



March 26, 2020

Dear Partners and Stakeholders:

## NOTICE OF WAIVER OF PARTIAL COVERAGE OBSERVER 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 vessels in the North Pacific Observer Program [partial coverage category \(defined at 50 C.F.R. § 679.51\(a\)\(1\) and \(a\)\(3\)\)](#), to carry a fishery observer. **The waiver will be in effect beginning on March 26, 2020 through April 9, 2020, and future extensions of this waiver will be evaluated by NOAA Fisheries weekly.**

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 in vessels in the partial coverage category fleet based on the following factors:

- Limitations on available air travel in Alaska, particularly in many remote Alaskan communities due to increasing concern about the COVID-19 pandemic, can limit observer providers from getting observers to departure points;
- Absence of the State of Alaska Marine Highway System service providing alternative travel methods among certain ports within Alaska reduces opportunities to get observers to departure points;
- Limitations on intra-state travel in Alaska, including local “shelter in place” restrictions which direct self-quarantine practices for anyone traveling into remote communities. These additional limitations limit the ability of observers to be able to fulfill their mission critical work; and
- An ongoing need to conserve our limited observer capacity and coverage capability for other vessels and processing facilities participating in the full coverage category (defined at 50 C.F.R. § 679.51(a)(2)).

From March 26, 2020 through April 9, 2020, vessel owners or operators with vessels in the partial coverage category must log each fishing trip into the Observer Declare and Deploy System ([ODDS](#)) 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. Vessel owners or operators in this pool must log fishing trips at least 72 hours before anticipated departure (see 50 CFR § 679.51(a)(1)(ii)(C)).

## 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 Alaska Regional Fisheries Office and the Alaska 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 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 availability.

## **PROTECTED SPECIES**

Industry self-reporting of protected species interactions/take (marine mammals, seabirds) is still required. Regulations governing the recordkeeping and reporting of the incidental take of marine mammals are set forth in 50 CFR part 229. For reporting incidental take of endangered or threatened seabirds, boat captains are responsible for reporting by 1) calling NOAA Fisheries at 1-800-853-1964 or 907-586-7228, or 2) calling U.S. Fish & Wildlife Service at 1-800-858-7621 or 907-271-2888.

## **FULL COVERAGE CATEGORY AND ELECTRONIC MONITORING**

At this time, there are no changes to monitoring requirements for vessels in the full coverage category or vessels participating in the Electronic Monitoring Trip Selection Pool under the partial coverage category. An observer coverage waiver for vessels or processors in the full coverage category are not being considered at this time because:

- There are adequate numbers of observers currently deployed in the full coverage category.
- If observer availability becomes a problem, vessels and processors in the full coverage category generally operate under Limited Access Privilege Programs and have wide flexibility as to when they harvest allocated species.
- Observer data is used by Industry for cooperative fishery management and no alternate data source exists.
- These vessels operate out of a limited number of ports and are typically assigned to a vessel for a long period of time, reducing their frequency of travel and the amount of public interactions.

Please direct all questions to [glenn.merrill@noaa.gov](mailto:glenn.merrill@noaa.gov).

Sincerely,



Jim Balsiger