

Inseason Guidance related to COVID (Internal Guidance Only)

Last updated: June 22, 2020

This internal guidance is designed to assist how Inseason actions discuss the COVID-19 pandemic either in a Rule or Inseason announcement. Any reference to COVID-19, the pandemic, or other similar references in documents that are publically available or reviewed by GC, require pre-approval from Sam Rauch by sending to Emma Htun. This includes documents published in the OFR, Decision Memos, etc.

1. *Option 1 - Preferred approach. Make no reference to anything COVID related.*

This option assumes that the action can be supported by using facts, impacts, etc, that we would also use under normal circumstances. For this option, focus on the specific facts, impacts, etc., that have resulted in needing to take action. No reference to any stay-at-home orders, travel restrictions, or anything COVID related is needed.

For example:

Since [insert appropriate timeframe - e.g., mid-June], the fishery has experienced: [insert specific facts, impacts, etc. - e.g., disruptions to market, crew members unable to access the ports, closures of harbors and boat ramps, disruptions to obtaining needed supplies to go fishing]. As a result, NMFS is [insert what we're doing - e.g., implementing this emergency rule; modifying trip limits; increasing season length; taking appropriate action].

2. *Option 2. Use general terms to discuss local or regional travel restrictions or refer to CDC guidance.*

This option should be used on a limited basis. Situations, such as Council requests or public comment, may require some reference to the current situation in response to their comments. In those cases, use general terms to discuss the current situation in factual terms acknowledging actions taken outside of our jurisdiction. Any changes to these sentences and phrases, even minor ones, require F-Suite review and will lengthen the review process.

Approved sentences and phrases that can be used include:

- [Insert normal NMFS business action - e.g., Providing seafood to the country; Monitoring fisheries] remains an essential function even in these extraordinary times.
- NOAA Fisheries [or NMFS in a Federal Register document] will continue to monitor all local public health notifications, as well as the Centers for Disease Control and Prevention (CDC) for updates.
- NOAA Fisheries [or NMFS in a Federal Register document] is committed to protecting the public health and ensuring the safety of [insert appropriate entity - e.g., fishermen, observers, port agents] while fulfilling our mission to maintain our nation's seafood

supply and conserving marine life.

- In recognition of [local/regional/numerous] travel or social distancing restrictions or guidance, NOAA Fisheries [or NMFS in a Federal Register document] is [insert action].
- NOAA Fisheries [or NMFS in a Federal Register document] believes that it is necessary to [insert some normal NMFS function - eg. keep fisheries open to the extent practicable] to provide sustainable seafood to our nation during this time.
- [Insert beginning of sentence - e.g., Fishermen are experiencing these impacts].....due to existing health mandates and travel restrictions....[Insert end of sentence, if needed]
- NOAA Fisheries [or NMFS in a Federal Register document] considered existing health mandates and travel restrictions [or public health and safety concerns],[it is ok to expand the list and insert other items considered if needed - e.g., need for monitoring or recent landings], and determined that this action was necessary to meet management and conservation objectives.

3. *Option 3. Limited direct mention of COVID-19 or pandemic.*

This option will be used on an extremely limited basis: it is appropriate if the ONLY reason for the action is because of the pandemic (e.g., the emergency rule for observer waivers). F-Suite will need to approve the use of this option for any action before documents are drafted. Use of this option will result in lengthened and additional review.

Below is the approved language that can be added to Inseason actions that require referencing the Observer Waiver. If used, this language must be copied exactly as written, including the regional snapshots. The only modifications allowed are if additional specific details are needed and added to the existing language:

Providing seafood to the country remains an essential function even in these extraordinary times. Adequately monitoring United States fisheries remains an essential part of that process. However, in recognition of numerous travel or social distancing restrictions or guidance, NOAA Fisheries recently issued an emergency action to provide the authority to waive observer coverage, some training, and other program requirements while meeting conservation needs and providing an ongoing supply of fish to markets. Under this emergency action, NOAA Fisheries regional administrators, office directors, or science center directors have the ability to waive observer requirements in three specific circumstances, after consulting with observer providers.

NOAA Fisheries is closely monitoring the COVID-19 situation. The regional observer programs are working with observer providers to discuss options for the safe deployment of observers on vessels and at processing plants. Observer providers are considering ways to confirm observers are COVID-free via mandatory self-isolation prior to and between trips, mandatory testing, and other procedures (see one-to-one approach below). Observers who suspect they are ill are instructed to contact their employer, the observer provider, and immediately seek medical advice. We note, however, that there is

no evidence to suggest that observers or monitors pose any more risk of transmission than any other fishing crew member or processing plant employee.

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, NOAA Fisheries has issued several temporary waivers over the past month regarding the requirement for federally-permitted vessels to carry an observer/monitor while participating in some federal fisheries in the Greater Atlantic, North Pacific, Southeast and West Coast Regions. Over the past several weeks, NOAA Fisheries has continued to monitor and evaluate this situation. Throughout the country, we have actively worked with the observer service providers to understand their local restrictions and implement adjustments to the logistics of deploying observers, ensuring qualified observers or at-sea monitors are available as soon as safely possible. In several regions, providers' social control guidance has been in place and we now anticipate having sufficient observers/catch monitors to achieve the appropriate level of observer coverage in most fleets and return these employees back to work. Individual waivers for trips and vessels in lower priority fleets may be issued 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).

Regional Snapshot:

- **Alaska Region** – Observer coverage continues for vessels in the Full Coverage Category of regional fisheries. The region extended the existing observer waiver for vessels in the Partial Coverage Category of the North Pacific groundfish and Pacific Halibut fisheries operating from ports other than Kodiak, Alaska. This exemption does not exempt vessels using electronic monitoring, or the requirement that vessels continue to log trips in Observer Declare and Deploy System (ODDS). This limited waiver extension is in effect through June 14, 2020.
- **West Coast Region** – Beginning at 12:00 a.m. on May 1, 2020, fishery observer and catch monitor coverage was again required per existing regulations for all commercial fishing vessels and first receivers in required West Coast fisheries. Waivers of partial, scientific observer coverage are being issued, including for the portion of the fleet using electronic monitoring. Waivers of observer coverage will continue as needed on a vessel-by-vessel basis, with the region ready to provide waivers for large purse seine vessels if a vessel is unable to get an Inter-American Tropical Tuna Commission (IATTC)-approved observer for tuna fisheries in the eastern Pacific Ocean.
- **Pacific Island Region** – Observer coverage continues in all required fisheries. Waivers of observer coverage will continue as needed on a vessel-by-vessel basis. International observer requirements for tuna purse seine vessels have been waived by the Western and Central Pacific Fisheries Commission until July 31, 2020. Observer coverage has resumed in some required fisheries.

- **Southeast Region** - Beginning at 12:00 a.m. on May 5, 2020, observer coverage was again required per existing regulations for the following fisheries: South Atlantic Penaeid Shrimp, South Atlantic Rock Shrimp, South Atlantic Snapper-Grouper, Southeast Gillnet, Gulf of Mexico Commercial Reef Fish, Gulf of Mexico Shrimp, Atlantic Highly Migratory Species (HMS) Pelagic Longline, Shark Bottom Longline (Atlantic HMS), Shark Gillnet (Atlantic HMS). Waivers of observer coverage will continue as needed on a vessel-by-vessel basis.
- **Greater Atlantic Region** – The region has extended the existing observer waiver exempting all vessels issued Greater Atlantic Region permits from the requirements to carry an observer or at-sea monitor. This waiver is in effect through June 30. Observer coverage to resume July 1, 2020.