



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

April 15, 2020

Dear Partners and Stakeholders:

NOTICE OF WAIVER OF OBSERVER AND CATCH MONITOR COVERAGE REQUIREMENTS

As part of our response to the COVID-19 pandemic, and consistent with the authority provided under the Emergency Rule signed on March 24, 2020 (Available at: <https://www.fisheries.noaa.gov/action/noaa-fisheries-issues-emergency-action-waive-observer-coverage-case-case-basis>), NOAA Fisheries is temporarily waiving the requirement for commercial fishing vessels and first receivers in west coast fisheries to carry a fishery observer or have a catch monitor. The waiver will be in effect beginning on April 16, 2020 for 14 calendar days. This waiver applies to the following requirements:

- Have 100-percent shoreside and at-sea coverage for vessels and first receivers participating in the Pacific Coast Groundfish Trawl Rationalization Program (50 CFR 660.140(h)(1)(i) and (i)(1), §660.150(j)(1)(i), and §660.160(g)(1)(i);
- Carry a federal observer if selected in the Pacific Coast Groundfish limited entry fixed gear and open access fisheries (§660.216(a) and §660.316(a)), including California halibut and Oregon pink shrimp fisheries;
- Carry a federal observer if selected in the Highly Migratory Species (HMS) fisheries (§660.719(a) and (d)); and,
- Carry an observer as a term and condition of an Exempted Fishing Permits (EFP) issued pursuant to 50 CFR 600.745(b), except for the Deep-Set Shortline EFP for HMS.

This waiver does not apply to trips that are currently underway at sea with an observer onboard or to electronic monitoring (EM) requirements. For vessels using electronic monitoring, this waiver applies to human observers only.

This action is consistent with the Emergency Rule authority to grant waivers for observer requirements under certain circumstances. NOAA Fisheries is granting this limited duration waiver for observer coverage for vessels and processors in west coast fleets based on new social control guidance issued by west coast observer and catch monitor providers. West coast observer and catch monitor service providers (Alaskan Observers Inc., Saltwater Inc. Techsea International Inc., Frank Orth and Associates, and Tenera Environmental) have notified us that they intend to immediately implement policies to address health and safety concerns of the fishing industry and observers associated with the COVID-19 pandemic. Providers intend to implement a policy instituting a 1-to-1 ratio of observers and catch monitors with vessels and plants, and 14-day self-isolation of observers/catch monitors before starting their deployment with their assigned vessel/plant. Providers have requested that NOAA Fisheries temporarily waive coverage requirements in west coast fleets to allow observers/catch monitors time to complete the 14-day self-isolation. I have determined that this situation meets the criteria for a



waiver under the Emergency Rule criteria and warrants a temporary waiver for all west coast fleets to allow observers/catch monitors to complete the 14-day self-isolation period before deploying.

From April 16 – April 30, 2020, vessel owners or operators must still notify the applicable observer program before taking a trip and otherwise comply with applicable regulatory and other requirements. NOAA Fisheries will waive the observer coverage requirement for those trips that are randomly selected for observer coverage.

Industry self-reporting of protected species interactions/take is still required.

- Regulations governing the recordkeeping and reporting of the incidental take of marine mammals are set forth in 50 CFR part 229.
- Regulations governing the recordkeeping, reporting, and disposal of eulachon, green sturgeon, seabirds, marine mammals, and sea turtles in groundfish landings are set forth at 50 CFR 660.140(g).
- Boat captains are responsible for reporting to U.S. Fish and Wildlife Service Law Enforcement by the vessel operator within 72 hours of taking an albatross by phoning 360-753-7764 (WA); 503-682-6131 (OR); or 916-414-6660 (CA).

NEXT STEPS

During this waiver period, NOAA Fisheries will evaluate the impact of this observer coverage waiver on the conservation and management of the affected fishery resources and may make adjustments to the fishery and catch accounting system in the future.

The West Coast Regional Office and the Northwest Fisheries Science Center will evaluate the impacts of this waiver on our fisheries and observer programs throughout this period as follows:

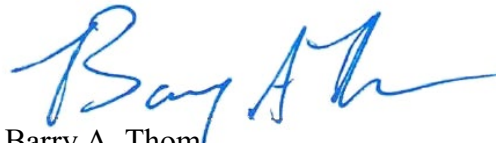
- Monitor fishing activity in comparison to when observers have been deployed, to track continued compliance with legal and regulatory requirements.
- Evaluate weekly observer/catch monitor availability, ability to travel, and level of fishing effort and landings.
- Monitor for changes in current health and safety guidelines that we expect would increase observer/catch monitor availability.

Following this initial 14-day waiver, on May 1, 2020, we do not intend to renew the blanket waiver for all fleets. After the end of the waiver period, providers' social control guidance will likely result in some shortage of observers/catch monitors to meet the coverage needs of all fleets because observers/catch monitors typically serve multiple vessels and plants. However, we anticipate having sufficient observers/catch monitors to maintain the current level of observer coverage in most fleets. We intend to use the Emergency Rule authority to waive individual trips and vessels in lower priority fleets on a case-by-case basis to ensure qualified observers/catch monitors are available for higher priority fleets (i.e., fleets with 100% coverage requirements or bycatch of ESA-listed species).

Observers and catch monitors are an essential component of commercial fishing operations and provide critical information that is necessary to keep fisheries open and to provide sustainable seafood to our nation during this time. We will continue to monitor all local public health notifications, as well as the Centers for Disease Control and Prevention (CDC) for updates. 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.

For additional information, please contact Ryan Wulff, Assistant Regional Administrator for Sustainable Fisheries at (916) 930-3733 or ryan.wulff@noaa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry A. Thom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barry A. Thom
Regional Administrator