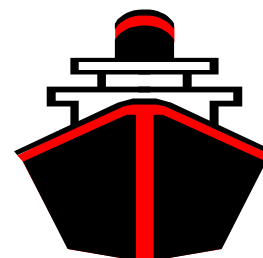




the
Mail Buoy

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**NORTH PACIFIC FISHERIES
MANAGEMENT COUNCIL UPDATE**

Council Action on Observer Program Issues
(Reprinted from June 2000 *NPFMC News and Notes*)

At its June meeting in Portland, The Council took final action on a package of regulatory amendments for the groundfish observer program. The five issues in that package, and the Council's actions, are summarized as follows:

Shoreside plant observer periods – The Council approved Alternative D from the analysis which would allow for reduction in observer coverage from 100% to 30% in plants for the remainder of a month when pollock or P.cod fisheries close. A plant would be required to maintain 30% coverage for the rest of the month, and landings received by the plant may not exceed 250 mt/week for the remainder of that month (increased observer coverage would be allowed if the plant wishes to exceed the 250 mt/week threshold.)

Shoreside plant observer logistics – The Council approved Alternative B from the analysis, which would require the observer contractor to provide observer logistical support, including minimum lodging conditions, travel and communications support.

Assignment of observer to multiple shoreside plants – The Council approved Alternative A, status quo, from the analysis, which means there are no restrictions on the number of plants to which an observer may be concurrently assigned.

Groundfish pot fishery coverage requirements – The Council approved Alternative B, Option 1 from the analysis, which would amend observer coverage requirements for a vessel equal to or greater than 60ft LOA fishing with pot gear that participates for more than 3 days in a directed fishery for groundfish in a calendar quarter so that such a vessel must have an observer aboard during at

least 30% of the total pot retrievals by that vessel in that calendar quarter (rather than for 30% of its fishing days in that quarter). Groundfish would be required to be retained each day the observer is on board and gear is retrieved for the observer coverage to be valid. (*Con't on p.2*)

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Confidentiality of observer personal information – The Council approved Alternative B from the analysis, which would amend the regulations to prohibit observer contractor from distributing personal information, such as observers' resumes, home addresses, phone numbers, etc. Observer

evaluations and deployment ratings were not included in the prohibition as approved by the Council. Council contact is Chris Oliver (or Bridget Mansfield at NMFS in Juneau).

[Editor's Note: The Council will take up observer issues including further discussion of the MRAG report and NMFS responses at it's September meeting in Anchorage. The APO would like to see as many observers as possible attend and provide comments. Contact the APO for more information.]

OAC MEETS 7/24 (Kim Dietrich)

The Observer Advisory Committee (OAC) met on 7/24-7/25/00 in Seattle. Complete minutes will be available from the Council Office by September and will be published in the next *Mail Buoy*. Briefly, items discussed included:

1) MRAG report and NMFS' recommendations.

- The Groundfish Observer Program (GOP) was given the green light to pursue the "no cost" contract concept with the AFA catcher processors and motherships as a way to address some of the problems with the pay-as-you-go service delivery model (SDM). See page 10 for more information on no-cost contract.
- GOP, NMFS Enforcement and the NMFS Alaska Region will meet in September to discuss GOP goals and objectives. There was general agreement at the OAC that the goals & objectives as currently drafted are all necessary, however, the OAC discussed a need to prioritize these goals. NMFS staff will report to the Council at the October meeting in Sitka. The OAC decided it was best to work on implementing the "no-cost" contract parallel to working on goals and objectives.

2) Long term issues that need resolution:

- How much coverage is necessary? This issue is clearly linked to the goals & objectives of the program and will require both management and the stock assessment group to provide input. The difference between what we call coverage and effective coverage was also acknowledged. However, there was no concrete plan of action discussed regarding differentiation between actual and effective coverage.
- A SDM that's "fair and equitable" and palatable to industry is becoming more and more difficult to implement. It was clear that each stakeholder has a different philosophical definition of what "fair and equitable" means which is why both a fee, based on catch, and TAC set-aside were not acceptable to the majority. More emphasis was placed on developing some sort of flat "observer" fee integrating projected cost of observers for a given year and linking that cost across the fleet in some way. Chris Oliver is will include further details in the minutes.

NMFS-ALASKA REGION UPDATE

AK Region Response to APO letter 2/5/00 (Printed as Received)

July 25, 2000

Thank you for your letter of February 5, 2000, in which you provide suggestions for improvement of the North Pacific Groundfish Observer Program (NPGOP) structure and policies. Your primary suggestion to address difficult issues facing the NPGOP is to revise and implement the North Pacific Fisheries Research Plan (Research Plan). You acknowledge that this will involve substantial time to achieve and therefore provide suggestions for near term resolution to several specific issues.

The National Marine Fisheries Service (NMFS), the North Pacific Fishery Management Council (Council), and the Alaska fishing industry rely heavily on the observer data collected under the management of the NPGOP. The program is large and complex, and the NPGOP continues to achieve high standards in data quality despite the many challenges it faces. However, we agree that fundamental issues facing the NPGOP could best be addressed through a comprehensive restructuring of the program. Several aspects of the Research Plan, as developed and implemented in 1996, prevented industry and Council acceptance of the overall program structure and it was repealed. The Research Plan was followed by an attempt to address many of the same issues through the Joint Partnership Agreement, which also failed in 1998. Since then NMFS and Council staff, together with the Council's Observer Advisory Committee (OAC), have reinitiated efforts toward program restructuring under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Changes to Alaska fisheries management resulting from the American Fisheries Act (AFA), the Western Alaska Community Development Quota (CDQ) Program, and other issues require us to reevaluate the current relevance of old Research Plan components and revise as appropriate, as well as to develop new initiatives to address new issues. An independent review of NPGOP structure and

effectiveness is complete and supports this initiative.

The current interim program expires at the end of 2000. NMFS is pursuing rulemaking to extend this program through 2002. No other changes to the program will be included in this rulemaking to facilitate its timely review and implementation prior to 2001. Near-term changes to regulations supporting the NPGOP that were adopted by the Council at its June 2000 meeting will be pursued through separate rulemaking as soon as practicable. Pending Council action and adequate statute support, a revised program structure could be implemented in 2003.

You also raised the following specific issues that you would like to see addressed as soon as practicable and offer suggestions for resolving them.

1. *Modify the current certification arrangement between NMFS and observer providers.* You expressed concern that NMFS has exhibited minimal oversight of observer providers and question whether NMFS has authority or has chosen not to exercise authority of such oversight. To clarify, NMFS's oversight of observer provider services is limited to the regulatory responsibilities of the provider companies. When the agency has become aware of instances of an observer company failing to meet those responsibilities, NMFS has pursued available avenues to correct such problems. While the option of decertification of an observer company is available to the NMFS, this option would be used to remedy only the most extreme problems. We agree that more effective approaches likely exist for managing routine problems.

You proposed an alternative oversight process through "no cost" contracts between observer provider companies and NMFS. As stated above, the agency is assessing options for program restructuring, including alternative observer procurement and funding mechanisms. NMFS believes that implementing a "no cost" contract could be a positive step toward shifting contractor oversight from a regulatory framework to the statement of work of a binding contract. We intend to pursue a pilot "no cost" contract that would be limited initially to the AFA mothership and catcher/processor sectors of the fishery.

2. *Establish protocol for observer refusal of assignment for safety reasons.* The NPGOP instructs observers that their first priority upon embarking a vessel is to check for a valid U.S. Coast Guard safety inspection decal, as required under §50 CFR 679.50(f)(1)(ii)(B). Observers are instructed in training to disembark the vessel immediately if a valid decal is not present. They are instructed to then notify NMFS, who in turn notifies the Coast Guard. NMFS also encourages the observer to notify the NPGOP when he or she identifies a potentially serious safety issue even if a current decal is present. NMFS policy when no decal is present is to notify the Coast Guard. In each instance when the NPGOP was made aware of observer safety concerns, it notified the Coast Guard, who in turn responded in a timely fashion and evaluated the safety of the vessel in question.

NMFS acknowledges that these policies do not relieve the observer of the burden of notifying NMFS of a safety concern when a valid Coast Guard decal is present. This situation involves a subjective assessment by an observer who may be reluctant to notify NMFS for fear of being perceived as the cause of an unnecessary delay in a vessel's departure, or of jeopardizing his or her continued employment with an observer provider. We acknowledge your suggestion to prohibit any observer from boarding a vessel of concern until the situation is resolved. However, the NPGOP would like to open a dialogue with interested parties to discuss this and other possible solutions to this dilemma. The NPGOP also intends to raise this issue with the National Observer Program Advisory Team, because the observer safety regulations in question are national in scope.

3. *Establish equity for observers in the decertification process.* You expressed concern that no time limit exists for the NPGOP to conclude an observer decertification investigation and make a determination. NMFS acknowledges that undesirable delays in completing decertification processing have occurred over the past year due to staff resource constraints. The resulting backlog now has been resolved and efforts to minimize such a re-occurrence include a re-prioritization of staff tasking. The NPGOP expects the majority of decertification cases to be

resolved within ninety days of the observer being notified of the proceedings. The NPGOP makes every effort to process all cases expeditiously, however, more complex cases may take longer to resolve. The program considers these investigations seriously and attempts to proceed judiciously to ensure that an observer is not unfairly decertified. Several observers have been exonerated due to this thorough review.

NMFS must balance the inconvenience to an observer of not being allowed to work during this process with the public's interest in the collection of quality fisheries data. The data observers collect are critical for NMFS's management of the Alaskan groundfish fisheries. The integrity of these data must be beyond reproach. To protect that integrity, and because grounds for decertification may implicate the data, an observer under review for decertification may not be allowed to resume observer duties until the issue is resolved.

4. *Decrease the turnover rate of observers.* NMFS is fully supportive of retaining experienced observers who are able to collect high quality data. The debriefing process has shown that experienced observers generally collect higher quality data when compared to less experienced observers due, at least in part, to a natural learning curve. As the need for extremely high quality data grows with the implementation of programs such as the CDQ and AFA programs, the need for more experienced observers grows. As we work with the Council and industry on the overall program restructuring, we intend to give serious consideration to implementing the means necessary for encouraging quality observers to remain in the program.

5. *Distribution of personal information about observers.* Alternatives to resolve this issue are included in an analysis for proposed rulemaking that was presented to the Council for final action at its June 2000 meeting. The Council recommended that personal information such as address, phone number, social security number, employment history, and other information that may be found on a resume not be distributed to industry clients by observer companies. However, the Council also recommended that observer deployment evaluations and

rating scores be made available to industry pending a determination from NMFS that the release of this information would not pose confidentiality concerns. NMFS will assess the impact of the Council's action on individual observer privacy and on legal concerns about releasing this information relative to confidentiality issues, as well as potential uses of the information by industry.

6. *Sampling stations regulations.* Sampling stations currently are required aboard some vessels participating in CDQ and AFA fisheries. We currently do not have plans to require sampling stations aboard other vessels. Vessels interested in voluntarily installing a sampling station may use the current requirements for CDQ and AFA vessels for guidance or may contact NPGOP staff for further individual guidance. Observers are advised of known sampling problems and possible solutions aboard specific vessels prior to embarking on that vessel via review of NPGOP's vessel profiles. Discussion of solutions to sampling problems can be discussed with NPGOP in-season advisors while at sea via ATLAS. Additionally, NPGOP cadre staff will be expected to work in the field with observers and vessel personnel to resolve any such issues.

7. *Flexibility to place observer cadre staff on vessels.* NMFS intends to place cadre staff aboard vessels to assist observers and vessel personnel with resolution of sampling problems and other issues. However, as you point out, a regulatory framework must be developed to provide the authority for this use of NMFS staff. To this end, NMFS staff will determine a protocol establishing how and under what circumstances cadre personnel will be deployed at sea. Although these details have not yet been worked out, we cannot preclude the possibility of cadre staff replacing paid observers, because circumstances may warrant this to resolve some at-sea problems. NMFS understands that this is a sensitive issue and would like to interface with affected parties on the relative costs and benefits of cadre staff working at sea to resolve the more complex sampling issues facing observers.

Your thoughtful suggestions for improving Observer Program policies and operations are welcomed, and we look forward to working with you through the

OAC during the program restructuring process.

Sincerely,
James W. Balsiger
Administrator, Alaska Region

[Editor's Note: The APO is in the process of responding to both the Region and the Council regarding item 5 above. The APO strongly disagrees with the Council's exclusion of observer evaluations and performance ratings in the personal information not supplied to the industry.]



NORTH PACIFIC OBSERVER PROGRAM UPDATE

MRAG Report Released

The "Independent Review of the North Pacific Observer Program" prepared by MRAG Americas, Inc. was released on June 23, 2000 along with the Alaska Fisheries Science Center's formal response. A copy of the 128 page document can be obtained from Martin Loefflad or any of the Observer Program staff. Mr. Loefflad's contact number is 206-526-4194. There is a lot of information not included in the Executive Summary below; the full report is a great resource for all observers and people interested in the North Pacific Observer Program.

EXECUTIVE SUMMARY (printed in full):

Background

The North Pacific Groundfish Observer Program (NPGOP) collects, maintains, and distributes data for scientific, management, and regulation compliance purposes for fisheries in the 900,000 square mile Exclusive Economic Zone off the coast of Alaska. The NPGOP is administered from the Observer Program Office (OPO) at the Alaska Fisheries Science Center (AFSC).

The NPGOP was created in its current form in January 1990, with the establishment of the Alaska domestic groundfish observer program. Prior to this, observers deployed on foreign vessels had been paid for through fees collected directly from the foreign fleet. In 1990, NMFS lacked the authority to collect user fees from participants in the domestic fishery, effectively ending its ability to provide funds for, and use the federal contracting process. Consequently, the North Pacific Fisheries Management Council (the Council) devised an interim third party "pay-as-you-go" system under which vessel and processing plant owners contracted directly with private observer companies certified by NMFS, and paid for observer services as needed.

Under the NPGOP, requirement of observer coverage is based on vessel size and gear type for vessels and on the amount of groundfish delivered each month for fish processing plants. The Federal Government covers the costs associated with the administration of the program by the OPO, observer certification training and briefing, observer debriefing, and management of the observer data.

The third party pay-as-you-go system developed by the Council was regarded as an interim solution, designed to meet the needs at that time. From the outset, the Council was committed to working with Congress on a Magnuson Act amendment which would authorize collection of fees to cover observer coverage costs. Under the fee-based program concept, NMFS would contract directly for observer services, thereby eliminating the potential for conflict of interest generated by the direct contractual arrangement between the industry and the observer providers, and establishing arrangements under which observer companies would be directly accountable to NMFS for data quality.

The Magnuson Act amendment was passed in 1990 and NMFS began to develop the regulatory infrastructure necessary to support the new Observer Program and to put in place a system for collecting fees. This later became known as the North Pacific Fisheries Research Plan, or Research Plan for short. Final action to implement the Research Plan was taken in 1994. The implementation plan provided for collection of some fees in 1995 so that government funds would be available to initiate contracts with observer companies before the beginning of 1996.

During 1995, industry representatives became increasingly concerned with some aspects of the fee collection system, the complexities of the government procurement system, and the challenges associated with reaching consensus on coverage levels which would meet information needs for science, management, and compliance. Thus, in December 1995, the Council voted to repeal the Research Plan. In its place, the Council initiated development of a modified pay-as-you-go Observer Program under which a "prime contractor," operating under a Joint Partnership Agreement (JPA) would receive all industry payments for observer coverage and would, in turn, contract with observer providers. However, this too failed when the designated prime contractor, the Pacific States Marine Fisheries Commission, was unable to resolve legal and insurance problems associated with this role.

In 1996, the Council called on NMFS to develop a new fee-based program and asked staff to consider several design concepts, some of which could not be implemented under existing Magnuson-Stevens Act authority. Over the past few years, NMFS and the Council have worked together to address fundamental concerns with the design of the NPGOP, primarily associated with the third party pay-as-you-go system. In 1998, the AFSC decided to undertake a

comprehensive review of the NPGOP to address these concerns prior to embarking on another major attempt to re-develop the program. This independent report, initiated in August 1999, forms part of that review process.

Review strategy

This independent review was commissioned by NMFS. While it was intended to look at the overall performance of the NPGOP, the main focus was on components under the control of NMFS, and how NMFS could best move towards achieving the goals and objectives it has set for the NPGOP (note that these goals and objectives are not yet those of the NPGOP as a whole).

Two basic approaches were used for the evaluation of the NPGOP. The first was to look at its performance relative to the Program's stated goals and objectives - has it met these in a cost effective manner, and, if not, what needs to be done to ensure that it does in the future? The second approach was to look at the program objectives, structure, implementation and performance relative to similar observer programs in the region and elsewhere in the world, making direct "peer-group" comparisons.

One of our main strategies for evaluating the Observer Program was to contact as many of the stakeholder groups as possible to solicit opinions and data on its performance. A large amount of information was provided and many opinions expressed during meetings, interviews and other contacts. It was then up to the review team to process this information in order to reach independent and objective conclusions and provide recommendations for the future of the Observer Program. Within the scope of this review it was not possible to treat every issue comprehensively. Hence, not every comment, recommendation or suggestion proposed by the stakeholders is critically reviewed. Instead we have tried to focus on what are perceived to be the major issues within the NPGOP and provide recommendations for the direction in which the program managers should take it both in the short and longer term. We considered the following five major issues:

- ☞ program goals and objectives,
- ☞ program authorities and organizational structure,
- ☞ coverage levels,
- ☞ cost distribution, and
- ☞ the observer support system.

Note, however, that there are important issues which cut across these headings. For example, problems and potential solutions associated with the Service Delivery Model have fundamental implications for the program authorities and organizational structure, the cost distribution and the observer support system. At the end of Section 3 we have also added the issue of stakeholder outreach, which we

consider to be an important component of any observer program.

The main body of the report presents our discussion and recommendations. To make this report as comprehensive as possible, we have also included the "unprocessed" results of our contacts with stakeholders in an appendix (Appendix 3). None of this information should be viewed necessarily as opinions or conclusions of the review team; it is purely a presentation of information received. Nevertheless, this feedback was one of the major sources of information on which we have based our conclusions.

Other important sources of information for the review included a considerable number of papers, meeting reports, and memos relating to the NPGOP, its problems and the attempts which have been made to improve it. Also, a member of the review team attended the three week observer training course in Seattle in August/September 1999, and observed a number of observer debriefings. Finally, in view of the number of present and past observers and a desire to gain as balanced a view as possible, an extensive observer mail survey was undertaken in late 1999.

The stakeholder groups we considered are listed below:

- ☞ **National Oceanic and Atmospheric Administration (NOAA) & National Marine Fisheries Service (NMFS)**
 - ☞ NMFS Alaska Regional Office
 - ☞ NMFS Alaska Fisheries Science Center (AFSC)
 - ☞ NMFS Office of Law Enforcement, Alaska Enforcement Division
 - ☞ NOAA Office of General Counsel, Alaska Region
- ☞ **Other governmental organizations**
 - ☞ North Pacific Fishery Management Council (NPFMC)
 - ☞ International Pacific Halibut Commission (IPHC)
 - ☞ Pacific States Marine Fisheries Commission (PSMFC)
 - ☞ Alaska Department of Fish and Game (ADF&G)
 - ☞ U.S. Fish and Wildlife Service (FWS)
 - ☞ U.S. Coast Guard (USCG), 17th District
 - ☞ Sea Grant and the North Pacific Fisheries Observer Training Center (OTC)
- ☞ **Fishing Industry**
 - ☞ Industry associations
 - ☞ Multi-species Community Development Quota (MSCDQ) Group
 - ☞ Data contractors & other services
- ☞ **Observer companies**
 - ☞ Alaskan Observers, Inc.
 - ☞ Data Contractors, Inc.
 - ☞ Frank Orth & Associates
 - ☞ NWO, Inc.
 - ☞ Saltwater, Inc.
 - ☞ TechSea International
- ☞ **Observer and observer organizations**
 - ☞ Individual Observers
 - ☞ Association for Professional Observers (APO)
 - ☞ Alaska Fishermen's Union (AFU)

- ☞ **Non-governmental organizations**
 - ☞ Alaska Marine Conservation Council (AMCC)
 - ☞ Other non-governmental organizations that get involved in fishery issues in the North Pacific region were contacted (i.e. Greenpeace, Center for Marine Conservation, Pacific Seabird Group, American Bird Conservancy, Sierra Club). However, they have not been actively involved in issues related to the NPGOP, therefore, had no comments to provide.

Summary of findings

The main report is a substantial document containing a large amount of information on the NPGOP, discussion of the current issues within the Program and recommendations for its improvement. Here we present an at-a-glance overview of findings of the review in the form of a summary table. To succinctly paraphrase the report we have adopted a project planning format, which lists the Present, the Problems, the Possibilities and the Proposals:

- ☞ Present - the present conditions of the NPGOP
- ☞ Problems - problems which result from the present situation
- ☞ Possibilities - a brief look at the possible options available to address the problems
- ☞ Proposals - a summary of our recommendations for the future development of the NPGOP to address the problems, given the possibilities.

The main issues are presented under the same headings used in the main report and listed in the previous section of this executive summary. There is obviously a substantial amount of detail in the main report which could not be included in this summary, and readers are strongly advised to read the relevant sections of the main report in order to gain a more complete picture of the problems and the suggestions we have made. As an introduction to the table, below we provide an abstract which explains the overarching difficulties facing the OPO.

Present: An interim design (third party, pay-as-you-go) adopted for the NPGOP, based on constraints existing in 1989/90 remains in place, despite substantial effort to devise a replacement design acceptable to all stakeholders.

Problems: The failure of the Research Plan and JPA proposals after several years of effort, and the fact that recognized problems remained, were demoralizing to those involved in their preparation. Remedial action is now limited to short term patch-up remedies applied to the existing system, even though it is recognized by many stakeholders that fundamental change in the NPGOP's

structure is required. The OPO is now struggling to respond to conflicting scientific, catch accounting and compliance needs, many of which were not envisioned when the Program was originally designed.

Possibilities: Despite these problems, the NPGOP has achieved a great deal. It is the largest single fisheries observer program in the world and has been functioning continuously in its present form for more than ten years. This achievement is a great credit to those involved in the implementation of the Program. It should not, however, be viewed as an indication that no action needs to be taken. Over time, increasing emphasis has been placed on catch accounting, and individual vessel accountability, resulting from new regulations covering bycatch and quota allocation. The problems of the interim SDM have become even more acute as this emphasis has increased and there is no doubt that significant change is required for the Program to function effectively in the future.

Proposal: This report contains a large number of recommendations for changes to the structure and administration of the NPGOP (see following table(pp.8-13)), requiring action at many levels in the Program. Implementation of these recommendations requires the development of a coordinated action plan detailing activities, with clear, short and long term objectives and milestones leading to the resolution of existing problems within the NPGOP.

APO's Letter of Support to Dr. Dan Ito of MRAG Recommendations-July 26, 2000

The Association for Professional Observers (APO) would like to express its gratitude for the NMFS pursuit of an independent review of the North Pacific Observer Program. I've had the opportunity to read both the MRAG report and the AFSC's response. The APO supports both MRAG's and NMFS' recommendations of the following and would like to see items 1-2 be pursued and in place by **January 1, 2001**:

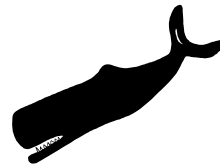
- The APO agrees with MRAG's first recommendation to clearly define the programs goals and objectives and prioritize their importance. Conflicting goals and objectives are a major stumbling block for observers and staff as well as industry. While we understand the need for observers to perform both biological sampling duties as well as have a role in collection of compliance data, the lack of clear priorities within the program leaves much of the observer's job open to interpretation. Once the goals and objectives are clearly prioritized, many of the current problems within the program will dissipate regardless of the service delivery model (SDM). We also suggest reviewing all relevant Congressional acts for required data collection needs so that all tasks are included and discussed up front.
- Within the last 4 years, the APO has written numerous letters stating that a completely federal system would be ideal. However, we also know this option is unrealistic within current hiring limitations. The APO strongly agrees with the plan to move ahead with a pilot program to formulate a "no-cost" contract between NMFS and the current contractors. We also believe that the AFA catcher-processor and mothership fleet is a reasonable starting place for the pilot program because they are a discreet group of vessels which have a specific set of regulations. If industry isn't amenable to the AFA vessels for the pilot program we suggest some other sector that has the fewest number of contractors currently covering it.

Under a "no-cost" contract the contractors would be responsible to NMFS for data quality and the ability to supply professional observers, a responsibility they currently have little stake in providing. The industry (in this case the AFA vessels) would be guaranteed an observer and would be working with only one contractor in a given year. There would also be increased stability to the contractor(s) chosen as well as predictable expenses. NMFS would have the ability to discontinue a contract for non-performance of duties and would be accountable to the industry for

guaranteeing an observer. The "no-cost" contract isn't the long-term solution to the problems inherent with the pay-as-you-go SDM, however, it will decrease the perception of conflict of interest within this system. In the current environment where a lawsuit seems to be the only way to instigate change, the industry would benefit from *any* increase to data quality and integrity.

- The APO supports the recommendations which would improve data quality and integrity including but not limited to: NMFS being responsible for rationally placing observers in a scientific manner (i.e. put observers where data is needed the most), alternative forms of data collection such as the Digital Observer Project and exploring other technology-based methods, revamping the evaluation of observers and their data, and establishing a certification system for observers that included the first 30 days of deployment as a training period.

The APO would like to work together with the NPGOP to form a partnership to accomplish the recommendations within the MRAG report. Please consider the APO and its membership a resource at your disposal. Thank you for your time.



Results of a pilot program to document interactions between sperm whales and longline vessels in Alaska waters - Abstract

Interactions between sperm whales (*Physeter macrocephalus*) and longline fisheries have been well-documented in the Southern Ocean, but in Alaska waters only anecdotal reports of sperm whales interacting with longline operations have been available. In 1996, NMFS received reports from observers on commercial fishing vessels that sperm whales were preying on sablefish (*Anoplopoma fimbria*) targeted by longline vessels in the Gulf of Alaska. As a result, a pilot project was initiated to characterize the nature and extent of the interactions between sperm whales and the commercial longline fishery in Alaska. Between 17 May and 14 December 1997, fishery observers aboard 16 different vessels monitored 557 longline sets and recorded observations and behavior of sperm whales and any damage to fish brought aboard. Likewise, between 31 March and 14 November 1998, fishery observers aboard 41 different vessels monitored 1,060 longline sets. Sperm whales were not present during any of the 1,075 sets in the Bering Sea. Whereas, sperm whales were present in 28.5% of the 562 sets in the Gulf of Alaska and observers recorded fish damage in 46.2% of the sets in which sperm whales were present. However, few

damaged fish ($n = 65$, $x = 3.45$, $SE = 0.28$) were landed during sets in which depredation was reported. There was no evidence that mortality or serious injury to sperm whales was occurring as a result of this interaction. An initial exploration of the catch data suggested that average standardized catch (metric tons/1,000 hooks) depended on the fish species caught, the North Pacific Fishery Management Council (NPFMC) statistical area fished, and the bottom depth. The presence of sperm whales appeared to be related to bottom depth and NPFMC statistical area. To control for these factors, we computed the average standardized catch for trips that had at least three sets when both sperm whales were absent and present and which met the following criteria: 1) predominant fish species was sablefish; 2) sets were conducted within NPFMC statistical areas 630 through 680; and, 3) bottom depth was greater than 200 fm. This data selection provided 12 trips with 285 sets (113 without sperm whales present and 72 with sperm whales present) for the comparison. The Wilcoxon signed rank test of a difference in catch associated with sperm whale presence ($V = 62$, $n = 12$) was not significant ($P = 0.08$). The average difference in catch between sets with sperm whales present and absent was -0.095 t ($SE = 0.057$). At an average weight of 3.5 kg, 27 fish per set were lost to account for the 0.095 t estimated difference in catch between sets in which sperm whales were present and absent. Our finding of no significant difference does not mean that there was no loss. Sperm whale interactions clearly reduced the catch because some fish were damaged (and were therefore worthless) and other fish were presumably removed from the line. However, at present, the difference in catch was too small to estimate precisely with the current sample size and high variability in catch per set.

For full report see: **NOAA Technical Memorandum, NMFS-AFSC-108**



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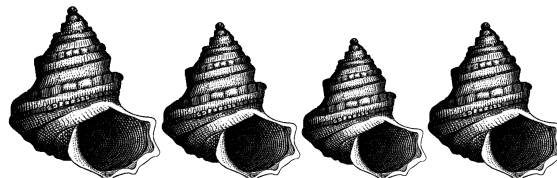
<http://161.55.80.213/groundfish/RockfishGuide/index.htm>
AFSC has posted an adapted version of: Orr, J.W., M.A. Brown, and D.C. Baker. 1998. Guide to Rockfishes (Scorpaenidae) of the Genera *Sebastes*, *Sebastolobus*, and *Adelosebastes* of the Northeast Pacific Ocean. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-95, 46 p.



Steller Sea Lions...[From Congressional Research Service Daily Summary - 7/28/2000] On July 20, 2000, U.S. District Court Judge Thomas Zilly ruled that NMFS managers were not doing enough to protect endangered Steller sea lions and ordered all trawling in sea lion critical habitat to cease until NMFS completes a study of the impacts of fishing on these marine mammals. As a

result, pollock trawlers will be forced to fish farther from shore, possibly resulting in a loss of as much as \$100 million to the industry if a settlement is not reached before Aug. 8, 2000, when the next pollock fishery begins. [MSNBC]

For more information on Steller's, get the FACTS at: <http://www.fakr.noaa.gov/protectedresources/stellers.htm>



OBSERVER PROGRAM WORKSHOP – ST. JOHN'S, NEWFOUNDLAND

Greetings, Workshop Attendees!! (Submitted by Vicki Cornish)

On behalf of all of us here at the National Observer Program, and the U.S. members of the Workshop Steering Committee, I would like to thank the U.S. participants who attended the Second Biennial Canada-U.S. Fisheries Observer Program Workshop in St. John's on June 24-29, 2000. I found the workshop to be an excellent opportunity to meet new people and renew old friendships with those committed to quality in fisheries data collection.

I am especially grateful to the moderators and panelists who presented good information about our observer programs and efforts being made to improve them. We had some lively and heartfelt discussions which opened my eyes to the challenges inherent in observing, deploying observers, and carrying observers. These discussions carried on through the evening and into the night -- hats off to Ches and the Canadian steering committee members for hosting such a sociable event.

My appreciation to Graeme Parkes for summing up the workshop. He did an excellent job, with a sense of humor, too!!

The tentative plan with the proceedings is to have the moderators of each panel review their sections before they go final. They should get the draft proceedings in the next month. If you want to alert the moderators to inaccuracies or "mis-speaks", please contact them directly. Based on all the great feedback we have received on the workshop, I am looking forward to the next one in two years and hope to see you all there!!! If you know of others that would like to be on the mailing list for the proceedings, or would like to be on the mailing list for the next workshop, please let us know.

Vicki Cornish, Dennis Hansford, Margaret Toner (NOP Staff)
NMFS National Observer Program
Office of Science and Technology (F/ST1)
1315 East-West Highway
Silver Spring, MD 20910
301/713-2328
301/713-4137 FAX

OP Workshop in St. John's—Commentary from Participants

In the course of publishing this issue of the *Mail Buoy* I asked other Workshop participants to share their impressions and to address 2-3 things they came away from the workshop with. Vicki Cornish of the NOP provided input above. I apologize for the short time period I gave people to respond but really appreciate your efforts.

Kim Dietrich-APO/Observer from Alaska Groundfish Observer Program

I came away with a more positive attitude about observing and am encouraged that the various programs can and will help one another learn from a long history of mistakes. I'm both humbled by and honored to be a part of the group of observers who participated. I don't know how many times I question why I care or how I think I can even make a difference. It's been refreshing to know that there are others out there who care about data quality and the observer job as a whole and are working in their own way to make the "profession" better. I thank you for all of your efforts and I hope that we can coordinate our efforts to standardize some of our issues on a national level in the future.

Dave Martins-Program Manger and prior observer, PTSI, Northeast Fisheries Observer Program

Like Kim, I was quite humbled by the immensity of observer programs that exist in the US and Canada. Before attending the conference, I had the notion that we (*in the NE*) had a very big program. Although we cover a large geographic area, there were many programs with more observers on staff that covered many more vessels and ports.

Secondly, I was amazed to learn how long the Canadian observers had been in the field. They certainly have a much better grasp of what it means to be a career observer. Some of the fine folks we met, (Dave Benson, Reuben Beazley, and Mike Cox had 20 plus years observer experience EACH). Can you imagine the changes that they have witnessed over the years in Canadian Fisheries.

It was very productive to learn that we are all aboard with improving safety training for observers. I see this as the most immediate and beneficial outcome of the program. National Safety Standards and protocols will help us all

maintain our current excellent safety record.

It was reassuring to have members of the industry lend their support and participation by providing insightful questions and concerns. It was a reminder of how observer programs play an important role in the fishing industry. I am looking forward to even greater fisherman participation in the next conference.

Lastly, I hope the next conference will dedicate some time to exploring the use of technology in field work such as with demonstrations on using electronic measuring boards and electronic scales.

Jim Benante- Program Manager & prior Observer, Frank Orth & Associates(AK Groundfish and CA Driftnet Programs)

Gatherings such as the observer workshop are excellent forums for all the different components of observer programs to gather and try to better understand one another. I think this workshop provided the observers with a forum to confront all the components of the job (contractors, NMFS, fishing industry, and scientists). I would like to see a greater participation by industry and NMFS scientists who use observer data in the future. I think it would be beneficial to get observers and those that use observer data together. The CA Driftnet Program maintains a close relationship between observers and scientists, but I believe this is lacking in the AK program.

I was excited by the NMFS enthusiasm to sponsor observer's attendance and participation in the workshop. There was some excellent insight provided by the observers. As an individual who has observed within the past year, I could relate to the emotions expressed by the observers concerning safety. I had chills when hearing Joe Arceneaux express his emotions about when he was asked to observe a vessel he did not feel was safe. He explained his inner conflict and the pressures he felt. It hit close to home. I think that even those far removed from observing could empathize(help this sentence out please). In this I saw the benefit of the workshop. It gives all parties the opportunity to provide their insight. I think everyone in attendance would agree that maintaining safety must remain at the center of this system. The observers made this point extremely clear.

John LaFargue-CA/OR Drift Gillnet observer, Former Monterey Bay Set Gillnet Lead observer, AK Groundfish observer

It was great meeting observers and program managers from other areas. Hearing about each program and the difficulties they face gave me a greater appreciation for the task ahead of the NOP. I was glad to hear safety was going to be a main priority. Our lives depend on it.

It was also interesting to hear what other programs have to

offer their observers. It is apparent that many programs need to improve in order to maintain an experienced observer core. There are programs out there that have observers with 10-20 years of observing experience. That makes many programs look very weak on experience. Some programs can't even get observers with adequate experience to even apply. These programs need to start viewing observers as professional biologists and compensating us appropriately. There is no shortage of experienced observers, just a shortage of incentive. Not all of us use this job as a stepping stone. Some of us actually like it.

It was very enlightening to interact directly with managers, contractors, industry and other observers, all at the same time. I hope observers will continue to be included at this workshop and hopefully in all decision-making processes that affect us. We have a wealth of experience that is just now beginning to be tapped.

Observer Bill of Rights

The Observer Bill of Rights was the result of a separate break-out session with observers. Due to the diversity of programs and opinions, finding common ground was difficult. Thanks to the participation and diligence of the observers and the direction of our moderator, the observers drafted the following document:

In order to obtain consistent and reliable data, a program must retain an experienced observer corps. Since the retention rate of experienced observers impacts the quality of the data, we feel each program has the responsibility to flag data in their database that reflects the expertise of the observer who collected the data.

We feel all programs must genuinely define what a "prior or experienced" observer is. The definition of what is considered an experienced observer should be decided upon with the input of other experienced observers within each program.

All programs should develop guidelines and incentives that encourage a significant retention rate of experienced observers (suggested goal of at least 80%). Such mechanisms to provide incentives to the contractor may be a performance-based contract that specifies an 80% retention rate and incorporates observers' assessment of their contractor's performance.

In order to guarantee this experienced corps we feel the following basic rights must be protected for all observer program:

1. Observers have a right to a living wage including but not limited to:

- Health insurance (Option for year round coverage and consider a national pool to decrease cost)
 - Disability insurance (BC already has-confirm)
 - Life insurance (BC already has-confirm)
 - 401-K retirement plan (NE already has)
 - Paid vacation and holidays (NE already has)
 - Counseling (peer as well as professional support) (CAN-BC-Interlok)
 - Personal and professional insurance (i.e. for lost equipment)
 - Transferability of observer credit for purposes of financial compensation from one program to another We support transferability between programs, however, we also want to protect the seniority of existing observers within each program. Support the development universal certification system that allows transferability from one program to another.
2. Definition of observer "work" for the purposes of compensation should include the following for each program:
- Training
 - Debriefing
 - Deployment
 - Stand-by time (including time between deployments & briefing/debriefing)
 - Step based pay system that encourages experience and exceptional work
 - Travel
 - Searching for vessel
3. Observers have the right to a safe working environment.
- Right of refusal any vessel without repercussions
 - No observer shall be placed on vessel that is considered unsafe until inspected
 - Define the procedure for what to do if a vessel is unsafe (possibly use AK model). Develop national protocol. If the observer feels the vessel is unsafe to ride, then the CG or the appropriate agency will inspect the vessel. Information on the vessel's safety will be provided to observers and DFO/NMFS.
 - Increase minimum safety training standards for all programs and design training to be observer/program specific.
 - Provide a national or central safety training center that could provide resources and expertise to observer programs
 - Better communication between US CG, Canadian equivalent
 - and fisheries agencies (DFO/NMFS)
- Reasonable accommodations and food (no hot bunking)
 - Provide observers with past safety record via web access

4. Observers have the right to be acknowledged for their contribution to science and resource management.

Acknowledgement includes:

- Attendance at workshops
- Credit in publication and other published literature

5. Observers have the right to support from their program/agency.

- Program should develop support mechanisms for observers which cultivate a sense of belonging.
- Each program needs to develop protocols to improve communication, understanding, and support for observers
- Establish a grievance procedure that encompasses the work performed by the contractor or government entity

Additional goals suggested for observer programs:

- Standardize data forms and species/gear codes nationally or internationally (Suggestion: Electronic logbook program)
- Create a clearinghouse on national/international level for certified observers who span various programs
- Establish an electronic mailing list or forum devoted to observer issues (i.e. like FishFolk listserv)
- Direct management staff (i.e. debriefers, trainers) should be required to serve at sea as an observer annually (as long as this does not displace observers)

Maintaining an Experienced Observer Corps

Mandy Merklein was the moderator of the panel on how to maintain an experienced observer corps. Below is a broad outline of some of the thoughts/ideas discussed. This outline may be useful for managers to use evaluation of individual programs.

Why Retain Experienced Observers:

Importance of reliable quality data:

Although observer programs are expensive and difficult to implement they can provide valuable data vital to fisheries management. However, in order to use observer data it must be reliable. There must be sufficient confidence in the quantity and quality of the data.

Measuring quality is difficult: While quantity of data can be usually be readily evaluated there are serious difficulties in evaluating the quality of unsupervised data collection. Debriefing is a form of self-reporting. Only the observer and the fishermen witness the true quality of observer sampling.

When observers programs are unable to retain observers for more than a few deployments the costs to the program can be high. Some issues to consider are the impacts on:

- Safety liabilities and seamanship skill development
- Data quality and reliability

- Enforcement issues (good judgment, professionalism, and authority)
- Program presentation and building a relationship of respect and understanding between industry and agency
- Training costs of new observers

Best quality data comes from well-prepared and motivated observers: It takes time (and money) to prepare observers to work safely and efficiently to collect good data at sea. Most training occurs on the job, unsupervised, and at sea. Over time observers develop the experience to collect good data.

Questions and Discussion Topics for Panel and Audience-How to Retain Experienced Observers:

1. Hiring observers who will stay on:

What are the current recruitment/hiring criteria for the program(s) in terms of pursuing observer retention? Is observer retention an important program goal in observer selection?

How is this goal perused?

What types of individuals are recruited/ targeted to meet this goal?

What incentives are used to attract these types of individuals?

Challenges/obstacles to meeting hiring goals

What are the primary challenges to identifying and attacking individuals who will stay in the program for while?

Ideas and solutions to improve observer recruitment/ hiring in your program(s)

2. Keeping experienced observers in the program and how to keep experience observers motivated in their work:

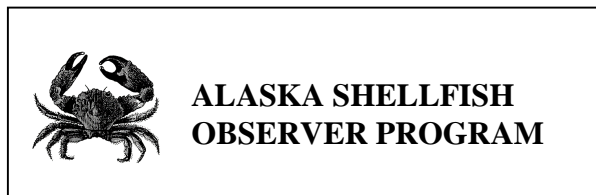
What incentives are there to encourage observers to stay on and stay motivated? Some incentives may include:

- Pay increases / benefits over time
- Enough work / too much work load
- Program support / professional supportive community
- Career advancement / advanced training / skill building
- Acknowledgement / publications / workshops
- Flexibility / diversity in types of placements (assignments)

What is done in programs now to retain and motivate experience observers?

What are current challenges to observer retention in your program(s)?

Evaluating a program's progress to meeting retention goals: How does the program evaluate its ability to meet observer retention goals and what efforts are in place to improve this evaluation process?



NEW CATCHER VESSEL OBSERVER COVERAGE FOR BERING SEA – ALEUTIAN ISLAND CRAB FISHERIES
(Released 6-27-00)

During their March 1999 meeting, the Alaska Board of Fisheries adopted regulations expanding observer coverage to include catcher vessels participating in Bering Sea-Aleutian Islands (BSAI) crab fisheries. The Board also passed regulations requiring pre-registration in most fisheries prior to the regulatory opening.

The pre-registration is designed to allow for assignment of observers to vessels in fisheries with partial fleet coverage. After the pre-registration deadline, the department will

randomly select open access catcher vessels that will be required to carry an observer during the fishery. The department will obtain and assign observers to the selected vessels prior to the fishery opening. Approximately 10% of the catcher vessels 75-125' overall length (OL) and 10% of the catcher vessels greater than or equal to 125' OL in the Bering Sea king and Tanner crab fisheries will carry observers. Vessels less than 75' OL participating in these fisheries will not be required to carry observers. Also observer coverage has recently been established for catcher vessels participating in the American Fisheries Act (AFA) crab fisheries for Bristol Bay red king crab and Bering Sea *C. bairdi* Tanner crab. See Table below.

The Alaska Department of Fish and Game will begin implementing these new regulations during the 2000/2001 season crab fisheries by randomly assigning observers to a portion of the open access catcher vessels participating in the Bristol Bay red king crab, St. Matthew blue king crab, Pribilof red and blue king crab, Bering Sea *C. bairdi* Tanner crab, and Bering Sea *C. opilio* snow crab fisheries and all vessels fishing for brown king crab in the Pribilof and St. Matthew fisheries.

Fishery	Pre-registration Deadline ¹	Catcher Vessels ²		At-sea Processors	
		Observer Coverage	Cost-Recovery Funded?	Observer Coverage	Cost-Recovery Funded?
St. Matthew blue king	August 24	Partial	YES	100%	NO
Pribilof red & blue king	August 24	Partial	YES	100%	NO
Bristol Bay red king	September 24	Partial	YES	100%	NO
Bering Sea <i>C. bairdi</i>	September 24	Partial	YES	100%	NO
Bering Sea <i>C. opilio</i>	December 24	Partial	YES	100%	NO
St. Matthew brown king	21-days prior	100%	YES	100%	NO
Pribilof brown king	21-days prior	100%	YES	100%	NO
Hair crab	none	100%	NO	100%	NO
<i>C. tanneri</i> & <i>C. angulatus</i>	none	100%	NO	100%	NO
Aleutian king crab	none	100%	NO	100%	NO
<i>Paralomis</i> & <i>L. couesi</i>	none	100%	NO	100%	NO

¹ When the pre-registration deadline occurs on a weekend or holiday, the deadline is extended to the next business day.

² AFA and CDQ catcher vessels are pay-as-you-go.

Observer coverage costs for the selected catcher vessels will be covered by cost-recovery proceeds generated by the department in 1999 through test-fishing Bristol Bay red king crabs. The cost recovery fund is presently capped at \$650,000 per year in revenue or expenditures.

Observer coverage levels and funding source for BSAI crab fisheries for the 2000/2001 season were developed through consultation with industry representatives on the Board-appointed BSAI Crab Observer Oversight Task Force and

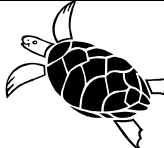
are summarized in the following table. Existing observer coverage for at-sea processors participating in any king or Tanner crab fishery, for all vessels in the Aleutians king or Tanner crab fisheries, and for all vessels in the commissioner's permit hair crab and deep-water king and Tanner crab fisheries will remain in effect under the pay-as-you-go system. Likewise, observer coverage for any vessel in the CDQ and AFA fisheries will be pay-as-you-go.

In fisheries where the cost of the observer is borne by the vessel, the vessel operator is responsible for arranging for observer coverage before fishing begins. Vessels participating in other shellfish fisheries should contact the department for permit and observer coverage requirements.

For additional information please contact: Larry Boyle at the Alaska Department of Fish and Game in Dutch Harbor (907-581-1239); Wayne Donaldson in Kodiak (907-486-1842); or the co-chairmen of the Crab Observer Oversight Task Force; Jeff Stephan (907-486-3453) and Arni Thomson (206-547-7560).


For ADF&G July 7, 2000 **News Release on Tagged Brown King crabs** see:

<http://www.cf.adfg.state.ak.us/region4/news/2000/NR070700.pdf>



**OBSERVER PROGRAMS
AROUND THE COUNTRY**

**Sea Turtles and HI
Longline Observers**
[From Congressional
Research Service Daily
Summary - 7/28/2000]



{{On June 30, 2000, NMFS released a Biological Opinion, concluding that the Atlantic pelagic longline fishery jeopardized the continued existence of loggerhead and leatherback sea turtles.}} On July 18, 2000, U.S. District Judge David Ezra declined to modify his June 23, 2000 ruling, aimed at protecting sea turtles from activities of the HI longline fishery, but announced that he would mediate a plan to allow the longline fishery to coexist with Pacific leatherback turtles. The Judge's June 23 ruling - reducing fishing days by 95%, limiting the fishing area, and requiring federal observers aboard vessels - is to go into effect on July 23, 2000, and remain in force until NMFS completes an environmental impact statement on the effect of longline fishing on these turtles. On July 20, 2000, the Senate Foreign Relations Committee has scheduled a hearing on the Inter-American Convention for the Protection and

Conservation of Sea Turtles. Between July 31, 2000, and August 17, 2000, NMFS has scheduled a series of 7 scoping meetings to obtain input on short-term and long-term solutions for reducing turtle interactions with the Atlantic pelagic longline fishery. Measures implemented must reduce turtle mortality by 75% to meet the performance standard of NMFS' biological opinion of June 30, 2000. [Reuters]

APO letter to R. McInnis, Southwest Region, NMFS

In response to the potential of 100% observer coverage requirements in the Hawaii Longline Observer Program, the APO wrote the following letter to Rod McInnis at the Southwest Region dated 7/14/00:

As an advocacy group for fisheries observers/biologists nationwide, the Association for Professional Observers (APO) was interested to learn about the recent ruling to require 100% observer coverage of the Hawaii longline fleet. Although we support Judge Ezra's ruling that NMFS must comply with NEPA, we have been aware since 1995 of chronic safety problems associated with this fleet. Even with only 1-4% coverage, observers have experienced life-threatening situations beyond the normal, occasional occurrence. We are spreading the word to our membership that there is potential for future opportunities with the Hawaii Longline Observer Program (HLOP) but we are also advising observers to proceed with caution

Though "safety and integrity" are the watchwords of the HLOP, we feel the Southwest Region has been negligent with regard to responding to observer concerns for their personal safety. I'm sure you are aware of the following examples of the problems which the Southwest Region and HLOP staff have ignored and/or actively resisted correcting these situations or problems:

****Recent legislation (May 18, 1998 Final rule on Observer Health & Safety (FR 27213)) allows for observers to refuse unsafe vessels and yet the Fall, 1999 HLOP training manual states: "Refusing assignments is grounds for dismissal".**

****In 1994, Elizabeth Mitchell was fired for refusing an unsafe vessel. After repeated problems that were well documented during the ensuing year, NMFS placed another observer, Stuart Arcenau, on board with no investigation by NMFS as to the repair of these known problems. The vessel sank with him on board.**

****In 1998, Louis Van Fossen, had a knife placed against him, not just pulled on him, which is clearly not only a criminal act but a violation of the Magnuson-Stevens Act. The captain and crew were also under the influence of illegal narcotics during the entire fishing trip. When he**

reported it, NMFS fined the vessel \$10,000, with an agreement that the captain would not go out to sea when there was an observer on board. If NMFS really supported their observers, criminal charges would have been filed against this man.

**In 1998, Eric Sandberg, received a permanent, debilitating injury on the F/V Red October that had numerous safety problems which were well documented by the U.S. Coast Guard. Tom Shearer, former port coordinator for the HLOP, wrote a memo to his supervisor, Tim Price, prior to his departure from the program recommending that this vessel be removed from the sampling pool because of safety problems and was deemed "un-observable". This request was granted. However, when the subsequent port coordinator took over, the F/V Red October was re-activated. Observers continue to be placed on this vessel.

**In 1999, an observer was on board the F/V Seabird and had to experience de-watering at sea by the Coast Guard because the boat was taking on water. He reported it to the HLOP, but NMFS continued to place an observer on board 6 months later without any investigation regarding the status of repairs. NMFS had knowledge about the vessel's problems before the first de-watering incident as well. The third time was a charm and the boat sank.

These are but a few examples of problems experienced by observers and with this new change in coverage the APO as well as HLOP observers would like to see some changes in the administration of this observer program. We wish to have your assurance in writing of the following:

1. According to a 1996 article in the Honolulu Star Bulletin, the U.S. Coast Guard admitted that their requirements do not mean the vessels are safe and observer testimony reflects this. Before an observer is assigned to a vessel in the HLOP, NMFS and Coast Guard vessel safety inspectors must review records of past problems and require that the vessel show proof of repairs done to address those problems. The aforementioned regulation supports this: **"A vessel that would otherwise be required to carry an observer, but is inadequate or unsafe for purposes of carrying an observer and for allowing operation of normal observer functions, is prohibited from fishing without observer coverage."**

2. We request a change to the HLOP training manual and managerial protocol to reflect existing legislation regarding observers' right to refuse an unsafe vessel. In light of Judge Ezra's ruling, NMFS must develop a protocol with the US Coast Guard to deal with this highly probable situation.

3. Before every deployment make available to each observer, a Coast Guard and HLOP record of vessel safety problems/concerns and violations incurred on each vessel for up to two years prior to observer deployment.

Coordinate efforts to develop an inter-agency database to include this information.

4. Program Supervisors should communicate with NMFS Enforcement and Coast Guard Officials regarding drug enforcement issues. If there is an investigation relating to large scale drug trafficking or other violations, observers should not be placed in those situations and those vessels should not be allowed to fish.

5. Redesign sampling protocol to allow breaks for observers to go to the bathroom and eat a meal during retrieval of gear. Require vessels to stop the gear when observers are taking fish samples or processing turtle or other protected species specimens. For the past 6 years, there has been no protocol for these problems, and the data continues to unrealistically reflect that observers are watching every hook when it is virtually impossible to do so.

Thank you for addressing these issues. We look forward to receiving your response either by e-mail or by surface mail.



APO NEWS

APO FOIA Request

Earlier this year the APO submitted a Freedom of Information Act (FOIA) request asking the GOP for a summary of results from the anonymous questionnaire observers voluntarily complete at the end of a contract. The APO asked specifically for responses to all questions regarding contractor and NMFS performance. The survey was queried for 1999 responses only. CONTRACTOR Performance Summary is on page 22 and NMFS Staff Performance Summary is on page 23. If anyone would like to see the actual comments, please contact the APO.

APO Discussion Group

Who should come? Anyone interested in observer issues.

Why participate? This is an opportunity to share ideas, ask questions, voice opinions about the Observer Program, observing in general, & the APO. Typically, there's no formal agenda. These were initiated because the APO membership would like to support honest feedback/dialog between observers and with the agency. We gather in a non-threatening environment, respect everyone's opinion/perspective and abide by a standard that anything we say won't be held against us individually. We've had some candid discussions ranging from harassment to the lack of reporting violations to training. Although observers and staff may frequently have differences of opinion, we are all working with the same goals in mind. These Discussion Groups have provided a great opportunity to bring observers together with NMFS staff. Observers hear the Agency side of the story and staff frequently get more honest feedback within this forum than they do during briefing/debriefing.

When: 7 pm

Where: Rotating dates & locations below—

- Aug 2— Six Degrees, 7900 E Green Lake Dr., N
- Aug 9— Cooper's Alehouse, 8065 Lake City Way NE
- Aug 16—Big Time Brewery, 4133 University Way NE
- Sept 6— Gorditos Healthy Mex. Food, 213 N 85th
- Sept 20— Fiddler's Inn, 9219 35th NE
- Sept 27— Rainbow Bar & Grill, 722 NE 45th

Announcements are typically posted at NMFS and in the bunkhouses as well.

LETTERS to the EDITOR:



Reading over the summary of the OAC meeting in the April 22 *Mail Buoy*, I was attracted to an amendment item that states it would be ideal for all observers to have their own ATLAS capable laptop computers. I applaud this idea yet I also have reservations. The fact is I feel at times that we are already lugging around too much equipment. Add a computer and this may be the straw that breaks the camel's (or observer's) back. I admit this may seem petty but consider some of these common scenarios I have encountered.

- Even with assistance of a field supervisor to assist in transporting my "blue baskets" around in Dutch Harbor, I've seen and heard of risky and often backbreaking situations occurring while transporting baskets across several vessels. I know of at least one time a basket (and even a laptop computer) was dropped into the water during one of these risky maneuvers.
- I've had to take my own taxi to the airport because 2 blue baskets won't fit into a taxi when I could have easily ride-shared.
- I have been embarrassed by the smell of my baskets while riding in a shuttle buss full of strangers, not to mention the observer apartments.
- Finally, one item of concern to industry and contractors is the fact that blue baskets have been lost or delayed in flight often enough to delay vessels from leaving on time.

I've proposed a simple solution as well. Every vessel over 60 ft. requires some observer coverage and every observer has to carry his/her own sampling gear. Why not eliminate the need for each observer to carry all this gear when it can be there on the vessel. Make it a requirement not only to have a sample station available to the observer but also to have a sample kit as well. The observers check to see that the contents of the "kit" are all there (similar to sample station checklist) prior to vessels leaving port. Missing parts can be replaced at field offices as they are now. This also eliminates the need to turn in equipment one week and pick up a new set the following week when re-deployed. A timely ordeal for observers and program staff alike.

It also frees up space and weight for carrying a laptop. I currently carry a gigantic sized duffel bag because after checking in my blue baskets at the airport I'm only allowed 1 other bag. I would much rather carry 2 smaller bags of personal gear to the boat. Of course, you can't eliminate some equipment such as scales, otolith vials and survival suits that each observer needs to carry personally but it eliminates a great deal of bulk and frustration and excess baggage costs.

Anonymous

(Editor's Note: Although this observer didn't sign his/her name, I thought the idea had merit and therefore, allowed it's inclusion.)

Importance of Reporting Problems to NMFS, the AFU and APO – Editorial by Kim Dietrich

The most interesting aspect of the FOIA information on p.22 is not which contractors performed well; rather it's the number of observers who responded that their employer's performance was marginal to poor (9%). I was under the impression that there was the odd problem here & there but the survey results imply problems of a greater magnitude. As I further read the individual comments (about 200 pages of text which was not published), I was shocked and appalled by the blatant violations of basic labor laws which

were described by the observers surveyed. I found myself wanting to know who these anonymous observers were because they were obviously abused by the system and did not report to NMFS or their AFU representatives. I feel terrible for them and wonder how the system can provide better support in the future.

My advice to all observers is **IF YOU THINK A SITUATION ISN'T RIGHT, TALK TO SOMEONE ABOUT IT.** You have a right to ask questions and get answers. There are several options:

- For contract questions, call your employer and the AFU. Both should respond immediately. There is a grievance procedure in place which allows the AFU to intervene on your behalf if the problem cannot be solved between you and your contractor alone. The AFU is YOUR labor representative. You should feel free to ask them for advice regarding your contract and its interpretation.
- NMFS staff are available to advise on all observer-related issues. NMFS needs to know if contractors are not fulfilling their contracts with you especially since their past performance will likely affect granting of "no cost" contracts if the Observer Program gets to move down that path.
- The APO is usually willing to lobby NMFS, the AFU and the contractors if you aren't getting any response. No one can help you, if you don't tell us something is wrong. The APO also has periodic Discussion Groups where these issues/instances/questions can be discussed in a non-confrontational environment.

Observers shouldn't have to feel the frustration that is being conveyed in the anonymous survey. Please talk to those who are there to support you.

ALASKA FISHERMAN'S UNION NEWS

(Submitted by Duke Bryan)

WELCOME TechSea International

The Alaska Fishermen's Union (AFU), division of United Industrial Workers(UIW), would like to welcome and congratulate the newest company to the ranks of Observer Contracting Companies. After a long and rigorous certification process, they have their first group of observers in NMFS groundfish training and hope to deploy them soon. The AFU's dealings with TechSea International have been informative, cordial and productive. We welcome and wish them a long and successful venture.

AFU Observer Contract Negotiations

Once again it's time to negotiate new contracts with all of our contractors. These include: Alaskan Observers, NWO,

Saltwater, Frank Orth and Associates as well as the latest company certified, Tech Sea International.

We need input from as many fisheries observers as possible to identify the issues most important to the membership. What do **YOU** want and need from the next contract.

Please read the contract that applies to your employer and tell us what needs to be modified to improve the contract and what issues need to be worked on. Give us your top 5 ideas starting with the most important. Enclosed in the *Mail Buoy* and also posted at NMFS/OTC is a form to submit your ideas. You can also write us a short note on anything that can't be summed up on the form, but please keep it brief as we expect to read all of these. We are also looking for members to sit in on negotiations with us, both in Seattle and Anchorage.

NOW IS THE TIME TO STAND UP AND HAVE YOUR VOICE HEARD!!

Please contact Duke Bryan at:

Alaska Fishermen's Union-UIW
721 Sesame St., #1C
Anchorage, AK 99503
Ph: 907-561-4988
Toll free: 1-877-471-3425
Email: dukeworks2@aol.com

We'd also appreciate it if you would please pass on the e-mail and contact numbers to other observers.

The APO also maintains an informal electronic mail list for jobs. If you want to be added or know of a cool job

JOB OPPORTUNITIES

observers may have an interested in, contact APO_obs@hotmail.com.

MARINE BIOLOGIST, GS-0401-07/07
<http://www.usajobs.opm.gov/wfjic/jobs/IM1875.HTM>
Announcement Number: W/NMF/AKC/000406.BC
Closing Date: 08/07/2000

Salary: \$26470 per yea \$34408 per year
Duty Location: 10 vacancies at ANCHORAGE ALASKA, AK

Major Duties: Performs progressively more difficult assignments to assist higher level biologists. Assignments include duties supporting core Observer Program responsibilities such as assisting with observer training and briefing, in season advising, mid-cruise data meetings, debriefing, observer

sample station inspections, and data editing. Incumbent will assess impacts of projects or program protocols on fishery resources and management; provides input on program policies; assures compliance with fishery management plans; and assists with analyzing data and preparing reports. Duties will also include assignments specific to providing better training and field support for observers, enhancing overall data quality provided by observers, improved service for end-users of observer data, and an improved understanding by various groups that observers and the observer program are assets to the conservation and management of sustainable fishery resources. An important focus of this position will be to create a greater field presence of Observer Program staff, serving to (1) provide field support, mentoring, and oversight of observers; and (2) interact with elements of the commercial fishing industry, such as vessel and shoreside processor operators and crew, to provide assistance in problem resolution, outreach, and explanations of observer roles and responsibilities. Assignments provide experience and training to orient the employee to technical programs, operating procedures, and administrative policies and regulations.

The University of California, Davis has reopened its search for an **Anadromous and Inland Fisheries Extension Specialist** position. For a copy of the announcement please contact Christopher Dewees at cmdewees@ucdavis.edu. The closing date is 31 August.

Accepting resumes for **Observers of Marine Mammals, Sea Turtles & Shortnose Sturgeon**. Fisheries Science background required, related observer experience desired. "On call" for 3-8 week projects, paying \$150-\$180 per day based on experience. Subcontracted = Taxes and travel are observers responsibility. Fax to (360)769-4195, or MarineMarineLife@aol.com.

MARINE FISHERIES BIOLOGIST II

Department: Environment & Natural Resources

Vacancy Number: 4308-0000-0008-090

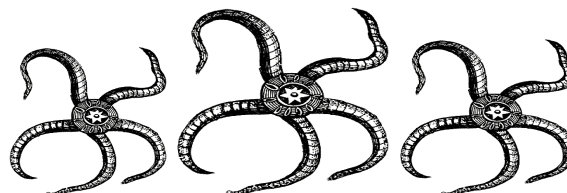
DESCRIPTION OF WORK: This position is responsible for drafting coastal habitat protection plans and habitat sections of fishery management plans.

Working with personnel from other state agencies and the academic community, the Biologist II obtains reports and data from which plans will be drafted. The Biologist II will conduct literature searches and edit information received for compliance with data standards and pertinence to the subject plan. The employee works independently to select methods of data analysis and Geographic Information System (GIS) coverages to represent the effects of certain practices on coastal habitats. The Biologist II is required to write the draft plan in clear, concise language that can be understood by the various citizen advisory committees and is responsible for developing measures to determine the success of the plans in restoring the functions of coastal habitats. This position is responsible for presenting the draft plans in a public forum to various review committees and the commission review committee and incorporating comments into the draft plans. This employee conducts data analysis on water quality, coastal management, and marine fisheries data; assimilates the data analysis and comments, and drafts recommended actions to guide rule making of the Environmental Management Commission, Coastal Resources Commission, and Marine Fisheries Commission. The Biologist may review permit applications for alteration of coastal habitat to assess the potential for impact on the environment.

How to Apply: You must complete a PD-107 (Application for Employment) to be considered for this position.

Barbara Rymer, NC Division of Marine Fisheries, PO Box 769, 3441 Arendell Street, Morehead City, NC 28557

Phone: (252) 726-7021 ext. 122



MISC. NOTES & TIDBITS

NEW MEMBERSHIP: if you want to become a member of the APO, please write us or email /call Kim Dietrich. An annual donation of \$10 is required. Donations are used to publish and distribute the *Mail Buoy* and to pay for costs of testifying at Council meetings out of state. Also, if you are not an observer but would like to receive your own copy of the *Mail Buoy*, there is an annual charge of \$15. The *Mail*

Buoy is also available electronically either directly from the APO or via our website.



APO T-SHIRTS are available. Size options: L or XL. Color options: Black. The price is \$15 (sales tax included).

Publications (Observers & their data in the News):

Digital Observers [Submitted by Mark Buckley, Manager, Digital Observer Project]

Responding to pressures from within industry coupled with rapid advances in technology, a grant-funded group based in Kodiak is attempting to reduce the need for--and in some cases replace--onboard observers in the Pacific's longline fisheries by deploying "smart" machines. In short: an organization I've put together called the Digital Observer Project seeks to demonstrate machines can do the job at a fraction of the cost, without as much burden on the fishermen and with high accuracy. Benefits to industry will be dramatically lowered observer costs coupled with access to accurate, real time production statistics. In 1998 observer costs aboard the 186 Alaska longliners that carried observers exceeded \$2 million and as a whole, Alaska's seafood industry pays \$10-12 million per year for observer coverage. When it's implemented, the system will also ease the industry-wide observer labor shortage, freeing up observers for boats where the system is not yet in use. Government will benefit through assured regulatory compliance and an improved data stream.

As a longtime Alaska commercial fisherman and fisheries writer I've watched the observer program grow into a system that satisfies no one. The high costs, human limitations, increasing scope, and labor considerations of the existing observer program are becoming an ever more contentious issue in the industry. Fishermen don't like the expense and the "big brother" nature of having observers aboard. For their part, many observers feel they aren't paid enough and wish they weren't viewed as unwanted fish cops. Due to high turnover in the observer corps, observer companies increasingly face labor shortages and are constantly recruiting new employees. Meanwhile, fishermen from competing gear groups, environmentalists and some government agencies feel current observer coverage is inadequate and are pushing for more. Suffice it to say it everyone seems to be looking for change.

At the same time, technology has advanced rapidly on a number of fronts. It now appears enough individual

components already exist that some form of digital observer system is inevitable.

Examples of these components include:

- High resolution digital cameras, like those which capture images of speeding motorists and record both faces and license plate numbers.
- Several software programs, including ones developed in Alaska, Minnesota, Scotland and Israel, that can identify images of fish and determine species. The various software applications have accuracy rates between 95-99%, depending on species observed.
- The GPS system, which provides accurate location and time data anywhere on earth.
- Vessel monitoring and electronic logbook systems that use GPS data and modern ship-to-shore communications links.
- The latest generation of desktop computers which can perform up to one billion calculations per second and only cost about \$1,600 apiece. That means the average person can now own a certifiable "super computer," something which only ten years ago would have been unthinkable.
- Satellite communications links, which allow vessels to send and receive email and other digital messages.

By combining these hardware elements, and building on already-developed fish identification software templates, we believe we can design a longliner-based observer system that will function as well as or better than humans do, and at a fraction of the cost. Built to be tamper-proof, each shipboard system will consist of two cameras: a video and a digital, a VCR, a GPS, and a computer equipped with fish recognition, data summary, and communication software.

The video camera system, designed to assure regulatory compliance only, is already operational in British Columbia's offshore longline sablefish fleet. Officials say that after the bugs were worked out it has performed very well since 1995. Equipped with a wide angle lens and mounted on the vessel's mast, the camera looks over the deck and surrounding water. It is connected by cable to a VCR housed inside a locked, rugged box. Also in the box is a GPS. Using standard video tapes, the VCR takes one "snapshot" of the deck every 10 seconds. Imprinted on each snapshot is the date, time and location, courtesy of the GPS. The time lapse photography allows a fishing trip of up to 60 days to be captured on one two-hour tape. Privacy and "big brother" issues are effectively blunted because the action on deck is speeded up by 300 times (a standard video camera takes 30 frames per second) and fishermen are little more than blurs.

Fishermen like this system because it is cheaper and easier to live with than having human observers aboard. They report the cost of observer coverage for a 30-day trip dropped from C\$10,000 to C\$2,000. Officials with

Canada's department of fisheries and oceans express enthusiasm for the system and support it.

My project is ideally suited for longliners because the fish there come aboard one at a time, allowing the computer time to analyze each image. The plan is to start with a system based on the Canadian model, which assures regulatory compliance, and add another that uses a high speed digital camera and computer. The second system is designed to replace the observer's biological data gathering functions. In this case, the digital camera will be mounted on a davit above the gear hauling area, focusing at the fish, not the fishermen. Shortly after each hook emerges from the water it will trip a light signal causing the camera to take a series of pictures. We'll need more than one image of each fish because the critters will be in motion and will be swinging and flopping on the hook. The images will then go to a computer loaded with a program that will select the best one. That image will then be sent on to another program designed to recognize species. Using telemetry, and National Marine Fisheries Service length-weight data, the computer will estimate each fish's length and weight. A concurrent program will note location, date and time and enter all the information in an electronic logbook. After the machine is done with each image, it will dump it to free up disk space. If the computer can not identify the image it will be saved to disk for later analysis by an observer company representative. Today's hard drives are On a periodic basis the computer will use the vessel's communication system to transmit its data to shore. When the vessel returns to port, observer company representatives will retrieve video tapes and digital data for analysis in their offices.

By "observing" the fishing activity, the computer will eliminate guesswork inherent in the sampling process. But some fishermen fear the camera will see too much, that it will document sensitive catches like birds or turtles. The best answer is that we have no intention of making the system mandatory; it will be the fishermen themselves who will decide whether to use it.

Besides saving on observer costs, the system could be adapted to have other advantages to the fishermen. Wineries know the more information they can put on the label about the origin of the wine inside the bottle, the higher the price they can charge. Imagine how the halibut industry would change if fishermen could attach a bar coded tag to every keeper. As the fish moved through the market pipeline the tag would remain attached. Ultimately the retailer could report to his customers who caught the fish, how big it was when caught, and where and when it was hauled from the ocean.

At this stage our business plan calls for marketing a software system that will be coupled with a customized hardware package. The machines themselves will be sold or leased to industry through franchisees who will likely

include existing observer companies. On an annualized basis, the costs should be many thousands of dollars less than the current system in use in Alaska and other parts of the North Pacific. The project is not seeking to get into the observer business; nor does it seek to put any observer companies out of business. Rather, we see the observer companies as allies who will continue to interface with industry. The only difference will be in offering their customers the option of either a machine or a human observer.

The research team the digital observer project has put together includes an observer company, software companies, federal and state biologists, university of Alaska computer scientists, and, of course, fishermen. So far I've put in months of time and have applied for a patent on the idea. We have so far received more than \$400,000 in grants from the Alaska Science and Technology Foundation and a special program in the U. S. Dept. of Agriculture. Additionally, NMFS has granted us a special research permit allowing us to catch fish as we test our hardware. The initial stage of the project, where we well develop and test the first version of the fish identification hardware and software system, got rolling in late May. We expect to have demonstrated proof of concept by October of 2001, and hope to have the entire system ready for market within 3-4 years.

Tag reporting rates [from New Sablefish Research at Auke Bay Lab—for full document see <http://www.afsc.noaa.gov/Quarterly/jas99/jas99qr/html/Feature.htm>]

In addition to the electronic tagging study, the ABL also has conducted large-scale tag-and-release studies since 1978 to determine sablefish movement patterns. Several thousand sablefish have been tagged each year during the longline surveys. The results show that sablefish are a highly migratory species for at least part of their life, and their movement rates are great enough to affect the amount of fish available for harvest in an area. Although the results of the longline survey are the primary data used to determine sablefish quotas, tagging data from ABL's tag and release efforts provide complementary information that has been used to augment the information from the longline survey.

For example, movement rates determined from tagging data have been used to evaluate methods for allocating quota by area. The evaluation indicated that the current method of basing quotas by area on the geographic distribution of biomass is reasonable. In addition, tagging data have been used to validate ageing and to determine age of recruitment to the fishery. Unfortunately not all tagged fish recovered by fishermen are reported to NMFS. Therefore, determination of a reporting rate is necessary to better analyze the tagging data and is an important part of the

assessment. The tag reporting rate is the proportion of recovered tags which are actually returned.

We calculated estimates of tag reporting rates for sablefish in the commercial fishery in Alaska from 1980 to 1998.

These estimates were obtained by comparing tag returns from the commercial fishery to tag returns from the sablefish longline survey. Sablefish catch is closely observed during the survey, so we assumed that all tagged sablefish caught during the survey are reported (i.e., tag reporting rate on the survey is 100%). A total of 11,090 commercially-recovered tags had sufficient catch information to be included in the analysis. Tags recovered in inside waters of southeastern Alaska such as Chatham or Clarence Straits were not included because there were no survey stations in these areas. Survey-recovered tags totaled 844 for the same period.

Figure 7. Estimates of the tag reporting rates (fraction reported) for sablefish fishery in Alaska from 1980 to 1998.

Tag reporting rates increased from a low of 10% to 25% from 1980 to 1982 to a peak of 47% in 1985, before dropping back to 15% in 1987 (Fig. 7). From that low point, the reporting rate has gradually increased and has fluctuated between 35% and 45% since 1995. Over all years combined, the tag reporting rate has been 27%. Factors which may have influenced the tag reporting rate at various times are the number of tags available for recovery, the length of the commercial season, the presence of observers to collect the tags, and the tag reward program.

Approximately 200,000 sablefish have been tagged and released into the outside waters of Alaska from 1978 to the present during annual longline surveys. Over half (103,466) were released in the 5 years from 1979 through 1983. The relatively high number of tags available during those years may have increased the awareness of members of the fishing industry and resulted in the higher tag reporting rates between 1983 and 1985.

Until 1984, the fishing season for sablefish in the Gulf of Alaska was year-round. However in subsequent years, season length decreased as fishing effort increased. The season shortened to 7.6 months in 1984 and to 3 months in 1985. From 1986 through 1994, season length ranged from 1.8 months to a low of 0.3 months (1994). Season length was restored to 8 months with the implementation of the IFQ system in 1995. The short derby fisheries of the late 1980s and early 1990s probably had a detrimental effect on tag reporting rates. During those fisheries, fishermen were under pressure to haul gear and deliver fish as fast as possible, increasing the chance that a tagged fish would be overlooked. The fishing season has remained 8 months long since 1995, and tag reporting rates have remained higher than at any time other than the peak year of 1985.

Prior to 1987 the ABL sent fishermen information about the tag and release program and a small cash reward for

recovered tags. Beginning in 1987, we offered a baseball cap as an alternative to cash. In 1992, we also instituted an annual drawing for cash prizes of \$1,000, \$500, and two cash prizes of \$250 as further encouragement to return tags.

These incentives and publicity may be partly responsible for the gradual increase in reporting rates since 1987.

Although the increase in reporting rates is encouraging, we are still concerned that less than half the tags recovered by the commercial fishery are reported. Given the importance of the tagging data for assessing sablefish in Alaska, we encourage members of the fishing industry to make every effort to return tags. Returning the 3-inch-long, yellow tags, along with capture location, depth, and date helps in the research, earns a cap, and earns a chance at a cash prize of up to \$1,000. Fishers can return recovered tags to Nancy Maloney, National Marine Fisheries Service, Auke Bay Laboratory, 11305 Glacier Hwy, Juneau, Alaska 99801. Observers should turn the tags into NMFS as per your observer manual instructions.

Sablefish Age-Length-Weight Table: Ever get asked "how old is this fish?" Well, here's a resource for your to answer (at least for sablefish).

Age	Fork Length (cm)		Weight (kg)		Fraction Mature	
	Male	Female	Male	Female	Male	Female
2	50	52	1.2	1.4	0.059	0.006
3	53	56	1.5	1.7	0.165	0.024
4	55	59	1.7	2.1	0.343	0.077
5	57	62	1.9	2.4	0.543	0.198
6	59	64	2.1	2.7	0.704	0.394
7	61	66	2.3	3	0.811	0.604
8	62	68	2.4	3.3	0.876	0.765
9	63	70	2.6	3.6	0.915	0.865
10	64	71	2.7	3.9	0.939	0.921
11	65	72	2.8	4.1	0.954	0.952
12	65	74	2.9	4.3	0.964	0.969
13	66	75	3	4.5	0.971	0.979
14	66	76	3.1	4.7	0.976	0.986
15	67	76	3.1	4.9	0.979	0.99
16	67	77	3.2	5.1	0.982	0.992
17	67	78	3.2	5.2	0.984	0.994
18	67	78	3.2	5.3	0.985	0.995
19	68	79	3.3	5.1	0.986	0.996
20	68	79	3.3	5.5	0.987	0.997
21	68	80	3.3	5.6	0.988	0.997
22	68	80	3.3	5.7	0.988	0.998
23	68	80	3.4	5.8	0.989	0.998
24	68	81	3.4	5.9	0.989	0.998
25	68	81	3.4	5.9	0.989	0.998
26	68	81	3.4	6	0.99	0.998

27	68	81	3.4	6	0.99	0.999
28	69	81	3.4	6.1	0.99	0.999
29	69	82	3.4	6.1	0.99	0.999
30	69	82	3.4	6.1	0.99	0.999

Salmon Shark Research. In early July 2000, NMFS scientists will begin a 2-year Alaska Salmon Shark Assessment Project to tag and investigate the increasing salmon shark population in Prince William Sound, AK, and the Gulf of Alaska. [Assoc Press]

Websites of Interest:

North Pacific FMC: <http://www.fakr.noaa.gov/npfmc/>
Pacific FMC: <http://www.pcouncil.org/>

National Observer Program (NOP) Website up & running:
<http://www.st.nmfs.gov/test/st1/nop/index.html>

Links to other observer program websites:
<http://www.pond.net/~pcffa/obs.htm>

1999 Sablefish Stock assessment document see:
<http://www.refm.noaa.gov/docs/sable99.pdf>

See www.elsevier.com/homepage/sad/seas/sample.htm to obtain a copy of the bycatch chapter of Seas at the Millennium by Martin Hall, Lee Alverson, and K. Metuzals. It is an excellent review of the bycatch and the challenges for reduction. The chapter also includes select case histories.

THINGS TO DO (if you're a Fishhead):

- UW School of Fisheries Quantitative Seminar every Friday, 12:30-1:20pm, Rm. 203, Fishery Sciences Building, 1122 Boat St. Visit <http://www.fish.washington.edu/people/arnima/seminar.html> for more information.
- UW School of Fisheries Department Seminars, every Thursday, 3:30-4:20pm, Rm. 102, Fisheries Science Bldg. Contact School of Fisheries for an itinerary. <http://www.fish.washington.edu/seminars>
- The Joint School of Marine Affairs/Industry/NMFS Seminar Series meets monthly during the school year. FMI contact Edmund Enomoto at SMA (206) 543-7004 or eenomoto@u.washington.edu or visit http://www.sma.washington.edu/fish_seminar/join.html. All seminars are held at 4pm in NW Fisheries Science Center Auditorium, 2725 Montlake Boulevard - E. Hamlin Rd. entrance.
- Fisheries-Oceanography Coordinated Investigations (FOCI) Lunchtime Seminar Series. Thursdays, Noon,

Bldg 4, Rm. 2039. For topics see www.pmel.noaa.gov/foci/seminar.html

- Coastal Zone '01 conference in Cleveland, Ohio from July 15-19, 2001. Abstracts for oral and poster presentations will be accepted until September 8, 2000. See <http://www.csc.noaa.gov/cz2001/> for more info.
- **Second Symposium on Marine Conservation Biology**--San Francisco State University, June 21-26, 2001. In response to growing interest since our first Symposium on Marine Conservation Biology at the University of Victoria, British Columbia in 1997, Marine Conservation Biology Institute (MCBI), with co-sponsorship of the Society for Conservation Biology (SCB), will hold the Second Symposium on Marine Conservation Biology next summer in San Francisco, CA. FMI see <http://www.mcbi.org>

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OPENERS & MEETINGS

Aug 15 Dutch Harbor Brown king crab opens
Sept 1 P.cod longline opens in Bering Sea
Sept 5-8 Groundfish Plan Team meeting, AFSC Bldg. 4, Seattle
Sept 6 NPFMC, Anchorage, AK
Sept 11-15 Pacific Council, Sacramento, CA (FMI see www.pcouncil.org)
Oct 2 NPFMC, Sitka, AK

Briefing/Training Schedule

Visit <http://www.refm.noaa.gov/observers/briefing.html> for more up to date information.

Date Type Location

BRIEFING

Aug 4	1 day	Anchorage
Aug 11	1 day	Anchorage
Aug 14-17	4 day	Anchorage
Aug 17	1 day	Anchorage
Aug 18	Level 2	Anchorage
Aug 21-24	4 day	Seattle
Aug 24	1 day	Seattle
Aug 25	Level 2	Seattle
Aug 25	1 day	Anchorage
Sep 5-8	4 day	Seattle
Sep 7	1 day	Anchorage
Sep 8	Level 2	Anchorage
Sep 8	1 day	Seattle
Sep 18	1 day	Anchorage
Sep 25	1 day	Anchorage
Sep 28	1 day	Seattle
Oct 2-5	4 day	Anchorage
Oct 5	1 day	Anchorage
Oct 6	Level 2	Anchorage
Oct 12	1 day	Anchorage
Oct 23	1 day	Anchorage
Oct 24	Level 2	Anchorage
Oct 30	1 day	Anchorage

TRAINING

Jul 24- Aug 11	3 Week	Anchorage
Aug 7-11	Level 2	Seattle
Aug 7-25	3 Week	Anchorage
Aug 21-25	Level 2	Anchorage
Sep 11-15	Level 2	Anchorage
Oct 9-13	Level 2	Anchorage

* MSCDQ briefings will now be written as "Level II" briefings.

In addition, all certified Observers must attend and pass a 4-day annual briefing before their first deployment of any type in the calendar year 2000.

INTERESTED IN WRITING/PUBLISHING THE MAIL BUOY? Volunteers needed--talk to Kim. We're always looking for extra help with letter writing/editing, insurance research, grant writing, database management, attending meetings & taking notes. The **SUBMISSION DEADLINE** for the next issue is **October 10, 2000**.

The APO continues to be interested in your ideas - if you have an idea for an article or story, would like to respond to a previous article, or think the APO has overlooked some issues, drop us a letter or call any time. Contributions from all sectors are welcome. Thanks to Dave Martins, Mandy Merklein, Vicki Cornish, Bridget Mansfield, Liz Mitchell, Teresa Turk, Kelly Van Wormer, John LaFargue, Jim Benante, Steve Barbeaux, Graeme Parkes, Larry Boyle, Mark Buckley & the HI observers for your articles/comments, your prompt answers to questions, requests for information in electric format, and/or your editing contribution. Your efforts are greatly appreciated. (KD)

The following articles are included in the Email version only, are provided for informational purposes only and do not necessarily reflect the opinions of the APO or it's members.

Posted on: Saturday, June 24, 2000

Longline fishing faces halt

By [Jan TenBruggencate](#)
Honolulu Advertiser Science Writer

Federal District Judge David Ezra yesterday effectively shut down the entire Hawai'i longline fishing industry, ruling that within 30 days federal observers must be on board every ship on every fishing trip.

"If 100 percent coverage is not achieved, all activity in the Hawai'i Longline Fishery will be suspended until 100 percent observer coverage is attained," Ezra ruled.

The injunction remains in effect until the National Marine Fisheries Service completes an environmental impact statement on the impact of the fishery on sea turtle populations. He ordered the agency to speed up its processing of the study and to complete it by April 1, 2001.

The judge yesterday expanded his Nov. 22 injunction, in which he ordered the National Marine Fisheries Service to halt all Hawai'i longline fishing in a vast region north of Hawai'i because longline boats fishing for tuna and swordfish were also hooking endangered and threatened turtle species.

Ezra widened and deepened the closure area, but the observer requirement means that by the end of next month — barring a modification by Ezra himself or a stay by an appeals court — the 115 boats and 600 crew members in the Hawai'i longline fleet will be idle.

"He's effectively shut down an industry in 30 days," said Sean Martin, a member of the Hawaiian Longline Association. In addition to the boat owners and crews, the action hits fish auctions, fishery supply firms, exporters, retailers, restaurants and others, he said.

The National Marine Fisheries Service, which operates the longline observer program, has had only minimal coverage in recent years, sending observers out on an estimated 3 to 5 percent of fishing trips, with 14 trained observers stationed in Honolulu. But in May it laid off 12 of its observers, citing budget shortfalls.

"His ruling regarding 100 percent observer coverage is virtually impossible to achieve," Martin said.

Even if the money were available, observers require extensive training, and few are available. Most of the laid-off federal observers have left the state, he said.

Martin said it is too soon to know how the industry will respond. The association may appeal, but "I suspect a significant portion (of the fleet) would relocate." Ezra's ruling applies to Hawai'i longliners, but not those in other U.S. jurisdictions, such as California or the Pacific Northwest.

Most species of marine turtle face serious threats on the open ocean as well as on their nesting beaches, and federal environmental laws require federal agencies to protect endangered and threatened species. Since the fishing boats operate under the jurisdiction of federal agencies, the National Marine Fisheries Service and the Western Pacific Regional Fishery Management Council, they also are impacted.

"We feel that a complete closure is justified under the law," said Paul Achitoff, attorney for Earthjustice Legal Defense Fund, which brought the case before Ezra on behalf of the Center for Marine Conservation and the Turtle Island Restoration Network.

Despite November's closing of a million-square-mile region of ocean, longliners continued to hook leatherback, loggerhead, olive ridley and Pacific green sea turtles, Achitoff said.

"The last closure wasn't really effective in preventing turtles from getting caught," he said.

While the observer requirement is the most critical for the industry, even if federal officials and the fleet could meet that order, Ezra strictly limited the areas where the fleet may fish.

The judge studied measures suggested for protecting turtles from each of the parties to the legal action: Achitoff's clients, the National Marine Fisheries Service and the Hawaiian Longline Association. Even the fishing industry had proposed a partial closure of the waters around Hawai'i to protect the turtles.

But the judge himself established a set of requirements that "the court believes ... will achieve the required balance by providing the best possibility to save sea turtles, specifically the leatherback turtle, while minimizing to the degree possible economic harm to the Hawai'i Longline Fishery."

In addition to full observer coverage, he ordered the National Marine Fisheries Service to enact:

A complete ban on longline fishing by the Hawai'i fleet between 30 and 44 degrees north latitude and between 137 degrees west and 173 degrees east longitude, an area of roughly 2.5 million square miles.

A ban during April and May within an area with the same east-west boundaries, but extending south to 6 degrees north latitude, an additional 4 million square miles. Within this region, the industry would be allowed to set longlines 636 times, or roughly six fishing days per boat per year. These sets will be allowed as a means of collecting data on sea turtle populations.

A requirement that allows crews to leave their longlines in place for no more than four hours, down from a standard five to seven hours. The reduction, Ezra's ruling said, "will result in proportionately fewer impacts on turtles that become entangled in longline gear."

Achitoff said he anticipates the fishing industry will appeal Ezra's ruling to the 9th U.S. Circuit Court of Appeals.

Sea Turtles. An article in the June 1, 2000 issue of Nature reported that the population of Pacific leatherback sea turtles may be as low as a few thousand individuals. This compares with NMFS's previous estimate of a population of 85,000 individuals. This information may affect Judge Ezra's action on modifying waters closed to the Hawaiian longline fishery, expected in June 2000. [Assoc Press, MSNBC, International Fund for Animal Welfare press release, Fed. Register, Virginian-Pilot, personal communication, Center for Marine Conservation press release, Reuters]

England to scallop fishing. The groups planned to ask the Court to prohibit the planned reopening of two additional areas to scallop dredging. [Assoc Press]