



May 14, 2020

Agenda Item F.3
Attachment 2
June 2020

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

Dear Mr. Anderson:

I am writing to respond to the Pacific Fishery Management Council's (Council) recent requests of NOAA's National Marine Fisheries Service (NMFS) regarding the West Coast groundfish electronic monitoring (EM) program.

At the April 2020 meeting, the Council reaffirmed its request that NMFS approve the continuation of the existing groundfish EM exempted fishing permits (EFPs). The Council also adopted a preliminary preferred alternative for a regulatory amendment to delay the implementation date of the third party EM regulatory program by one year to January 1, 2022, in conjunction with the extension of the EFPs. The Council based this request on the need for both the Council and NMFS to prioritize other time-sensitive actions to provide relief for the fishing industry and to allow additional time needed for the Council and industry participants to consult on the EM program guidelines, manual, and other aspects of implementation.

Having reviewed our workload and the outstanding issues necessary to successfully implement the EM program, NMFS is prepared to support extending the EM EFPs for another year, as the Council requested. The Council's motion did not specify who would fund the 2021 EFP video third-party review and data storage. Per NMFS policy, the sampling costs of an EM regulatory program are an industry responsibility. Although NMFS has previously funded sampling costs under the groundfish EM EFP, we currently have no identified funding for these costs beyond 2020.

With respect to the Council's preliminary recommendation to delay the implementation date of the regulatory program to 2022, the agency cannot support or deny the Council's recommendation until the Council forwards to NMFS its final preferred alternative and rationale. As a technical matter, we suggest that finalizing the Council's preliminary recommendation at the upcoming June Council meeting to amend the implementation date in the existing regulations would avoid running two parallel EM programs in 2021. Since the overall EM program regulations are currently in effect, and the remaining regulations are anticipated to be completed this year, NMFS' West Coast Region is obligated under the existing regulations to implement the regulatory program and provide opportunities for service providers and vessel owners to participate in it in 2021, even if the EFPs are extended. Having two parallel EM programs may cause confusion for fishery participants and undermine the Council's goals for extending the EM EFPs another year. Therefore, we agree that revising the implementation date of the regulatory



program to January 1, 2022, to match the expiration date of the EM EFPs, would alleviate this potential inconsistency and accomplish the Council's goals.

We agree with the Council that the collaborative approach taken on the West Coast was responsible for the success of its EM EFP program and that collaboration will continue to be key to successful implementation of the regulatory program. We are committed to a transparent, productive dialogue with the Council and to providing flexibility where we can while maintaining the integrity of the program.

If you or your staff have any questions, please contact Ryan Wulff, Assistant Regional Administrator for Sustainable Fisheries in the West Coast Region, at (916) 930-3733 or Ryan.Wulff@noaa.gov.

Sincerely,

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

Chris Oliver
Assistant Administrator
for Fisheries