions>) or NMFS Headquarters Office. However, waivers should be issued as narrowly as

possible in terms of duration and scope to meet the particular circumstances. Such waivers will be communicated in writing or electronic format. At any time, if the circumstances for a waiver are no longer applicable, NMFS will withdraw, in writing or electronic format, that waiver. In making decisions regarding observer coverage waivers, NMFS will gather information, if needed, from relevant observer service providers and other parties involved with observer coverage before issuing the waivers. Additionally, NMFS will take into account the ability of fishermen who are subject to observer coverage to adjust operations in response to this pandemic, such as for those fisheries that have year-round access compared with those that have only seasonal availability of fish.

This emergency action also allows NMFS to waive certain observer training and other observer program requirements (e.g., requiring a minimum class size or requiring that observers transfer to other vessels between trips). Before doing so, NMFS will ensure that any such waiver does not remove requirements that ensure the health and safety of the observer or observer trainer.

This emergency action is effective on March 24, 2020. However, NMFS is soliciting public comment on this temporary rule, and will consider any comments received as it evaluates whether any modifications to the emergency measures are needed. NMFS will continue to monitor and evaluate the COVID–19 pandemic and will take additional action if needed. Unless otherwise determined, NMFS anticipates that these emergency measures will be effective until the earlier of the following dates: (1) The date when the current COVID–19 pandemic is no longer deemed a public health emergency by the Secretary of Health and Human Services; and (2) September 23, 2020, with a possible extension of 186 days following that date, *see* MSA section 305(c)(3)(B), 16 U.S.C. 1855(c)(3)(B), if necessary. As warranted, if this emergency continues beyond the end of the 186-day extension period, NMFS may consult with the Secretary of Health and Human Services pursuant to MSA section 305(c)(3)(C) or may conduct more permanent rulemaking.

NMFS expects this emergency action to advance the protection of and to promote public health and the safety of fishermen, observers, and other parties in the area that may come in contact with those persons, consistent with relevant guidance and any local, State, and national requirements, and to help

secure the economic well-being of the Nation. NMFS will consider applicable law (e.g., the Endangered Species Act and the statutes noted above) and international obligations when making decisions about observer coverage waivers. In issuing such waivers, NMFS will carefully monitor the status of the fishery and/or protected species that were being observed or monitored to ensure that the relevant conservation and management goals are still being met. If needed to address any significant issues or concerns, or if NMFS determines that a waiver cannot be issued (e.g., observer coverage is required due to other applicable law or international obligations), NMFS may implement additional, separate actions (e.g., fishery closures, additional monitoring) per existing regulations or may issue emergency regulations, as necessary and appropriate. As a result, no ecological or socioeconomic impacts are expected by this temporary rule beyond any caused by the COVID-19 pandemic itself.

Classification

This action is issued pursuant to section 305(c) of the MSA, 16 U.S.C. 1855(c), and pursuant to the rulemaking authority under other statutes that apply to Federal fisheries management or that implement international agreements. Such statutes include, but are not limited to, the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*), South Pacific Tuna Act of 1988 (16 U.S.C. 973 *et seq.*), Western and Central Pacific Commission Implementation Act

(16 U.S.C. 6901 *et seq.*), Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), Antigua Convention Implementing Act (16 U.S.C. 951 *et seq.*), High Seas Fishing Compliance Act (16 U.S.C. 5501 *et seq.*), and MMPA (16 U.S.C. 1361 *et seq.*). This temporary rule is intended to authorize NMFS to waive any observer requirement implemented under any of those authorities, consistent with other applicable law. Consistent with MSA section 305(c)(3)(B), this action will remain in effect as to all such requirements for 180 days, with a possible extension of up to an additional 186 days (unless, prior to these dates, the current COVID-19 pandemic is no longer deemed a public health emergency by the Secretary of Health and Human Services, in which case NMFS anticipates that a notice of termination of this temporary rule would be filed in the **Federal Register** pursuant to MSA section 305(c)(3)(D)). If this emergency needs to be extended beyond that time, or if this public health emergency evolves to the point where it is deemed necessary, NMFS will consult with the Secretary of Health and Human Services, pursuant to MSA section 305(c)(3)(C), to seek the Secretary's concurrence on extending the action until the circumstances that created the public health emergency related to COVID-19 no longer exist.

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public

comment. Prior notice and opportunity for public comment would be contrary to the public interest, as this action is needed immediately to enable NMFS to respond to evolving, public safety-related concerns. NMFS is implementing this emergency action to authorize action to prevent any potential health issues caused by spreading the virus to fishermen, observers, technicians, and other persons involved with observer coverage. Any delay of implementation of this emergency action could result in public health and safety issues during this global pandemic. In addition, this emergency action is needed to address potential disruptions in observer and technician availability due to health, training or travel issues or COVID-19-related guidance, requirements, or restrictions.

For the reasons stated above, the AA also finds good cause to waive the 30-day delay in effective date of this temporary rule under 5 U.S.C. 553(d)(3).

Because prior notice and opportunity for public comment are not required for this temporary rule by 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

Dated: March 24, 2020.

Samuel D. Rauch III,

*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. 2020-06426 Filed 3-24-20; 4:15 pm]

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