

ADDITIONAL
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November 24, 2020

Michael Pentony
Regional Administrator, Greater Atlantic Region
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Re: National Marine Fisheries Service oversight of fishery observer waivers

Dear Mr. Pentony:

On March 20, 2020, in response to the emerging COVID-19 pandemic, the National Marine Fisheries Service (NMFS) issued the first in a series of temporary waivers from the requirements of observer coverage and at-sea monitoring for the fisheries in the Greater Atlantic Region. The COVID-19 pandemic presented unprecedented circumstances, and our groups do not disagree with the rationale for this action - protecting both observers and fishermen. Public health should be a priority in these times and this action was consistent with advice from medical experts.

We were pleased to see that at the time the first waiver was issued, the letter noted that the Greater Atlantic Regional Fisheries Office (GARFO) and the Northeast Fisheries Science Center (NEFSC) would “evaluate the impacts of waivers on our fisheries and observer programs throughout this period” including monitoring fishing activity, fishing effort and landings, which could be indicators that the temporary waiver of observer requirements could be ended.¹

On October 20, 2020 Katherine McArdle, the Branch Chief at Fisheries Monitoring Operations Branch at the NEFSC, submitted a memo to Dr. Jon Hare evaluating the Northeast Fisheries Observer Program (NEFOP), At-Sea Monitor (ASM) and Industry Funded Scallop (IFS) program sea day accomplishments through September 2020.² This memo includes a detailed summary of sea day accomplishment in the 3rd quarter of 2020 (Jun-Sep) noting among other things that only 5% of the total Standardized Bycatch Reporting Methodology (SBRM) days needed to monitor fish discards across both regions (to date) have been completed and combined NEFOP and ASM coverage for the groundfish sector program ranges from 0.2 – 33.9%, depending on the sector. The memorandum provided no explanation for this wide disparity in realized coverage.

¹ National Marine Fisheries Service Regional Administrator Letter to Partners and Stakeholders March 20, 2020.

² McArdle Memo, Update on Northeast Fisheries Observer Program (NEFOP), At-Sea Monitor (ASM) and Industry Funded Scallop (IFS) program sea day accomplishments through September 2020. October 20, 2020.

Pentony
2020 COVID-19 Observer Coverage
11-24-2020

These coverage rates, as you have foreseen, will undoubtedly affect the administration, assessment and management of the full range of fisheries in the region, but it is unclear what NMFS (at either GARFO or the NEFSC) is doing to evaluate, understand and respond to these low levels of coverage. When asked at a recent New England Fishery Management Council committee meeting about the agency's ongoing actions to manage these fisheries, representatives of both GARFO and the NEFSC advised that to the best of their knowledge, nothing was being done to assess the effects of the 2020 observer waivers. If true, this is directly contrary to the assurances provided in the March 20, 2020 announcement of the first waiver.

We write to you to request an explanation of these issues during the waiver period and a clear statement of the agency's plans to support the management, assessment and administration of these fisheries including the legal obligations to prevent overfishing by setting and administering ACLs and associated AMs, and reducing bycatch. The recent discussions around groundfish Amendment 23 have underscored the reliance of our fisheries on robust at-sea observing to collect fisheries-dependent data. We understand that it may have been unsafe or logistically impossible to put observers and at-sea monitors on boats in 2020. However, these circumstances do not remove the agency responsibility to ensure the full range of fisheries is appropriately managed and that any impacts of observer waivers are mitigated appropriately.

We look forward to the agency providing the public with a full description of its actions since the first waivers were issued, including a report to the Council on the agency's efforts to "evaluate the impacts of waivers on our fisheries and observer programs throughout this period. At a minimum, the report should include data on monitoring fishing activity, fishing effort and landings," as well as a full discussion of the effects of the waivers on quota monitoring and the efforts of the agency to meet the requirements of the Magnuson-Stevens Act. Additionally, we urge the agency to report on the effects of these waivers on its spending plan for the affected time period and the current status of appropriations made to the region to fund at-sea monitoring.

Thank you for considering these comments. We look forward to your response.



Gib Brogan
Oceana



Erica Fuller
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