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July 16, 2012

Glenn Merrill
Assistant Regional Administrator, Sustainable Fisheries Division
Alaska Region NMFS
Attn: Ellen Sebastian.
P.O. Box 21668
Juneau, AK 99802-1668

Subject: FDMS Docket Number NOAA-NMFS-2011-0278; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet

Dear Mr. Merrill

I hope that all is well at Alaska Region NMFS and your summer in Juneau is going well. Please accept on behalf of all Freezer Longline Coalition (FLC) members the following comments in response to the proposed rule request for comments as captioned above in the subject line and as published in the Federal Register Vol. 77, No. 116 on Friday, June 15, 2012. As well these comments will address the Regulatory Impact Review and Environmental Assessment (RIR/EA) prepared for this action and incorporated by reference in the proposed rule.

The FLC represents a Washington and Alaska based and owned fleet with operations in Federal waters off the coast of Alaska. The vessel Members in the FLC represent 100% of the primary parties affected by this proposed rule. This fleet is principally a Pacific cod single species directed fishery fleet, and, therefore, is nearly fully reliant on Pacific cod catch. While some FLC companies may be submitting individual comments, in the interest of timely and efficient submission please accept these comments by the FLC as a **fully unanimous position of all parties directly targeted by this proposed rule.**

The FLC is grateful to NMFS and the hard working staff who have worked on these management and enforcement changes for some time. The BSAI freezer longline fleet has, for many years, been advocating for changes in the protocol for estimating the catch of Pacific cod in this fleet. Therefore we greatly appreciate the effort of NMFS to address what has been, in our opinion, a longstanding shortcoming in the management of Pacific cod catch. Much of the proposed rule serves to address both our concerns and those of NMFS. With only a few issues to be resolved the FLC believes the proposed rule will serve as a template for a final rule and urges NMFS to make the changes as requested below and publish the final rule without delay.

While several items in the proposed rule and associated EA/RIR should be corrected or clarified our intention is to address those issues by informal communications as they are principally

secretarial in nature. Therefore we will maintain the focus of these comments on the paramount concern at hand, the requirement for Non-trawl Lead Level Two (LL2) observers to serve on all vessels choosing the scales option.

We respectfully request that NMFS discard this requirement in the Final Rule for the following reasons.

- **The requirement that only the most highly trained observers can be employed to do the work on a fixed gear longliner choosing the scale option is not supported by fact. Evidence indicates these observers are not necessary on a freezer longliner.**

While we agree for the need to more precisely estimate the catch of Pacific cod, and further agree that scales as outlined in the proposed rule are an agreeable manner to accomplish this necessity, the FLC Members unanimously disagree with the need for increased observer experience as a necessary tool to accomplish this goal. Fundamentally the requirement to mandate that only federal observers with the highest level of training available can work on vessels that have arguably by far the simplest method of fishing for an observer to estimate, who take fish at a very slow pace, over a very long time, and who are primarily targeting a single species, is logically inconsistent.

The Freezer Longliners have been carrying the same level of observer coverage for many years. The proposed rule advocates the addition of a move to 100% coverage on all freezer longline vessels, the addition of scales to weigh all cod catch and camera systems to monitor the proper use of the scales. While other options exist within the rule, all FLC vessel owners have indicated they will choose the scales option. This point is recognized in the analysis that accompanies the rule.¹ With these additional requirements, maintaining the same level of experience and training for observers that we are currently carrying, and have carried for many years, will clearly accomplish the rules intent. The proposed rule identifies that its intent is in providing for the “*need for enhanced catch accounting, monitoring, and enforcement*” and to “*improve the precision of the accounting for allocated quota species.*”² This can and should be accomplished without the burdensome and potentially ruinous requirement for only LL2 observers to serve aboard these vessels. The proposed rule accomplishes all that is necessary without the requirement for LL2 observers on every boat.

Longliners because of the relatively low catch overall and the one-fish-at-a-time method of fishing already allows an observer to count and weigh more individual fish than a trawler. Precise estimates of bycatch, species composition and discards can be easily accomplished and do not require only the highest experienced observers. Participating in a single fisheries cooperative these vessels have fewer requirements for estimates beyond cod catch than most other vessels fishing in a quota share fishery. Current training already provides the observer with all of the necessary skills in working with the scales and other particulars to work on board a freezer longliner and accurately provide catch and bycatch information to NMFS on a daily basis.

¹ Regulatory Amendment to Modify Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet Regulatory Impact Review/ Environmental Assessment, May 2012

² Rule, Federal Register /Vol. 77, No. 116 / Friday, June 15, 2012 / Proposed Rules, Summary page 35925

If left unchanged the rule would separate the freezer longline fleet as the only fixed gear fleet in existence with this requirement. In comparison to other fleets with LL2 requirements, the freezer longline fleet will harvest in 2012 a maximum of 113,000 mt of Pacific cod. Compare this fleet to other fleets that have a LL2 requirement such as the Bering Sea pollock fleet with catch more than ten times the amount of the freezer longliners in pollock alone. Another example is the complex multi-species harvesters of the BSAI H&G trawl fleet that direct fish on a dozen separate flatfish species in addition to Pacific cod, Atka mackerel and Pacific Ocean Perch. The H&G trawl fleet harvests many more times the harvest of the freezer longliners with fewer vessels of much larger processing capacity in fewer at sea days. To use the experience in these fleets as a demonstration for a need for Lead Level Two observers for smaller less productive freezer longliners, and further to use this rationale to support a NMFS belief that therefore an observer onboard a cod freezer longliner should have to meet the same requirement is not a logical conclusion and is not supported in the proposed rule or the EA/RIR. Simply stating that NMFS believes the requirement is needed is not rationale to create huge regulatory burden for industry.

In publishing the proposed rule as is NMFS has discounted the repeated calls during the development of the rule by industry leaders and the entire pool of NMFS contractors for the employment of observers. Repeatedly and consistently since the requirement was first poised by NMFS these experts have advised that the requirement for Lead-Level Two observers was not necessary for this fleet and would be a highly problematic regulation, perhaps resulting in the stranding of vessels to the dock. Rather than accept expert opinion, NMFS is choosing in lieu to push forward with the requirement for Lead-Level Two observers based on the position that this is necessary in the case of the Freezer Longliners because it was found to be necessary in previous rationalized fisheries.

As a matter of fact in the only discussion on other fixed gear fisheries operating in a quota share program the EA/RIR states *“The halibut and sablefish IFQ programs were introduced before 1999, and lead level 2 requirements have not been introduced into those fisheries. No observers have been required in the halibut fishery.”* The vessels being are in many regards more comparable to the freezer longline vessels, than are the large trawl fisheries referenced by NMFS, a few are in fact freezer longliners. The other fixed gear fishery perhaps more in line with the methods of a freezer longliners than a trawler is the Bering Sea crab catcher processor fleet. This is a federal fishery, managed by deference to the state of Alaska and requires one observer aboard the catcher processor crab fleet. No Lead Level Two observer requirement exists for this similar fleet.

While the halibut and sablefish IFQ vessels will be, and we agree should be, receiving a higher level of observer coverage under the new restructured observer program starting in 2013 no requirement for LL2 observers exists for good reason, it simply is not necessary on board a longliner targeting a single species. To require these vessels to only carry LL2 would make about as much sense as it does for the freezer longline fleet.

The freezer longline fleet should have 100% observer coverage as mandated in the proposed rule, we agree with that. We also have agreed to the scale requirement as a solution for more precise estimates of the cod catch, and we agree that one observer on board at all times is the proper manning requirement. The addition of multiple-camera systems on these vessels as proposed in the rule is also an acceptable addition for the strengthening of management and enforcement.

However, the concept referenced in the EA / RIR analysis and the proposed rule that another additional layer of management and enforcement on top of the foregoing is called for, requiring that every vessel in the fleet carry a LL2 certified observer to assure that regulations are adhered to, is simply not necessary when considering the pace of the longline fishery. Observed sets can be compared to unobserved sets, a multiple camera system is recording all possible sources of bypass around the scale when the observer is not in the area of the scale. The offload can be monitored and compared to catch records if necessary. With these smaller longliners the opportunity is simply not there for widespread deceptions as in the larger trawl fisheries and there is absolutely no evidence, even antidotal, that a problem exists. This is a fishery that is well into its second year in a cooperative fishery and has been fishing for over 25 years without any history of deception on catch that would justify such a far reaching and financially damaging regulation to be mandated.

The CDQ fixed gear longline catcher processor fleet no longer has a requirement for lead level two observers. Until recently, as explained in detail in the EA/RIR, this fleet had a LL2 requirement. This former requirement was on a small number of vessels, and since the requirement for LL2 was lifted the fleet has not experienced any adverse results. This requirement was also far different than requiring this for the entire fleet as explained and expanded on in the next section. We believe that the absence of any significant issues in this fleet since the LL2 requirement was discarded is further evidence that the requirement for LL2 observers for the entire fleet is simply unnecessary. **Considering the potentially massive negative results to industry the requirement should be removed from the final rule.**

- **The requirement that only the most highly trained observers can be employed to do the work on a fixed gear longliner will be unworkable in the long-term. The pool of observers available to fill this requirement will be quickly depleted and significant, irreparable harm will be caused to this fleet.**

Letters³ signed by all of the companies in existence that currently provide federal observers to the freezer longline fleet indicate an inability for these providers to supply the anticipated number of LL2 observers going into the future if the proposed rule becomes law. There is currently no alternate source to supply observers to the fleet. **If NMFS does not reject this requirement in the Final Rule it is our conclusion that the rule will cause long-term severe and significant economic losses for our Members when these shortages occur.** If adequate observers are not available in a timely matter the vessels will have no choice but to stop fishing and wait for an observer to become available. Consequently, the loss of fishing caused by implementation of the proposed rule without granting the request to remove the LL2 requirement will cause instability in our fishery, severely limit the ability of the vessels to plan fishing operations and cause significant losses to the owners, operators and crew of these vessels that cannot be mitigated.

The Analysis for the EA / RIR delves into the issue of LL2 availability in depth and determines that these observers will be difficult to get but will be available. The analysis has several shortcomings and completely misses the mark in several areas. Using anecdotal information to make assumptions about a possible future the analysis makes no conclusion as to the factual basis for the proposed rules requirement that only LL2 observers can be used on vessels selecting the scales option. The analysis is only mildly convicting that we may be able to find these observers in year one of the program but after careful review and discussions with the author of

³ Letter to NPFMC October 2011, [attached](#). Letter to NMFS May 2012, [attached](#)

the EA / RIR analysis we are convinced the analysis itself shows it will be tight and may quickly unravel and become impossible at any price to fill the vacancies.

The analysis indicates that estimates using 2011 as a baseline the freezer longline fleet “*would have required 133 individual observers*”⁴ while admitting the upper bound may be as high as 150⁵. This range is possibly correct although fluctuations are driven by Total Allocated Catch (TAC), which is on the increase, which was not but should have been taken into account in the analysis.

The analysis goes on to indicate that using a snapshot of only November 2011, 208 LL2 observers were available. Had the requirement for certification to LL2 been lower as is proposed by the rule the actual number would have been 250 non-trawl LL2 observers that would have been qualified under the proposed rule.⁶ Again we accept that this is likely correct for one small period of time and the only time that was looked at. This methodology falls far short of a complete analysis. This completely misses any look at whether these observers were also trawl LL2 certified. In other words these observers were not available to the freezer longliners as they were likely deployed into the trawl fishery where they are needed and required. This is a major error in the analysis that causes all other projections on numbers of LL2 observers that will be available in the future to the freezer longliners to be questionable. The analysis indicates that out of the 208 non-trawl observers available in this time period only 39 served on board freezer longliners.⁷ The analysis questions why more were not deployed in the fleet but fails to look for an answer when an answer was available. These observers were not available quite possibly because they were deployed into other fisheries where they are required.

The analysis recognizes that the pool of available observers with non-trawl LL2 certification was created by a past requirement that all CDQ fisheries have a LL2 certified observer. This requirement was met with some difficulty, but was met, primarily by the available training platform for non-trawl observers being the entire non CDQ freezer longline fleet. This training platform is being eliminated by the proposed rule. The analysis notes, that “*almost all of the catcher/processors would choose the scales option*”⁸. In fact 100% of the FLC members have indicated that they will eventually select the scale option. Most will do so in the first year with the remainder doing so in year two. Once this occurs the training platform that created the current pool of available non-trawl LL2 observers, whatever the actual number of **available** observers turns out to be, goes away.

While the analysis drifts into an odd supposition and offers a solution to the forgoing obvious problem that “*It is possible, however, for the cooperative to arrange for its members to compensate some vessels to carry an observer in addition to the lead level 2, and the observer could thus obtain sampling experience needed to qualify for a lead level 2 position*”⁹. This theory is flawed from the get go. It is not possible that this will take place in actuality, not because the FLC would not be willing to, at huge expense to itself, take up an observer training program for NMFS that would be far out of the realm of any observer program currently in existence, but because federal law mandates that we cannot request particular individuals to work

⁴ EA / RIR pg 60

⁵ EA / RIR pg 61

⁶ EA / RIR pg 61

⁷ EA / RIR pg 61

⁸ EA / RIR pg 61

⁹ EA / RIR pg 62

on our vessels. The analysis notes this in an earlier section “*Fishing firms cannot request specific individuals (and are prohibited from discriminating on a number of other grounds, including sex, as well).*”¹⁰

In reality if we did provide training time for the federal observers there is no mechanism available to assure these observers would ever come back or be available for our fleet. The analysis itself recognizes that “*Observer attrition is high*”¹¹ and “*few observers will be taking trips only on fixed gear vessels*”¹² and notes that the observers themselves are not prone to be fond of the work aboard a freezer longliner “*Anecdotal information from industry observers indicates that many observers find freezer longline work relatively less desirable than some other types of observer work. The vessels take relatively long trips, and a single observer must often work long shifts, with little or no sleep, often relatively exposed to the weather, to meet the requirements of random sampling schedules prepared in advance.*”¹³ And another issue is noted in the analysis “*Observer companies, and fishing firms, are likely to be reluctant to compel observers to fulfill contractual commitments and serve on fishing vessels when they do not want to do so.*”¹⁴

Another gross shortcoming of the analysis as to its approach on the future availability of LL2 observers to the freezer longline fleet is the concept that if there were a shortage of observers, which we contend is a certainty under the proposed rule, the freezer longliners and observer providers could simply “bid-up”¹⁵ the price offered to observers to encourage them to obtain the LL2 certification and work aboard the freezer longliners. This concept places far too much burden on the freezer longliners which currently pay roughly \$400.00 per day for each observer including room and board and airfare and transportation to and from the vessel.

There is absolutely no evidence that paying more will fix the problem of a lack of available observers, particularly to the degree that a lack of observers is projected by the observer providers. In addition this must be placed into context with the newly restructured observer program that is yet to be implemented. Because of the structure of that program, observers will be paid a higher rate than observers currently working on freezer longliners and an exodus to the higher paying positions could occur. **The freezer longliners will already likely have to pay more than the current rate to obtain any observers without adding the LL2 certified requirement to the mix.** “*Note that the observer restructuring program, by increasing wages among vessels in the less than 100 percent sector, will also put upward pressure on wages in the 100 percent sector.*”¹⁶ As previously stated we do not believe LL2 certified observers are needed on a freezer longliner to accurately and competently provide the necessary catch information to NMFS, particularly with the scale option. The current pool of observers we are now using, a mix of LL2 certified and non-certified will be more than sufficient. The analysis indicates that the freezer longliners are among the simplest platforms for observers. “*This fleet requires one of the most straightforward sampling strategies of all potential fixed gear deployments*”¹⁷ We would

¹⁰ EA / RIR pg 55

¹¹ EA / RIR pg 64

¹² EA / RIR pg 54

¹³ EA / RIR pg 55

¹⁴ EA / RIR pg 66

¹⁵ EA / RIR executive summary pg X, EA / RIR pg 67, 71

¹⁶ EA / RIR pg 62

¹⁷ EA / RIR pg 59

strongly contend that the freezer longline fleet requires one of the most straightforward sampling strategies of all gear deployments, period!

The final shortcoming in the rule that we would like to address is the manner in which the analysis relies on assumptions of a future, yet to be implemented, restructured observer program, to become nearly the only sole training ground left for a new observer to gain the experience to become a non-trawl LL2 observer. If for no other reason the LL2 requirement in the rule should be dropped because until the new program is implemented and has fully functioned for several years, we have no idea whether the analysis is correct in its assumptions as to how many LL2 observers will be created in the future program. And certainly there is no factual evidence that the program will function as outlined in the analysis. Take for instance the following quotes from the analysis as an indication as to the difficulty of predicting the future availability of the LL2 observers for our fleet:

*“The development of a cooperative based fishery is expected to lead to changes in the duration of fishing and the number of vessels participating in the fishery. This makes accurately estimating observer demand in the future difficult”*¹⁸ This leaves out the single most important driver, that being Allowable Biological Catch and Total Allocated Catch or ABC and TAC. The analysis was based primarily on 2011 numbers for estimated needs of observers. The TAC in 2011 was 228,000 mt but in 2012 rose to 261,000.00 mt an increase of over 13%, the 2013 TAC could be as high as 319,000¹⁹ mt or a 70% rise over the lone 2011 year used in the analysis as a basis for LL2 Observer needs. This approach again falls short by failing to recognize that a freezer longline fleet can only catch fish at a certain rate and a rise in TAC equates to a similar rise in observer coverage requirement.

Even on the assumption that this future program functions as anticipated in the analysis there is absolutely no assurance that these newly created LL2 observers will want to, or will have the ability to, move to the freezer longline fleet as they will be working under a wholly separate observer program. The work these observers do is considered “contract work”, observers are not always guaranteed to be available, the analysis does not account for factors such as higher education, raising a family and observers working in another job that will certainly account for observers with experience and LL2 certificates not choosing to become freezer longline observers. Right now all observers that want to work are working; other factors contribute to the turnover rate, nature of the work, personal relationships and being on land vs. water. The analysis and the rule fail to recognize the many barriers that will exist between “contract observers” (in the yet to be implemented observer restructuring program) and “pay as you go observers” (observer pool currently available to the freezer longliners).

Closing:

The concept to require Non-trawl Lead Level Two (LL2) remains as our paramount concern with the rule as proposed. Of further concern is the fact that NMFS staff and the authors of the proposed rule have discounted an entire industry comprising every individual directly affected by this rule and further has ignored the advice of every single observer provider company who contracts with NMFS to provide these observers. Not only has NMFS disregarded the entire industry who first requested the changes as outlined in the proposed rule and their own expert

¹⁸ EA / RIR pg 60

¹⁹ NMFS, TABLE 1—FINAL 2012 AND 2013 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), (USING ABC = TAC for 2013, 2012 was TAC < ABC by industry agreement and NPFMC approval.)

contractors, both of who have clearly articulated major issues with the increased observer certification as proposed in the rule but further uses flawed rationale to support its position on the necessity of including the requirement for increased observer training.

We respectfully request that NMFS discard the LL2 requirement for those vessels selecting the scale option in the Final Rule for the above aforementioned good cause.



Kenny Down
Executive Director
Freezer Longline Coalition
<http://freezerlonglinecoalition.com/>



Cc:
Dr. Jim Balsiger, Regional Administrator, Alaska Region

September 27, 2011

Mr. Eric Olson, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501-2252

RE: Draft Regulatory Amendment to Modify Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet

Dear Chairman Olson,

The Observer Providers in the North Pacific Groundfish Observer Program have serious concerns about the draft Regulatory Amendment to Modify the Monitoring of the BSAI Freezer Longline Fleet. Alternatives 2, 3, and 4 propose a range of options including significant increases in total number of observers needed to cover the longline fleet, and unsustainable increases in the level of certification required for that same coverage. If adopted, several of these proposed options will lead to a severe shortage of qualified observers, which will in turn leave vessels unable to fish.

Both Alternatives 2 and 4 include language that would require most, if not all, freezer longliners to carry a single lead level 2 observer at all times. The document preparers then suggest that getting an observer from training to the point of certified lead level 2 is a quick and easy process. In fact, it currently takes multiple deployments of 75-90 days to get a person the requisite 60 sampling days, 60 sampled sets, and two completed deployments. Moreover, because under these proposed alternatives newly trained observers could not get their fixed gear experience on freezer longline vessels, our only option to get new observers certified as fixed gear leads would be to deploy them on pot and fixed gear catcher vessels. These boats are typically active two months out of the year, first in January and again in September. Only a handful of observers would then get their 60 sampled sets within a calendar year. Realistically, the majority of observers would need two years observing on those other gear types before they could qualify for a freezer longliner assignment. And, the experience gained on these other vessels, fishing various gear types, will do little to enhance their preparation for the work observing on freezer longliners

Our comments and objections to these proposed changes are not based on projections; rather they come from years of experience trying to maintain a pool of lead level 2 observers. Prior to the formation of the Voluntary Freezer Longliner Cooperative many vessels fished both open access and CDQ over their fishing year. The seasons were truncated by smaller quotas and a larger fleet, so many boats fished with a level 2 lead for most, if not all of their fishing days. As a group, we managed to provide level 2 leads when requested, but not without a great deal of hand-wringing. The providers were only able to maintain the numbers of leads required because we had a number of freezer longliners that didn't have CDQ who could carry non-lead observers. Those observers were then able to gain experience for certification as fixed gear

leads. We also had the option to place a non-lead as a second observer during CDQ fishing. Without those options under the proposed alternatives the providers will not be able to create enough replacement leads.

Currently, under the newly formed voluntary freezer longliner cooperative, and with the increase in quotas, much of fleet will see 9-12 months of fishing. Many of these boats make 30-40 day trips, so contractors find that after two trips an individual observer almost always needs to be replaced to avoid exceeding their 90 day limit. One freezer longliner will then need 4-6 observer deployments to provide a year of coverage. With 32 vessels in the fleet, option 2 will require up to 200 individual deployments of level 2 leads in a calendar year. With the current numbers of certified fixed gear leads, the providers can cover the first few months of fishing. However, without means to certify new leads we will quickly deplete our available corps of leads. The suggestion that this requirement will come at no significant cost, does not consider the fact that boats will be tied to the dock due to lack of level 2 leads.

Finally, we have a fundamental argument with the need for the most experienced level of certification for an observer who is onboard a vessel with a scale. As compared to an observer working on a trawler, an observer monitoring fixed gear catch already brings back more accurate data because more individual fish are counted and weighed than can be counted on a trawler. With the addition of the scale the total weight of fish brought onboard will be more accurately recorded. The current structure of the training class for new observers includes instruction on how to work on vessels with these scales. We are then advocating that the Alternative 2 language should be changed to: *The vessel must carry one observer on board for 100 percent of fishing days.*

In closing, we want to reemphasize that any requirement to have a single lead level 2 observer at all times will very quickly deplete the pool of qualified observers to cover the freezer longline fleet and will ultimately prevent the fleet from fishing its quota.

Sincerely,

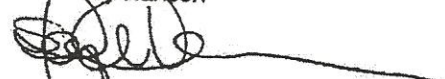
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Troy Quinlan


Techsea International Inc.

May 16, 2012

Jim Balsiger
Regional Administrator, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

Dear Dr. Balsiger,

The following comments are to follow-up on a letter from the North Pacific Observer Providers (Providers) to the North Pacific Fisheries Council expressing our concerns with the proposed regulations to require Fixed Gear Lead Level 2 endorsement for observers observing vessels in the Voluntary Freezer Longline Cooperative (VFLC).

The Providers understand that NMFS might be proposing to reduce the qualifications for fixed gear lead to 30 sets to address our concerns. We do not see this as a long term solution. While it would increase the numbers of qualified individuals at the onset, over time it would not provide a path for Providers to get people without fixed gear experience the necessary sets to qualify as leads. In our original comments we stated that our only option for new observers to get the requisite sampled sets would be to place them on fixed gear vessels not in the VFLC. For most of us that option will go away under the new partial coverage observer program set to begin in 2013. A single Observer Provider company will be selected to provide coverage for all vessels in that program. Those vessels include all fixed gear vessels other than the vessels in the VFLC. That leaves only one option for the Providers not participating in the partial coverage program to get sampled sets for new persons: to place second observers on with the Leads to gain the required number of sampled sets. And this solution might not even be an option if the language of the regulation mandates that only persons with a Fixed Gear Lead Level 2 endorsement can observe on these vessels.

We maintain that any regulation that mandates a single Fixed Gear Lead Level 2 observer to cover these vessels will lead to a shortage of qualified individuals to observe vessels in the VFLC. We strongly encourage NMFS to drop the Lead requirement.

To date, the Providers have been left out of the discussions about this regulation. NMFS needs to include us, and solicit our input because the negative impacts of this regulation will prevent us from doing our work.

Sincerely,


Michael Lake
Alaskan Observers Inc.


Bryan Belay
MRAG Americas Inc.


Stacey Hansen
Saltwater Inc.


Troy Quinlan
Techsea International

Cc: Martin Loefflad
Glenn Merrill
Jennifer Mondragon

September 27, 2011

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North Pacific Fishery Management Council
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Both Alternatives 2 and 4 include language that would require most, if not all, freezer longliners to carry a single lead level 2 observer at all times. The document preparers then suggest that getting an observer from training to the point of certified lead level 2 is a quick and easy process. In fact, it currently takes multiple deployments of 75-90 days to get a person the requisite 60 sampling days, 60 sampled sets, and two completed deployments. Moreover, because under these proposed alternatives newly trained observers could not get their fixed gear experience on freezer longline vessels, our only option to get new observers certified as fixed gear leads would be to deploy them on pot and fixed gear catcher vessels. These boats are typically active two months out of the year, first in January and again in September. Only a handful of observers would then get their 60 sampled sets within a calendar year. Realistically, the majority of observers would need two years observing on those other gear types before they could qualify for a freezer longliner assignment. And, the experience gained on these other vessels, fishing various gear types, will do little to enhance their preparation for the work observing on freezer longliners

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leads. We also had the option to place a non-lead as a second observer during CDQ fishing. Without those options under the proposed alternatives the providers will not be able to create enough replacement leads.

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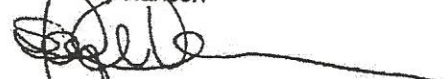
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Techsea International Inc.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

June 12, 2012

Michael Lake, Alaskan Observers Inc.
Bryan Belay, MRAG Americas Inc.
Stacey Hansen, Saltwater Inc.
Troy Quinlan, Techsea International Inc.

Dear Observer Providers:

Thank you for your letter dated May 16, 2012, explaining your concerns about what may be contained in the proposed rule we are preparing for revisions to regulations governing monitoring and enforcement requirements for the voluntary freezer longline cooperative. Specifically, you stated that the proposal to reduce the number of sets that must be sampled to obtain lead level 2 certification will not adequately address concerns you previously expressed about the supply of lead level 2 observers in the future. You are concerned that observer providers that are not selected to contract with NMFS to provide observers under restructuring of the Observer Program will not have the opportunity to provide observers in their employ with the experience necessary to obtain lead level 2 certification.

We hope to publish the proposed rule within the next few weeks. We encourage you to review the proposed rule and its supporting analysis and submit written public comments during the public comment period on the rule. We have tried to address concerns you raised in previous letters about a potential shortage of lead level 2 observers in the analysis prepared for this issue. This analysis is posted on our website at http://alaskafisheries.noaa.gov/analyses/groundfish/rirea_flme0512.pdf (see pages 53 through 68 of this analysis).

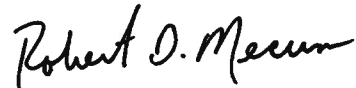
As described in the analysis and previously in letters and presentations to the North Pacific Fishery Management Council, NMFS believes that lead level 2 observers are necessary on vessels in the freezer longline cooperative to collect complete, accurate, and timely fisheries data from this fleet. The analysis indicates that while it has been difficult at times in the past for observer providers to provide an adequate number of lead level 2 observers, the reduction in the number of required sampled sets for lead level 2 certification from 60 to 30 sets will increase the number of lead level 2 observers in the future. In addition, restructuring of the Observer Program will extend observer coverage requirements to new classes of catcher vessels, including vessels in the halibut fleet. This will provide new opportunities for observers to gain lead level 2 experience. While the observer provider selected to contract with NMFS under observer restructuring may have the majority of opportunities to deploy its observers on smaller fixed gear vessels and obtain the sampling experience necessary for lead level 2 certification, observers are able to move among observer providers, and other providers will be able to bid for the services of qualified observers to supply lead level 2 observers to the freezer longline fleet.



You also expressed concern that observer providers will not be allowed to place second observers on vessels with one lead level 2 observer to provide that second observer with sampling experience towards their lead level 2 certification. The proposed rule does not include a prohibition on this type of arrangement.

Again, we welcome your comments on the proposed rule and our analysis of the lead level 2 certification requirements. If you have any further concerns or questions about this matter, please contact Jennifer Watson in our Sustainable Fisheries Division at (907) 586-7537 (jennifer.watson@noaa.gov). Thank you for your continued cooperation in our efforts to sustainably manage our federal fisheries.

Sincerely,



James W. Balsiger, Ph.D.
Administrator, Alaska Region

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Jwatson 6/11/2012