

Appendix 9: Interview Questions for SEFSC Observer Program staff.

- 1) Have there been any internal reviews, evaluations, or inquiries that NMFS has conducted since Jan. 1, 2008 to present of the Southeast Observer Program and/or Pelagic Observer Programs?

Answer: No, there have been no reviews.

- 2) Please describe mechanisms in place to ensure that fisheries observers are encouraged to document marine resource violations (e.g. shark finning and marine pollution) and directly report such potential violations to OLE.

Answer: The POP manual has a module on fisheries violations but there is no module for MARPOL violations. [NMFS investigators requested a copy of the manual]. The POP produces quarterly reports on all vessels that were selected for coverage but failed to carry an observer.

- 3) Please provide a copy of the form(s) used to collect data on marine resource violations.

Answer: Will be provided.

- 4) Please provide a copy of the form(s) used to collect MARPOL violations.

Answer: Will be provided.

- 5) Please describe any internal control processes by which NMFS ensures that fisheries observers are encouraged to directly report to NMFS any mistreatment aboard fishery vessels (i.e. unsafe conditions, harassment or other abusive treatment, or improper accommodations), and how reported instances of mistreatment are addressed.

Answer: Provided in Appendix 4. In addition, observers are asked to document anything inappropriate that occurs on the vessel in their field diaries. SEFSC staff noted that Mr. Combs did not report unsafe conditions in his field diaries.

- 6) In the example described by Mr. Combs of an expired EPIRB sticker, did he deploy? If so, were you able to determine the expiration date of the EPIRB prior to his deployment?

Answer: If there is a missing EPIRB sticker the observer must contact the observer program. NMFS investigators asked for a copy of the safety checklist.

- 7) Why are expired EPIRB registrations not considered a No-Go issue? Is it because observers carry their own EPIRB?

Answer: EPIRB expiration was changed to a No-Go in December 2011.

8) Did anyone from the POP instruct Mr. Combs to scratch in a date on the hydrostatic release?

Answer: No. In training observers are told not to touch safety equipment. Only vessel owners can mark earliest date per guidance from the U.S. Coast Guard. NMFS investigators asked for a copy of the U.S. Coast Guard guidance.

9) If there is an expired or unmarked hydrostatic release date, is the valise life raft required to have sufficient capacity for the observer only, or for the observer and crew?

Answer: Based on previous deployments on the vessel by other observers the hydrostatic release was supposed to be good for another 8 months. NMFS investigators asked for a copy of the previous observers' checklist with dates.

10) According to SE Observer Program staff, "[On] Mr. Combs' historical vessel safety checklists, he has documented 1 expired life raft hydrostatic release, multiple unmarked EPIRB hydrostatic releases, and a few expired EPIRB registrations." Please provide an explanation for actions taken during each of these incidents. Please describe the SE Observer Program policy towards situations where EPIRBs and/or liferafts do not have a valid expiration date.

Answer: Checklists all come in after a trip. If there is an issue beforehand, then they are addressed. At the time, expired EPIRBs were not a No-Go.

11) Please describe how an unmarked hydrostatic release can be validated. Are these instructions given to observers during training?

Answer: As of the last training in fall 2011 observers are provided with this information.

12) Is the requirement for 48 hour notice in the reef, shark, and shrimp programs a regulatory requirement? If so, please provide the regulation citation.

Answer: There is a requirement but it is not in the regulations, it is provided in the notification letter sent to vessels selected for observer coverage.

13) Is there a regulatory requirement for advance notice of observer coverage in the POP?

Answer: No.

14) What is the Southeast policy on advance notice for observers? Are they given 24 hrs, 48 hrs, or some other advance notice time? Is this documented in training materials provided to observers?

Answer: Observers are asked if they are prepared to deploy. It is rare to ask an observer to get back on a boat if they just deployed. Observers are given the opportunity to take the trip and have the opportunity to decline.

- 15) Please provide documentation on how observer safety training is tracked. Was Mr. Combs allowed to deploy after expiration of and prior to receiving his three year safety refresher training?

Answer: Observer deployments are tracked in a spreadsheet. In Mr. Combs case he was deployed 8 days after his training expired.

- 16) Please provide the form(s) and protocols for collecting and transporting protected species specimens.

- 17) Please provide a copy of the CITES permit given to Mr. Combs when he was deployed to Canada.

Answer: A copy will be provided. Observers should follow instructions from Customs and it is up to observers to declare what is in their possession. Mr. Combs was not instructed to hide his samples.

Written statement from Larry Beerkircher: I did in fact instruct Jon to retain his biological samples when returning from Canada rather than shipping them via FedEx. This was due to the fact that the POP had limited experience with shipping items from foreign locations, and wanted to make sure the samples got back to the US in a timely manner, and were not held up in Customs or at a FedEx location after the observer had already departed for home and was not on site to deal with any issues. I do also remember telling Jon that it would be easier to place the samples (small vials of DMSO preservative with small biopsy plugs of tissue inside) inside his checked bags rather than in his carry-on as I was not familiar with the Canadian Authorities' policy on liquids in carry-ons. I probably even used the term "avoiding hassles". However, at no point did I instruct Jon to conceal any item that might or might not need to be declared, nor did I tell him not to declare these samples. Jon had been provided with a permit that allowed for retention and transportation of samples from endangered species, and would have been expected to follow the lawful instructions provided by officials to travelers at immigration checkpoints.

- 18) During the oil spill, was Mr. Combs paid for the time he was on standby?

Answer: Yes, he was paid regular and overtime pay while on standby.

- 19) What are the training standards for the Bluefin Tuna Special Study? If possible please provide a copy.

Answer: The training standards are the same for the Bluefin Tuna study as for other observers.

- 20) Is there a formal debriefing process for observers and how frequently does it occur? Is the process described in training materials or elsewhere?

Answer: Debriefings are covered in the first tab of the POP Observer Manual and in the Field Instructions Tab 1, p 3. There is no formalized feedback for observers and no ratings are provided. In Q3 of 2011 IAP Services requested input on observer performance including deficiencies and a

letter grade which the POP tracks in a spreadsheet. NMFS investigators requested a copy of the spreadsheet.

21) Can you please provide a list of observers for us to contact?

Answer: A list of all observers since 2008 was provided.

22) Please provide any other comments or information that you believe are pertinent to this investigation.

Comment: Mr. Combs is still an employee of IAP and has been offered other work.