

September 3, 2021



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

Mr. Marc Gorelnik
Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

Agenda Item C.4
Supplemental Attachment 2
September 2021

Dear Mr. Gorelnik:

Thank you for your recent letter regarding the Pacific Fishery Management Council's recommendation to delay the effective date of the West Coast groundfish electronic monitoring (EM) program regulations until 2023. I acknowledge the Council's stated concerns about the cost-effectiveness of the program and its interest in exploring the sole-source authority for a grant, contract, or other financial assistance under section 402(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. § 1881a(d), for video review by the Pacific States Marine Fisheries Commission (PacStates). I also acknowledge the Council's interest in exploring funding mechanisms utilizing cost recovery under section 303A(e) of the MSA, 16 U.S.C. § 1853a(e), and addressing concerns regarding confidentiality and federal record retention. Additionally, I acknowledge the Council's specific interest in further investigating the trawl EM program in development under the purview of the North Pacific Fishery Management Council (NPFMC).

I understand the Council prefers that the EM program continue to operate under exempted fishing permits (EFPs) to allow for further evaluation of whether efficient catch handling and discard options would lower costs for vessels that are subject to EM requirements. Continued operation under EFPs would, in the Council's view, also encourage more participation in the bottom trawl fishery and provide time to establish a cost-effective funding mechanism for video review and storage that is consistent with other regional EM programs.

Having reviewed our workload and resources necessary to successfully implement the EM program, We are prepared to support extending the EM EFPs for another two years, provided that the Council addresses two issues.

First, we encourage the Council to clearly explain the purpose and goals of the proposal to continue EM program operation under EFPs. The National Marine Fisheries Service (NMFS) will need that information to evaluate whether EFPs for participating vessels can be issued under the EFP governing regulations at 50 C.F.R. 600.745. Second, regarding the costs of extending operation of the EM program under EFPs, although NMFS has previously funded the EM program's sampling costs, we currently have no identified funding for these costs beyond FY 2021. In order for NMFS to fully support the continued program operation under EFPs, this funding will need to be identified as soon as possible. This may require a mechanism for industry to reimburse PacStates directly for some if not all of the sampling costs.

If these issues can be addressed, and implementation of the regulatory program is delayed, NMFS can work with the Council to evaluate whether the EM model being considered by the NPFMC for the Bering Sea pollock fishery EM program could also be appropriate for operation

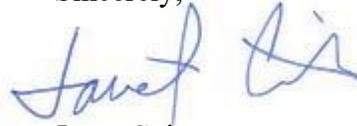


of the West Coast EM program when it transitions to a regulatory program. NMFS encourages the Council to coordinate with the NPFMC and scope its own process to look at developing a consistent approach to EM, including what that would be and how both would be implemented throughout the West Coast and Alaska. There may be other actions the Council may need to take for that approach to work on the West Coast and we would encourage the Council to start looking into all of these issues as soon as possible. We believe that to address these and other issues raised by the Council's preferred approach would require that regulatory implementation of the EM program be delayed until at least January of 2024.

In closing, we agree with the Council that the collaborative approach taken on the West Coast was responsible for the success of its EM 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,



Janet Coit
Assistant Administrator
for Fisheries