



## Mid-Atlantic Fishery Management Council

800 North State Street, Suite 201, Dover, DE 19901  
Phone: 302-674-2331 | FAX: 302-674-5399 | [www.mafmc.org](http://www.mafmc.org)  
Michael P. Luisi, Chairman | Wes Townsend, Vice Chairman  
Christopher M. Moore, Ph.D., Executive Director

August 13, 2020

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

Dr. Jon Hare  
Science and Research Director  
Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543

Dear Mr. Pentony and Dr. Hare:

On behalf of the Mid-Atlantic Fishery Management Council (Council), I am writing to express our deep concern about the plan to redeploy observers on vessels in the Greater Atlantic Region on August 14, 2020. Given the continued transmission of the COVID-19 virus, we do not believe the observer program can be safely operated at this time.

According to the Centers for Disease Control, when we last communicated on this issue (June 23, 2020), the 7-day new case average was under 30,000 new cases per day.<sup>1</sup> On August 11, 2020, the national 7-day average of new cases was over 52,000 new cases per day.<sup>1</sup> Given the ongoing community transmission of the virus and the particularly high risk of transmission in the close quarters onboard a vessel, we believe that deploying observers on fishing vessels at this time poses an unwarranted risk to fishermen, observers, and associated communities.

During our August 2020 Meeting the Council discussed these concerns and approved a motion to recommend that you extend the observer/monitor waiver granted to vessels with Greater Atlantic Region fishing permits through December 31, 2020. This recommendation aligns with the Council's position regarding in-person meetings, which prioritizes the health and safety of participants. It also appears to align with NOAA Fisheries' recent decision to cancel several at-sea surveys "due to the uncertainties created by the COVID-19 pandemic and the unique challenges those are creating for NOAA Fisheries."<sup>2</sup>

In evaluating when and how to redeploy observers, we encourage you to consider not only the health risks to individuals onboard the fishing vessels but also the potential lost wages/revenues and liabilities if a vessel cannot operate due to an infection caused by an observer. We still have not yet received an official response to the following question posed to you in our June 23, 2020 letter: "Given the known risks of the ongoing pandemic, is NOAA planning to assume liability for the health costs and other legal or financial ramifications resulting from an infection transmitted by an observer?" (The same question would apply to an infection transmitted to an observer.)

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

<sup>2</sup> <https://www.fisheries.noaa.gov/agency-statement/noaa-fisheries-cancels-four-fisheries-and-ecosystem-surveys-2020>;  
<https://content.govdelivery.com/accounts/USNOAAFISHERIES/bulletins/294acb5>

The Council recognizes and appreciates that observers provide valuable data and support the effective management of U.S. fisheries. As part of the motion approved at our August 2020 meeting, we have directed staff to commence discussions and analyses with NMFS staff regarding the science and management impacts of this waiver extension.

In closing, the Council continues to believe that the observer program cannot be safely operated at this time and urges you to reconsider your plans to lift the observer waiver.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Luisi". The signature is fluid and cursive, with a large initial "M" and "L".

Michael P. Luisi  
Chairman, Mid-Atlantic Fishery Management Council

cc: Mid-Atlantic Council Members  
Dr. Chris Moore, MAFMC Executive Director  
Mr. Chris Oliver, NOAA Fisheries Assistant Administrator for Fisheries  
Mr. Sam Rauch, NOAA Fisheries Deputy Assistant Administrator for Regulatory Programs