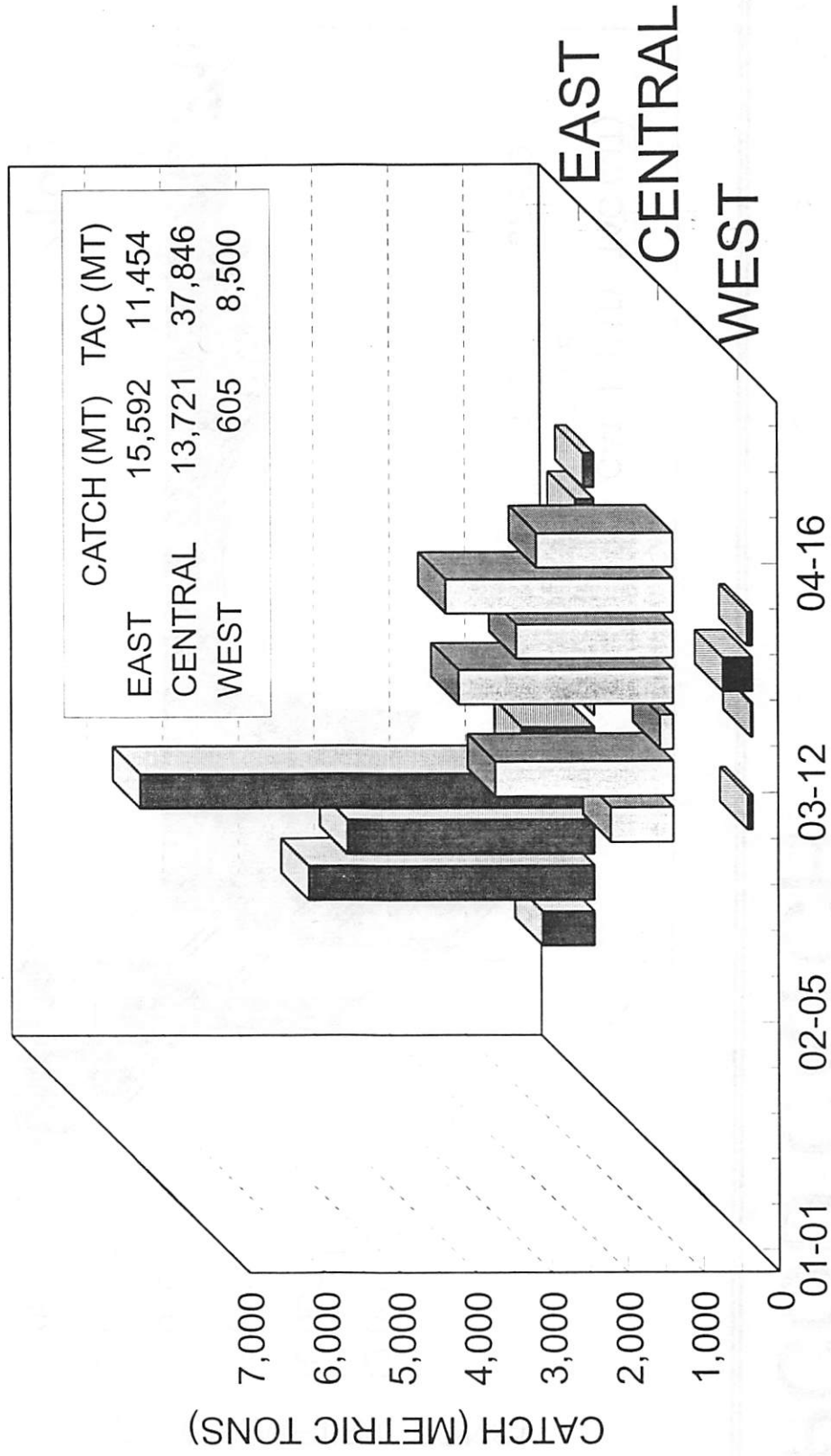


April 1994

NMFS FISHERIES MANAGEMENT REPORT

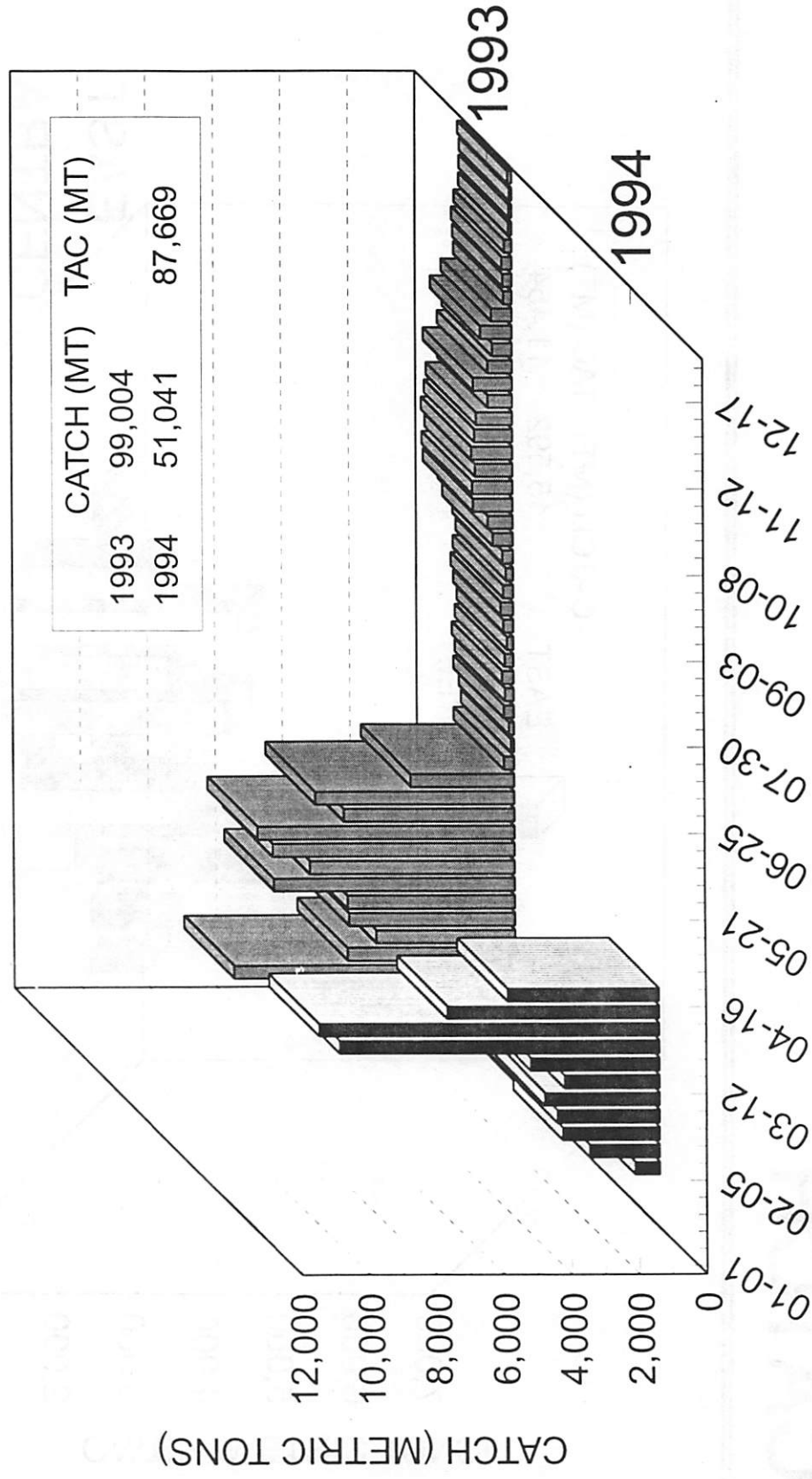
BERING SEA/ALEUTIAN ISLANDS

1994 BSAI ATKA MACKEREL CATCH



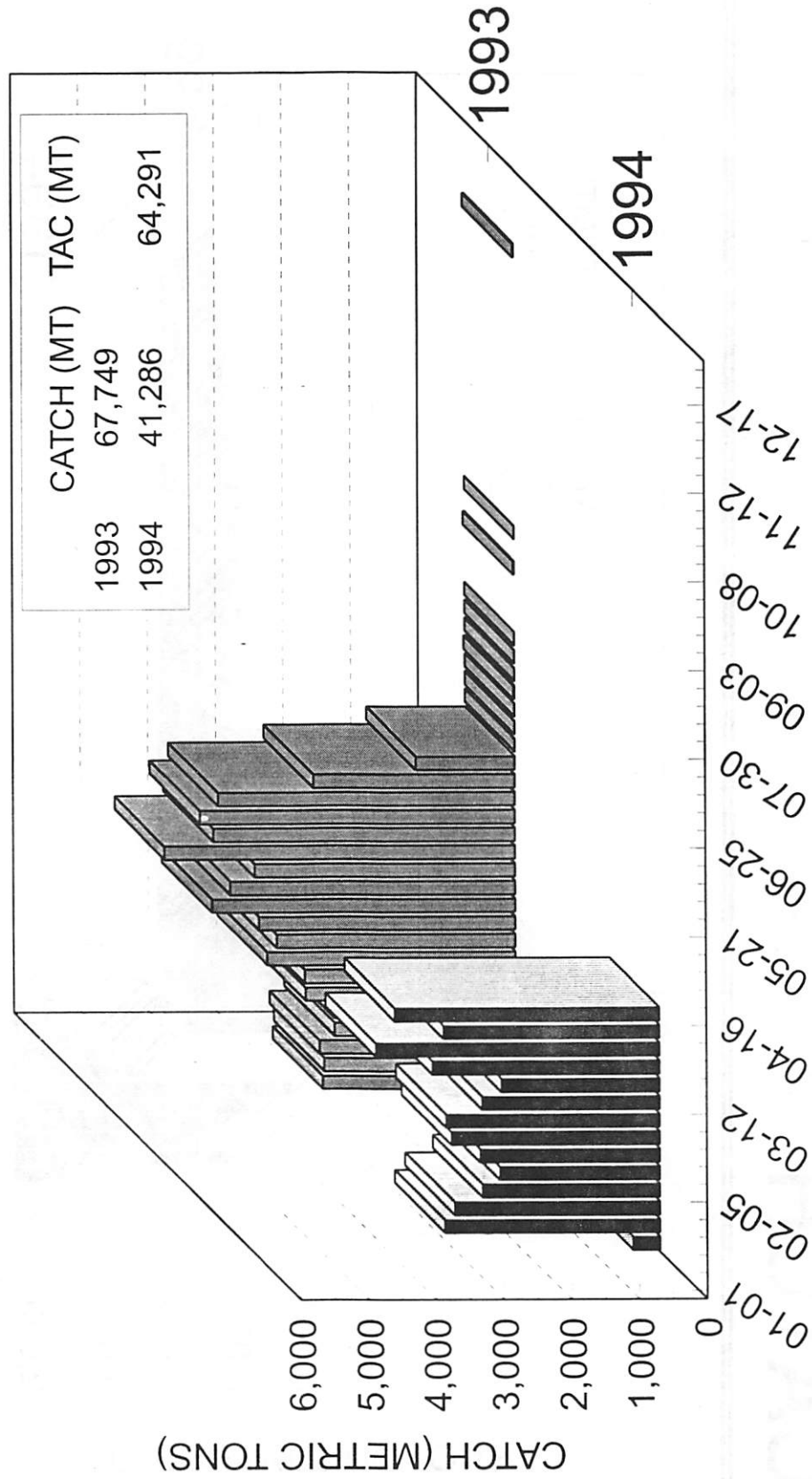
(through 4/2/94)

1993 & 1994 BSAI TRAWL PCOD CATCH



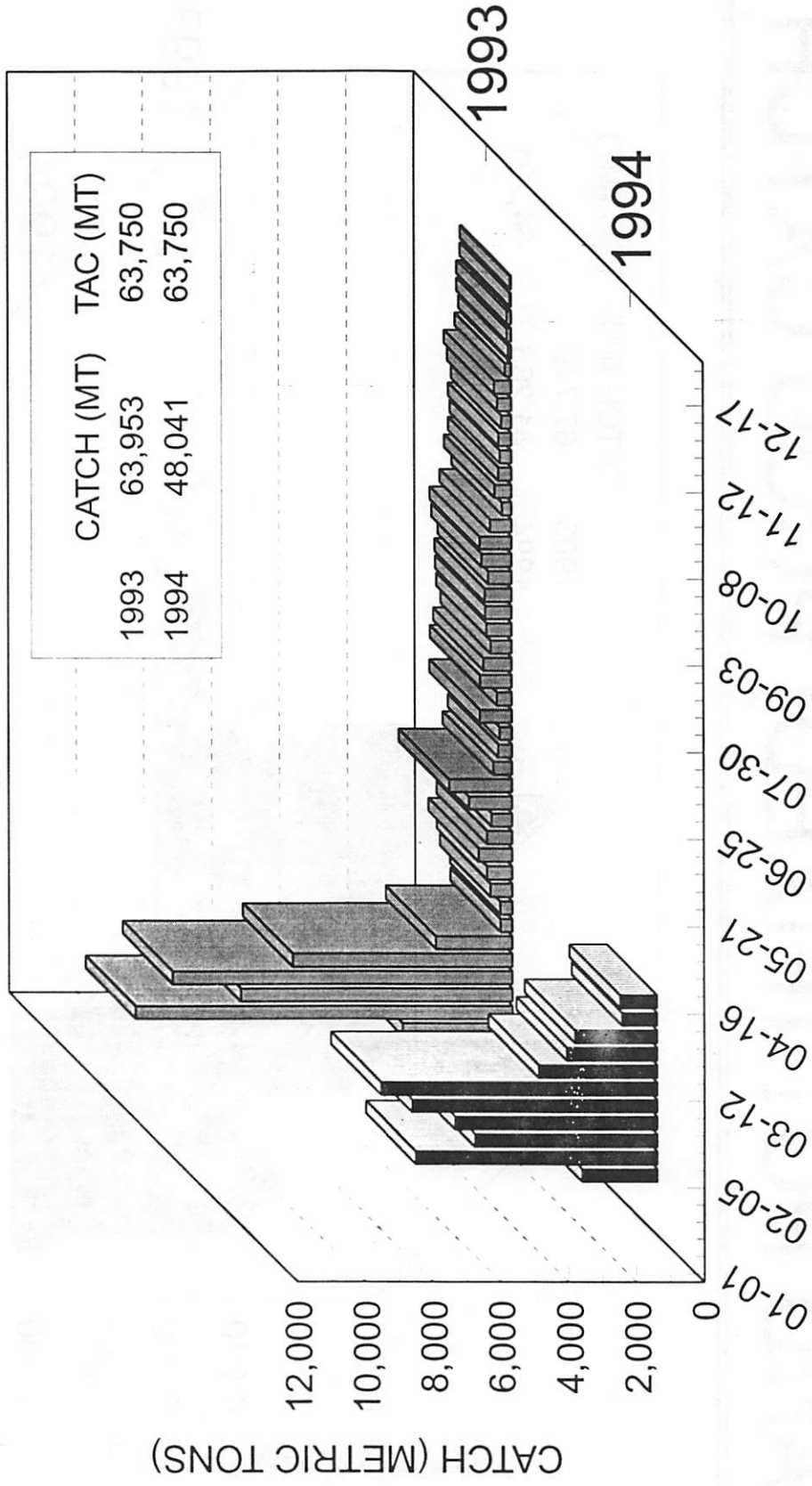
(through 4/02/94)

1993 & 1994 BSAI HOOK-&-LINE AND POT (FIXED) PCOD CATCH



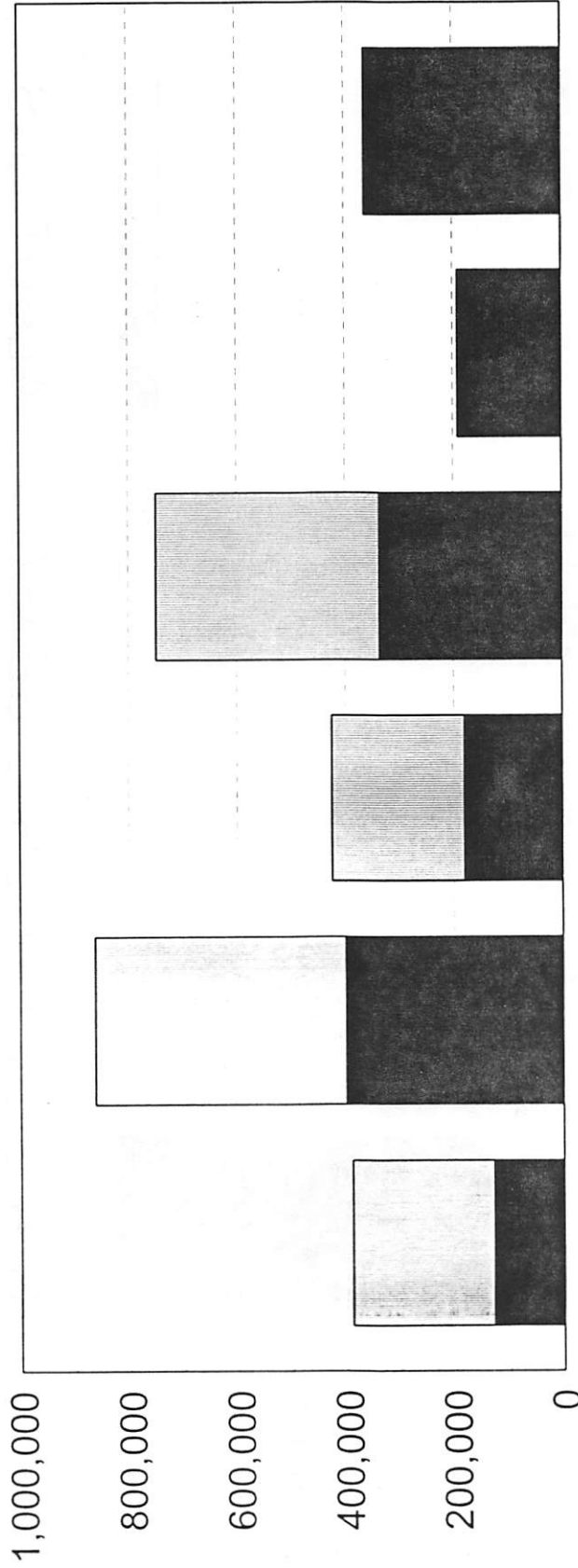
(through 4/02/94)

1993 & 1994 BSAI ROCK SOLE CATCH



(through 4/02/94)

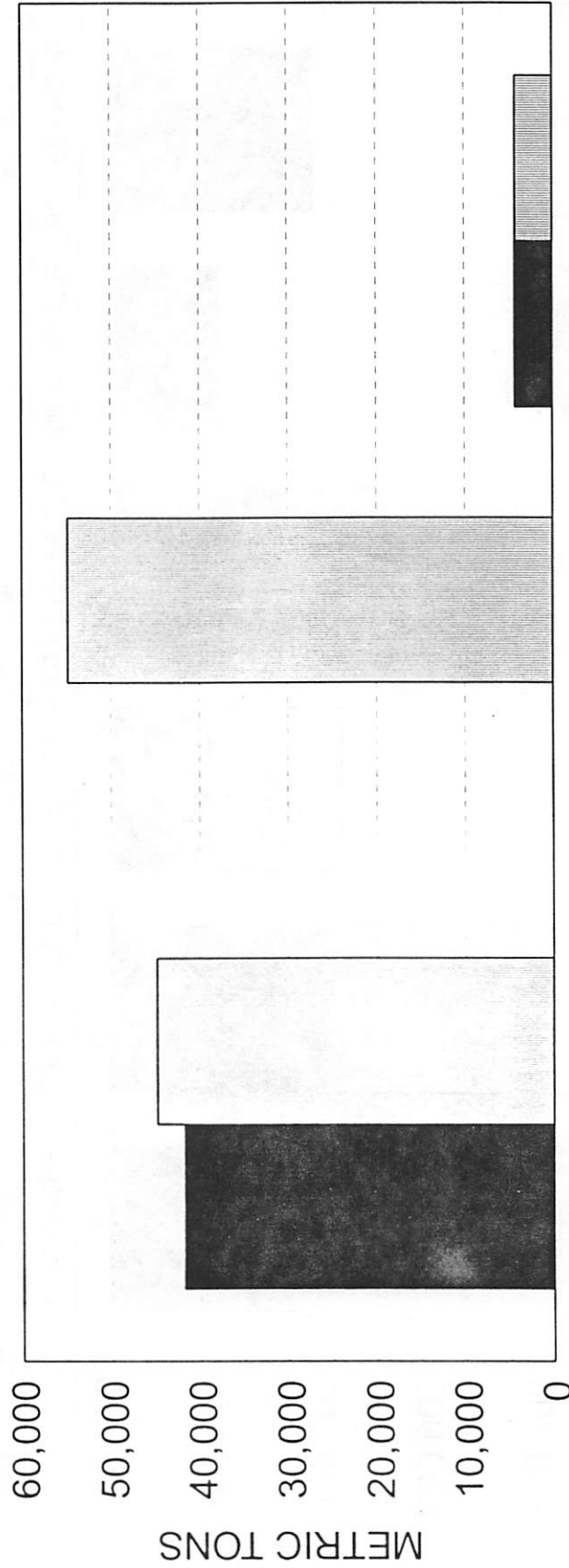
1992 - 94 INSHORE/OFFSHORE POLLOCK CATCH*, BERING SEA



*EXCLUDES CDQ POLLOCK

(through 4/02/94)

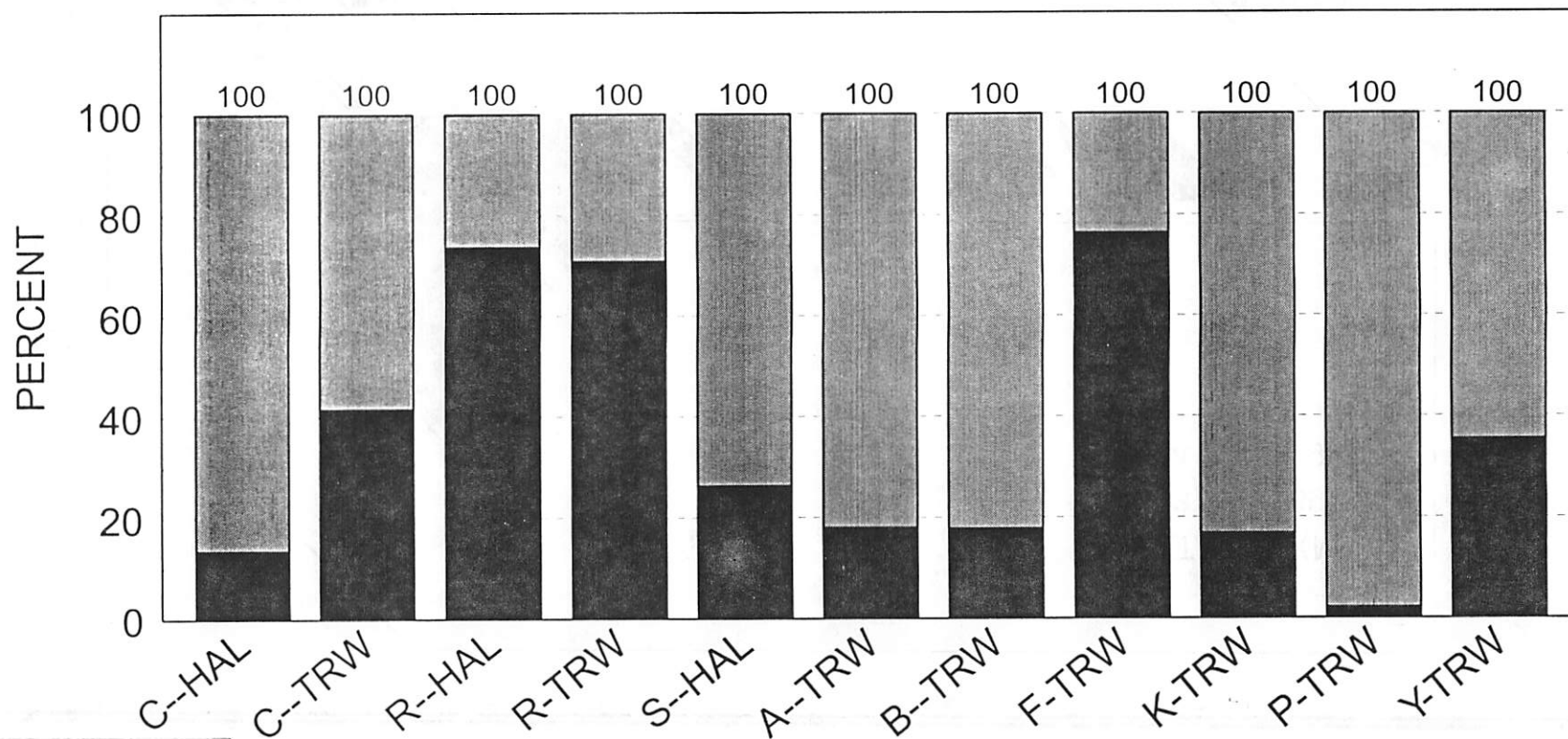
1994 BSAI CDQ POLLOCK



	BS 'A' SEASON	BS 'B' SEASON	ALEUTIANS
CATCH	41,775	0	4,283
CAP	44,887	54,863	4,245

(through 4/02/94)

1994 BSAI PERCENT DISCARDS BY GEAR AND TARGET FISHERY



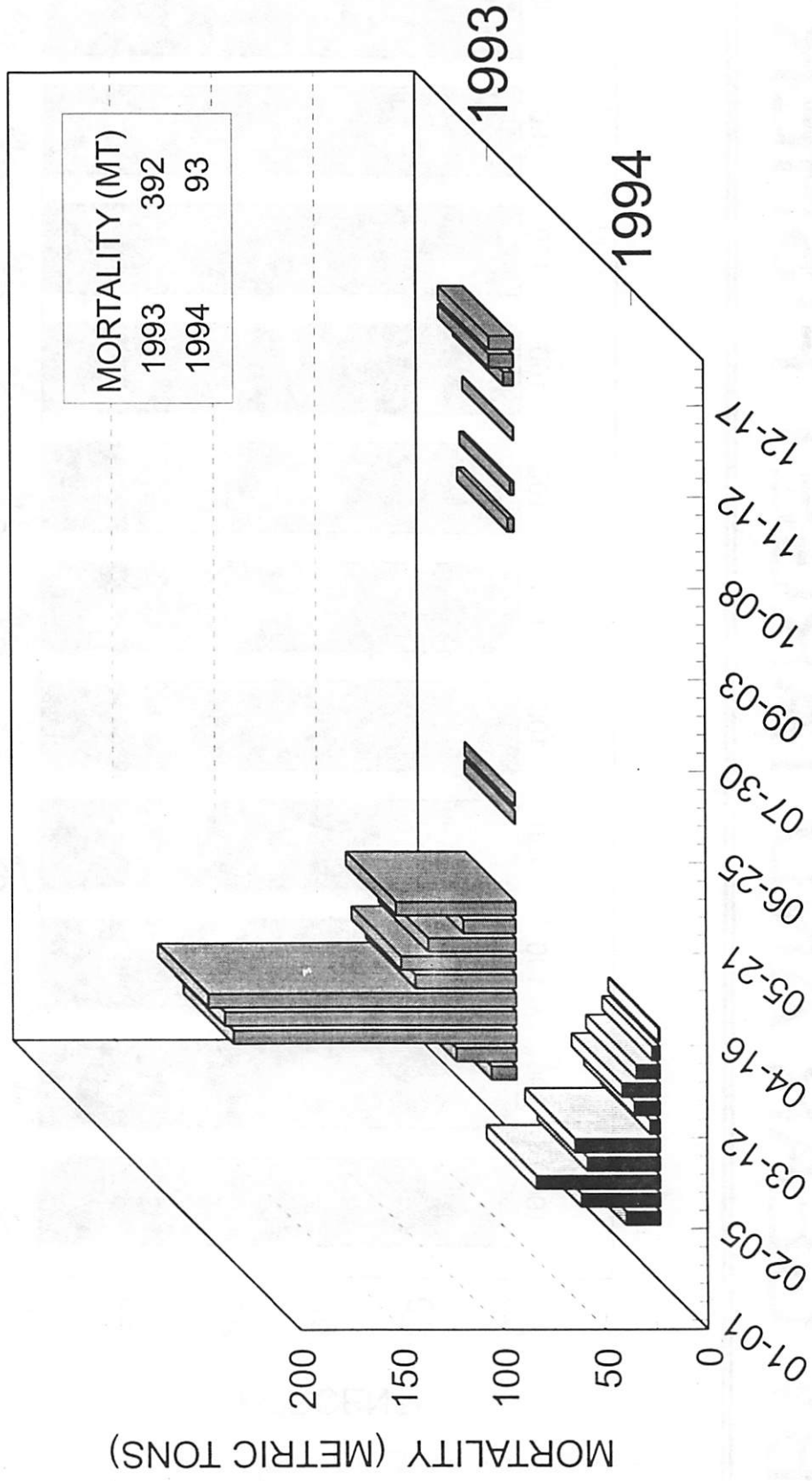
LEGEND

- A - Atka mackerel
- B - Bottom pollock
- C - Pacific cod
- F - 'Other' flatfish
- K - Rockfish
- P - Midwater pollock
- R - Rock sole
- S - Sablefish
- Y - Yellowfin sole

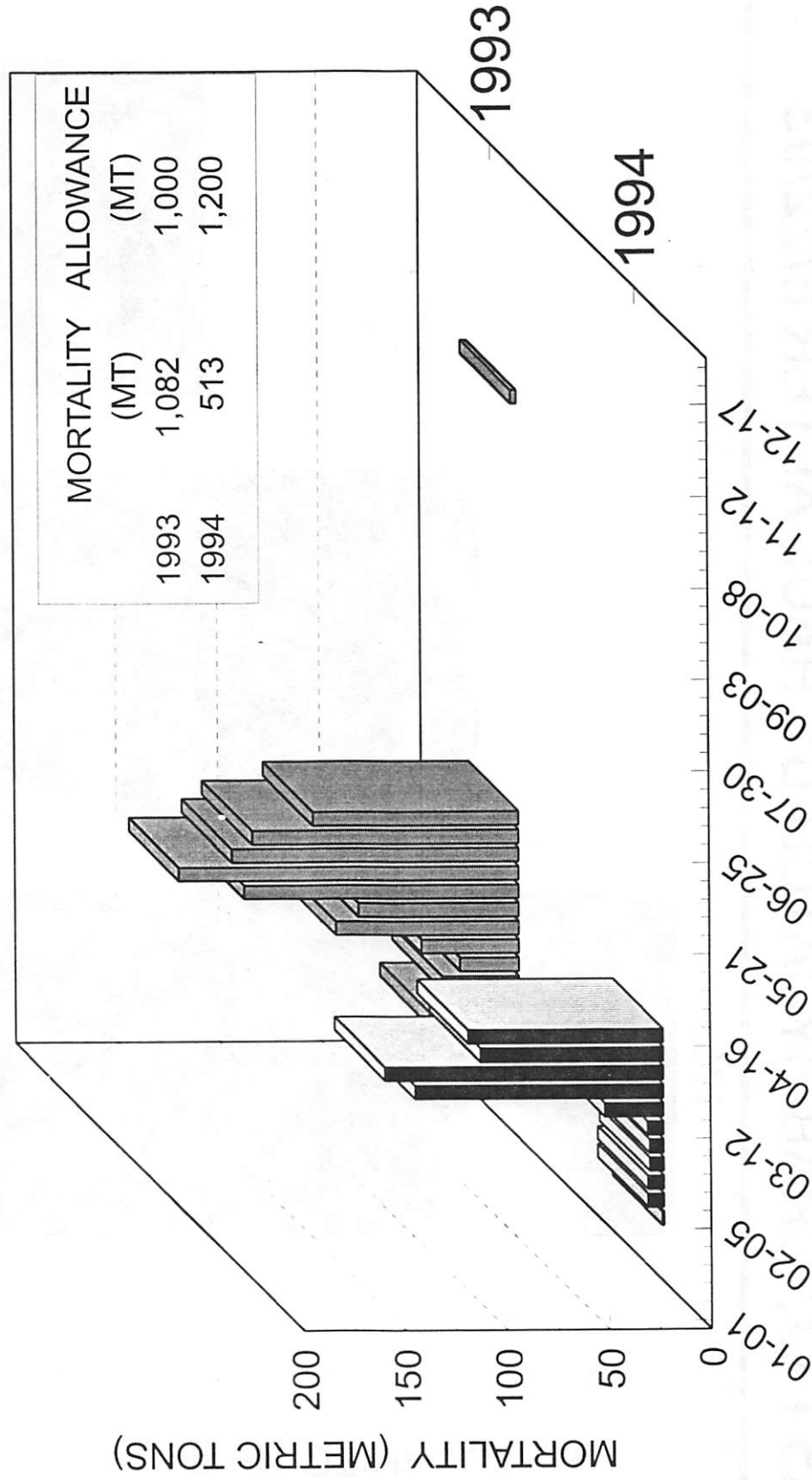
■ DISCARD ■ RETAINED

(through 4/02/94)

1993 & 1994 BSAI 'A' SEASON HALIBUT MORTALITY, BTM PLCK



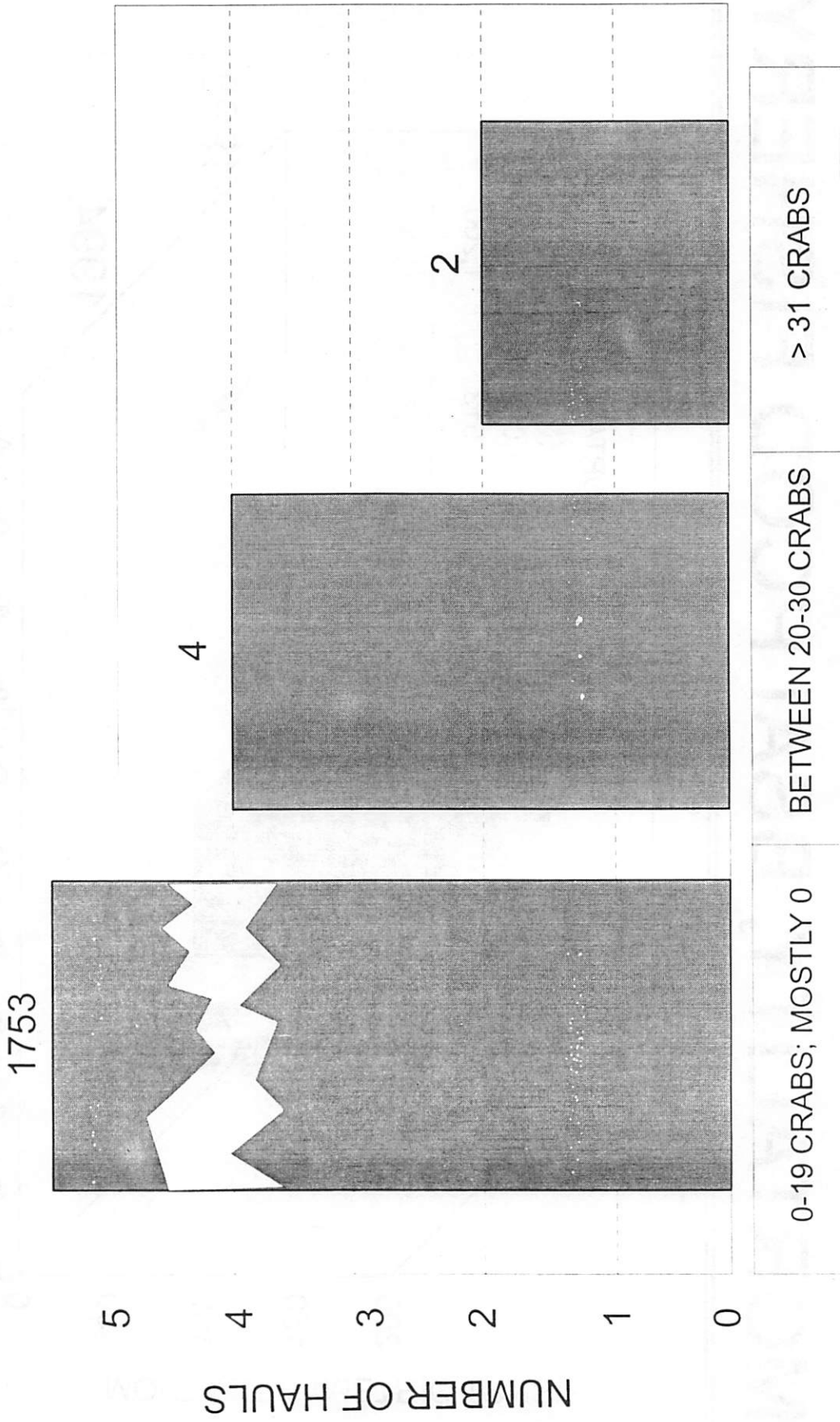
1993 & 1994 TRAWL HALIBUT MORTALITY, BSAI PCOD FISHERY



(through 4/02/94)

Note: Trawl halibut mortality in PCOD fishery assumed to be 60% in both years.

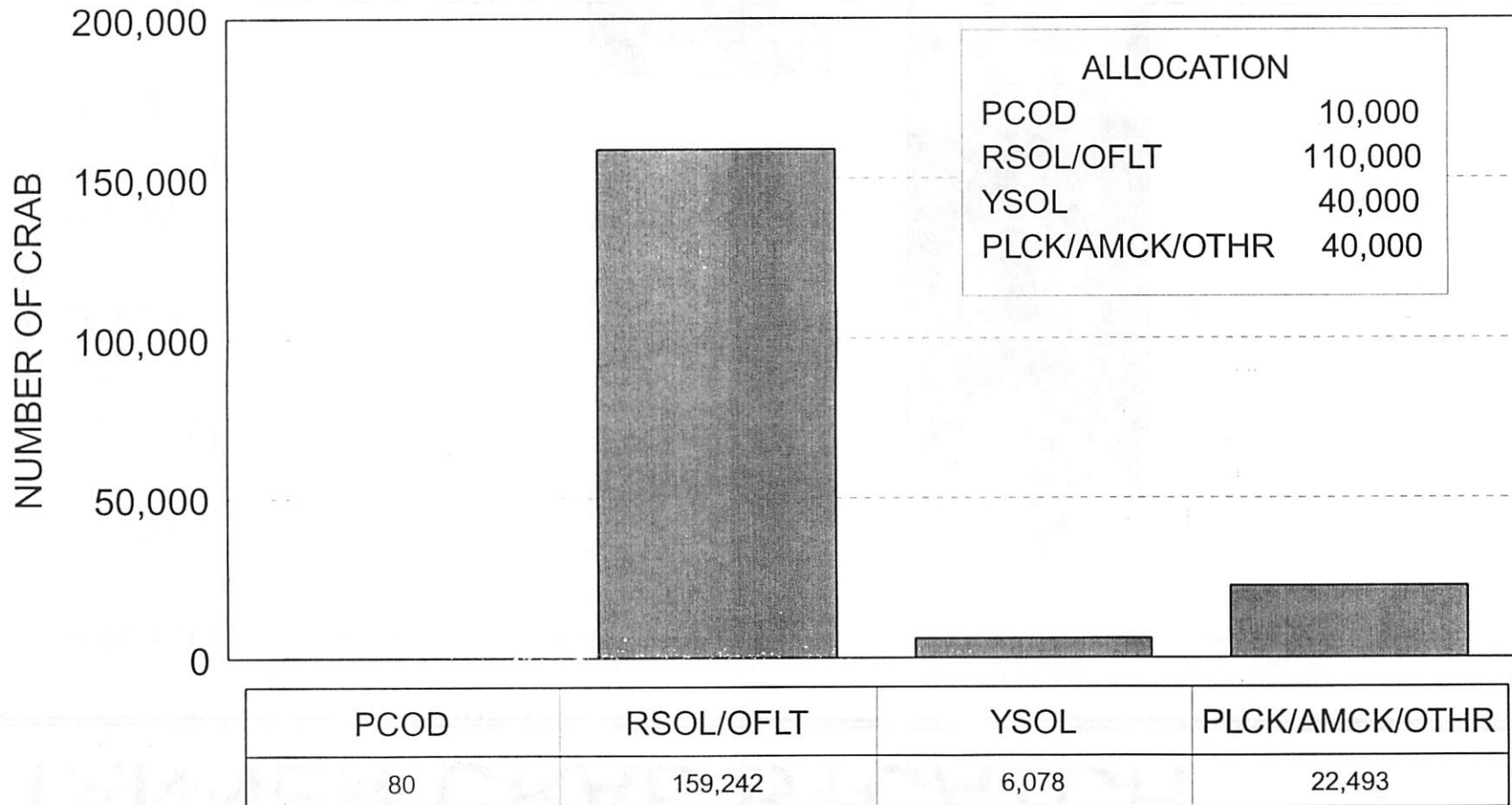
1993 BSAI TRAWL PERFORMANCE STD, CRAB BYCATCH BY HAUL AFTER 8/22/93



NUMBER OF CRABS

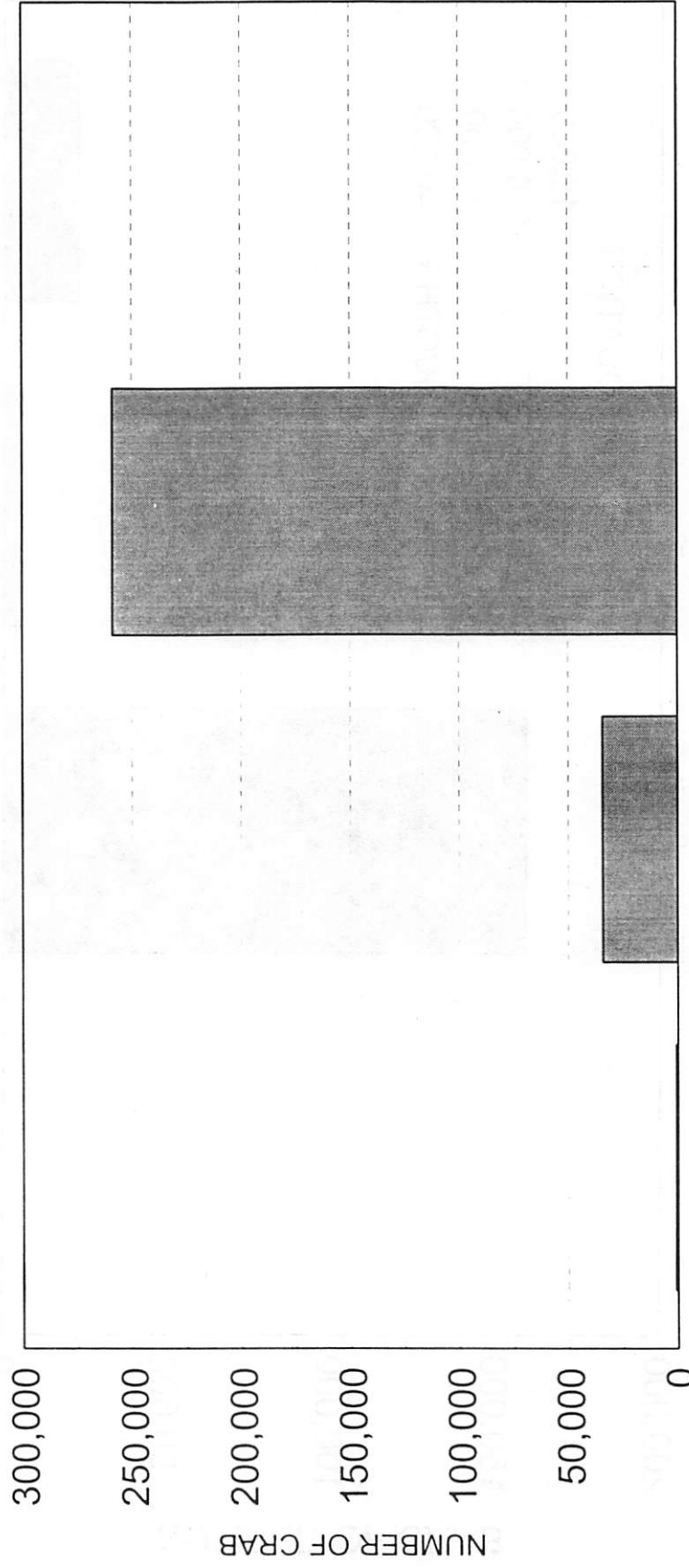
(through 4/02/94)

1994 BSAI ZONE 1 TRAWL RED KING CRAB BYCATCH



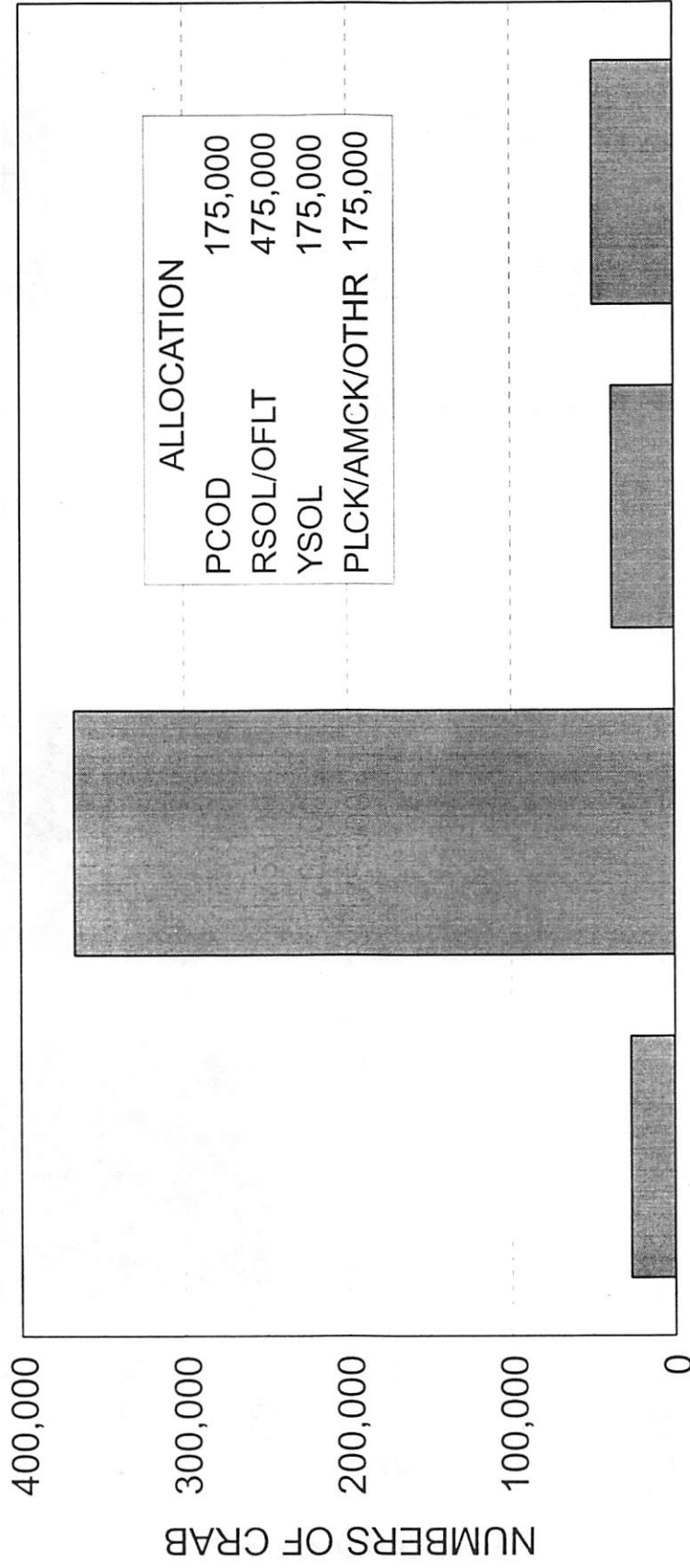
(through 4/02/94)

1994 BSAI TRAWL OPILIO TANNER CRAB BYCATCH



(through 4/02/94)

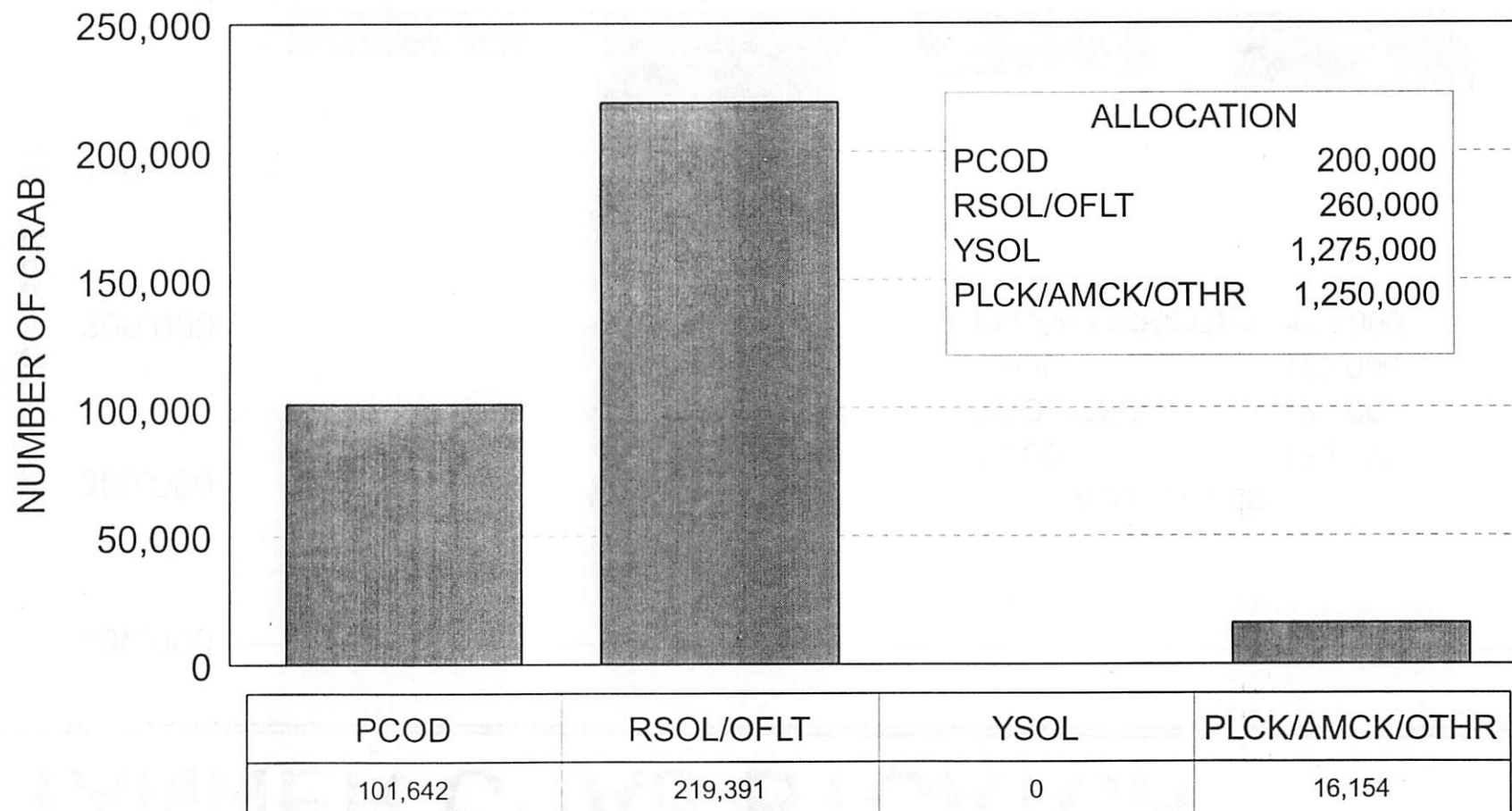
1994 BSAI ZONE 1 TRAWL BAIRDI TANNER CRAB BYCATCH



PCOD	RSOL/OFLT	YSOL	PLCK/AMCK/OTHR
27,227	367,569	38,139	49,762

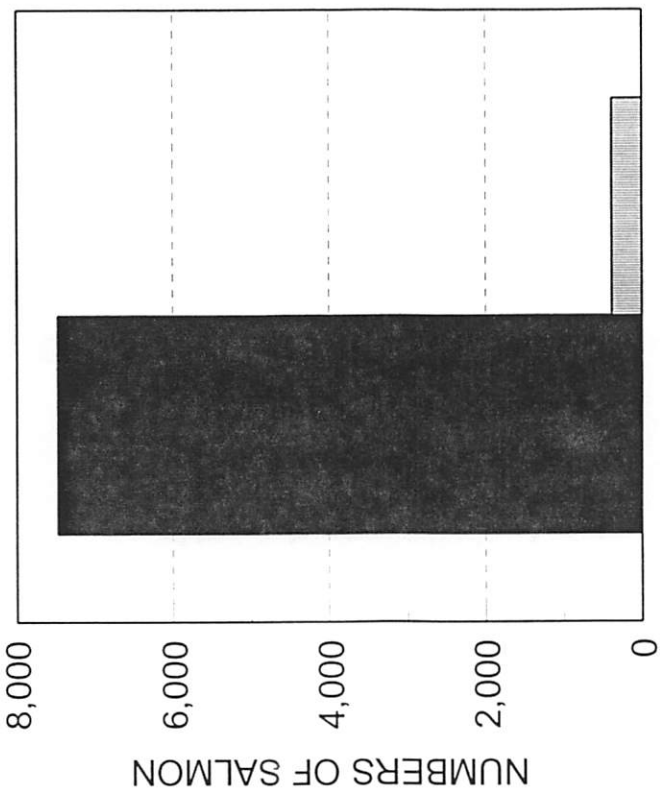
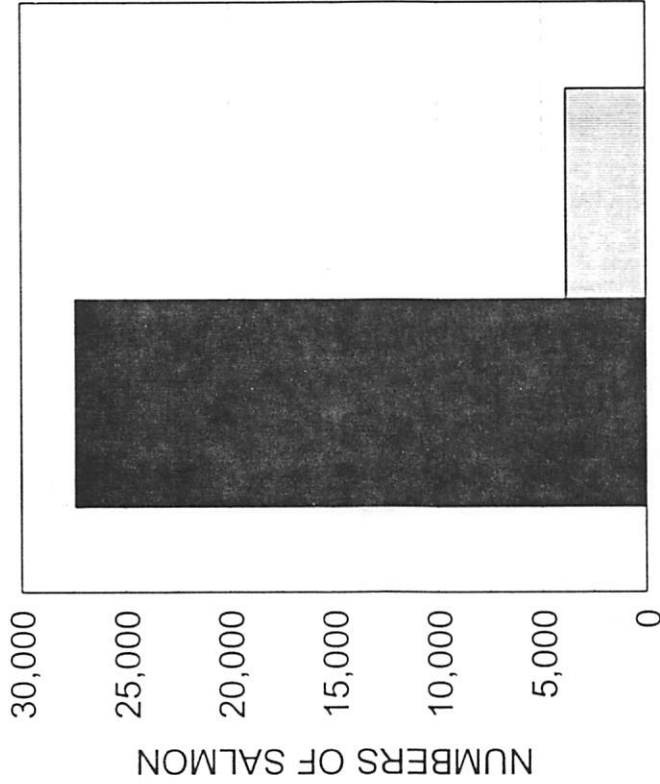
(through 4/02/94)

1994 BSAI ZONE 2 TRAWL BAIRDI TANNER CRAB BYCATCH



(through 4/02/94)

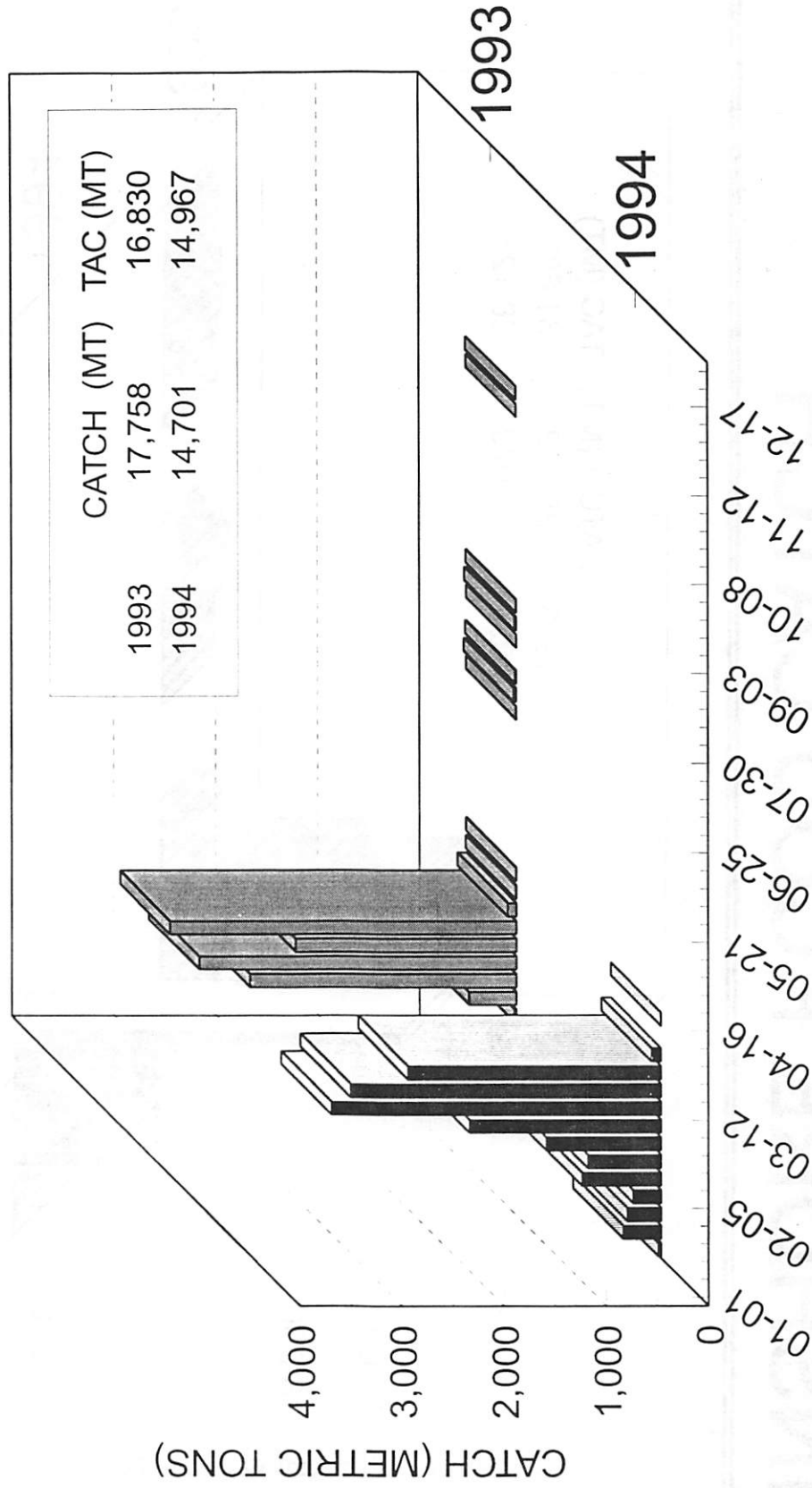
1994 BSAI TRAWL BYCATCH, CHINOOK & OTHER SALMON



(through 4/02/94)

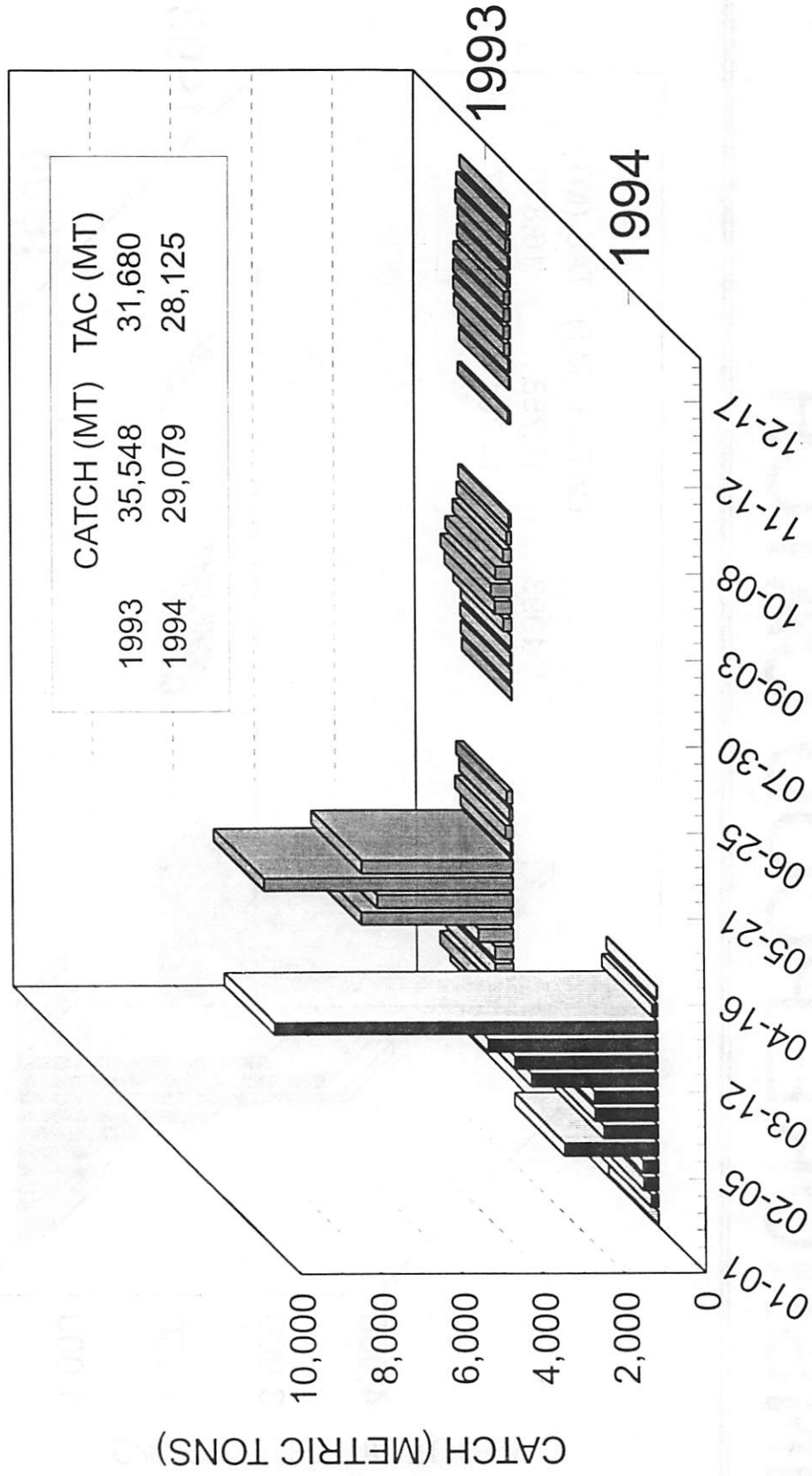
GULF OF ALASKA

1993 & 1994 WESTERN GOA INSHORE PCOD CATCH



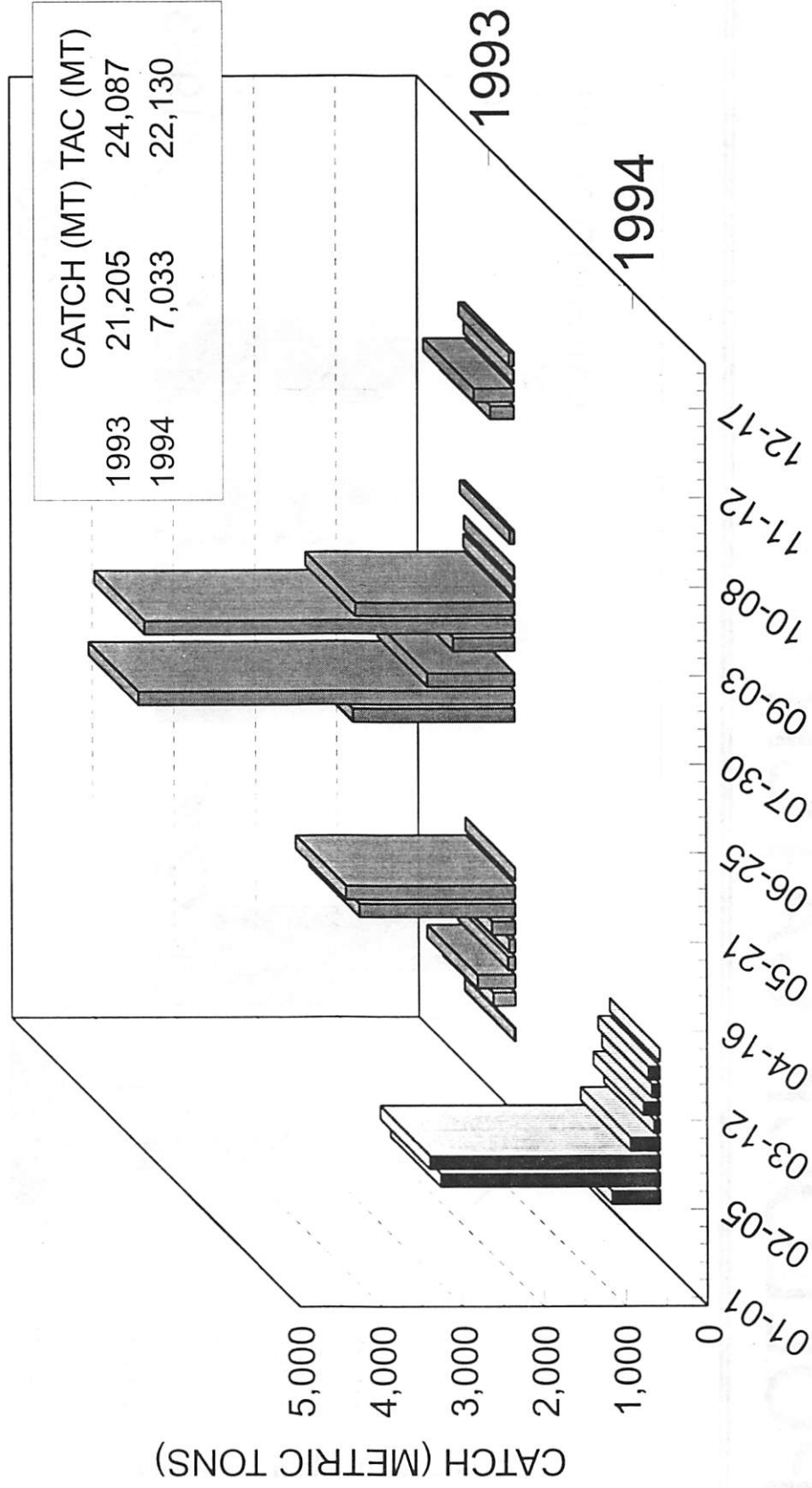
(through 4/2/94)

1993 & 1994 CENTRAL GOA INSHORE PCOD CATCH



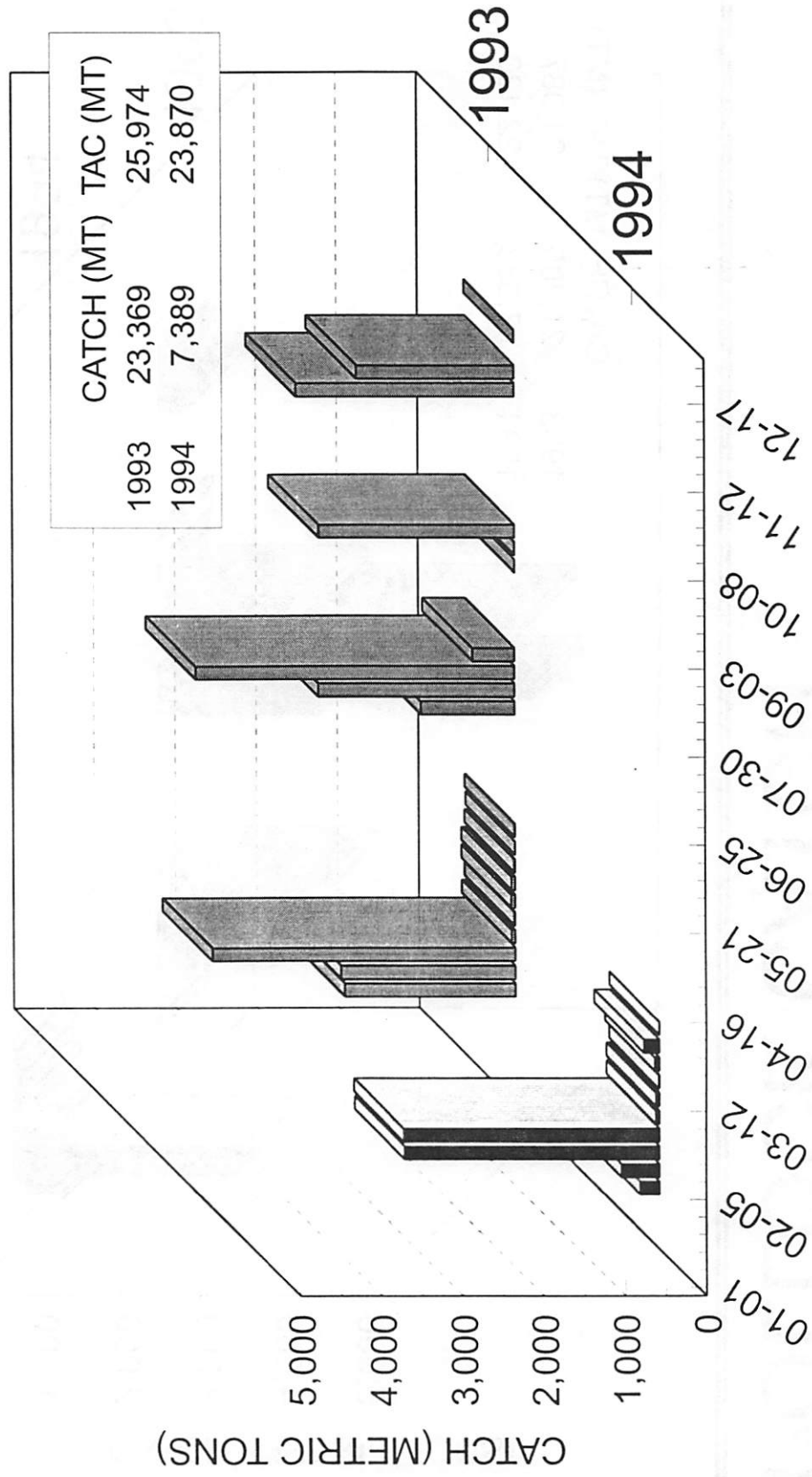
(through 4/02/94)

1993 & 1994 GOA 610 TRAWL POLLOCK CATCH



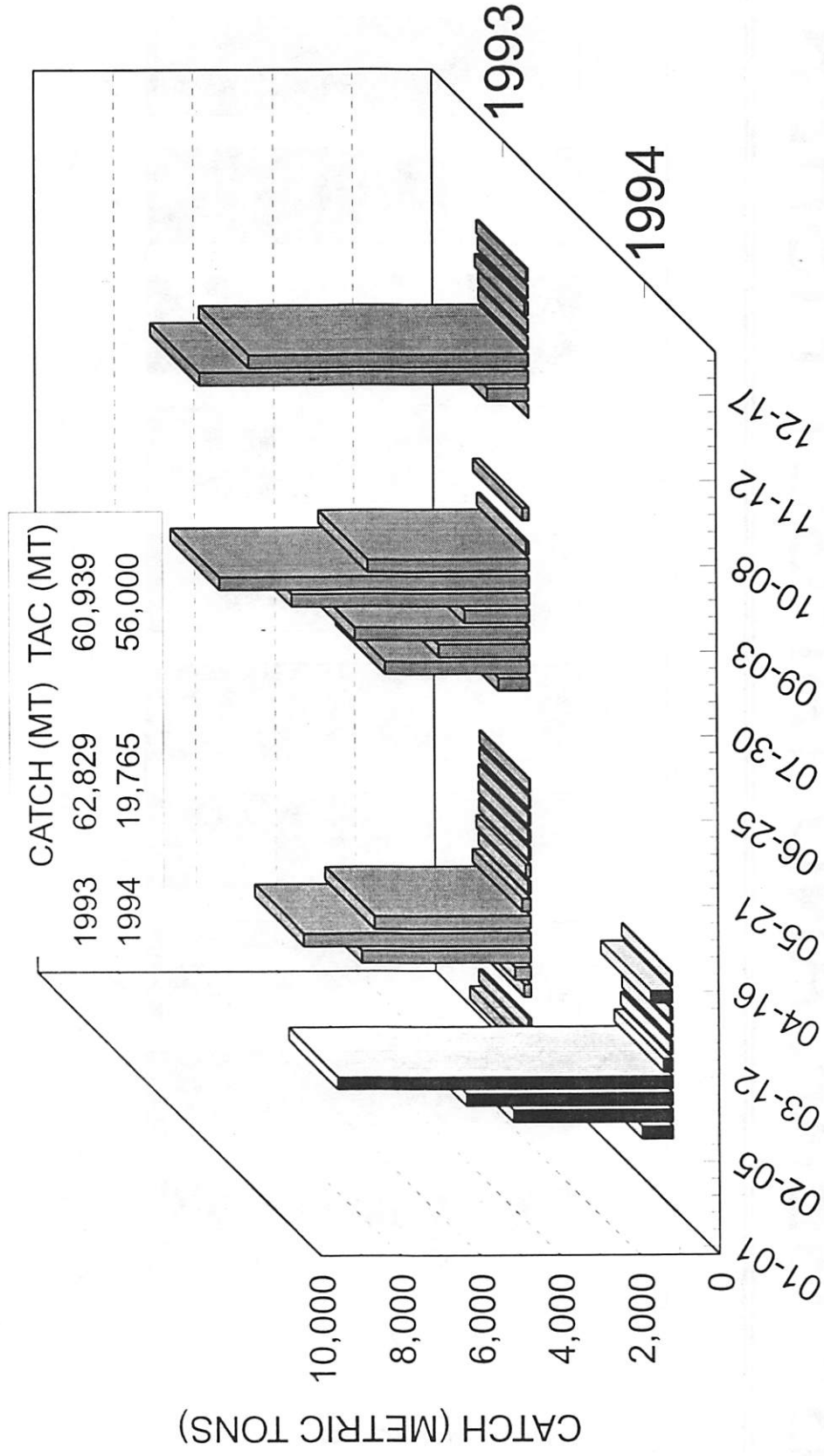
(through 4/02/94)

1993 & 1994 GOA 620 TRAWL POLLOCK CATCH



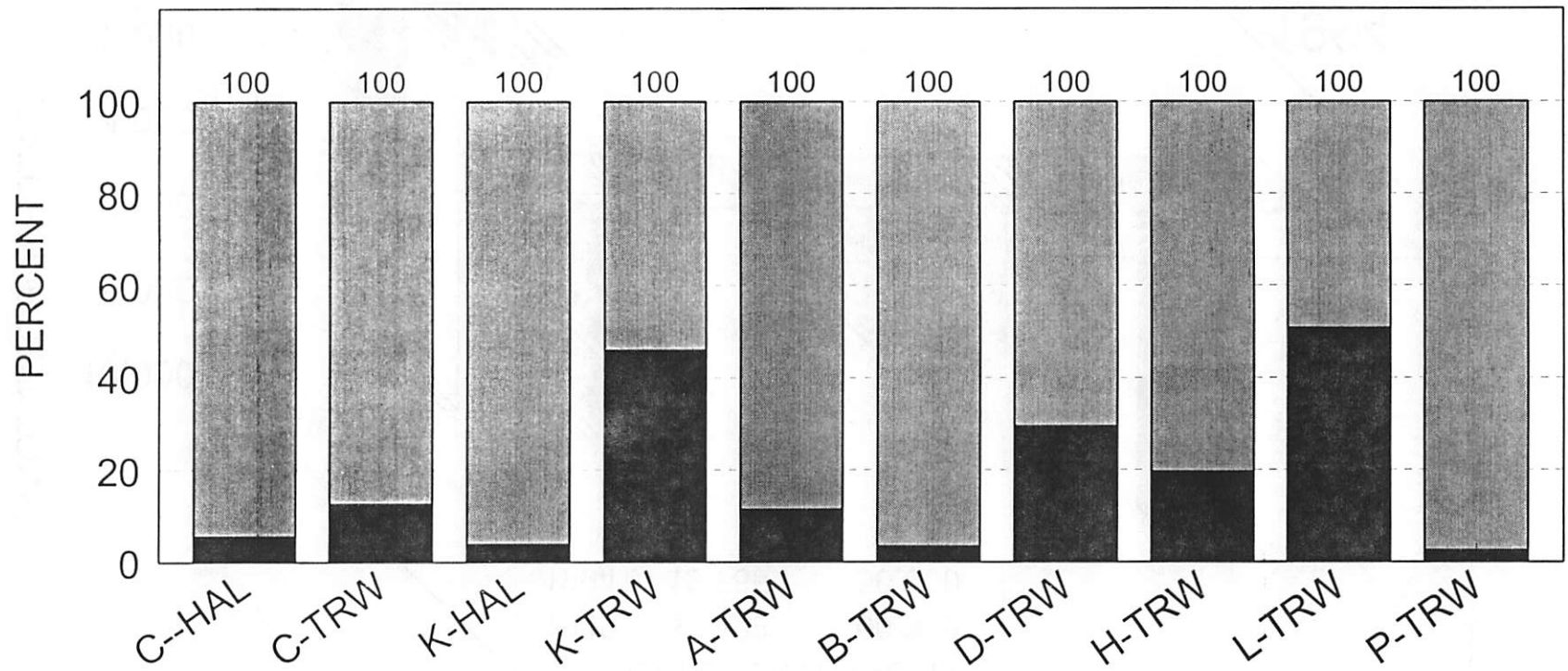
(through 4/02/94)

1993 & 1994 GOA 630 TRAWL POLLOCK CATCH



(through 4/02/94)

1994 GOA PERCENT DISCARDS BY GEAR AND TARGET FISHERY



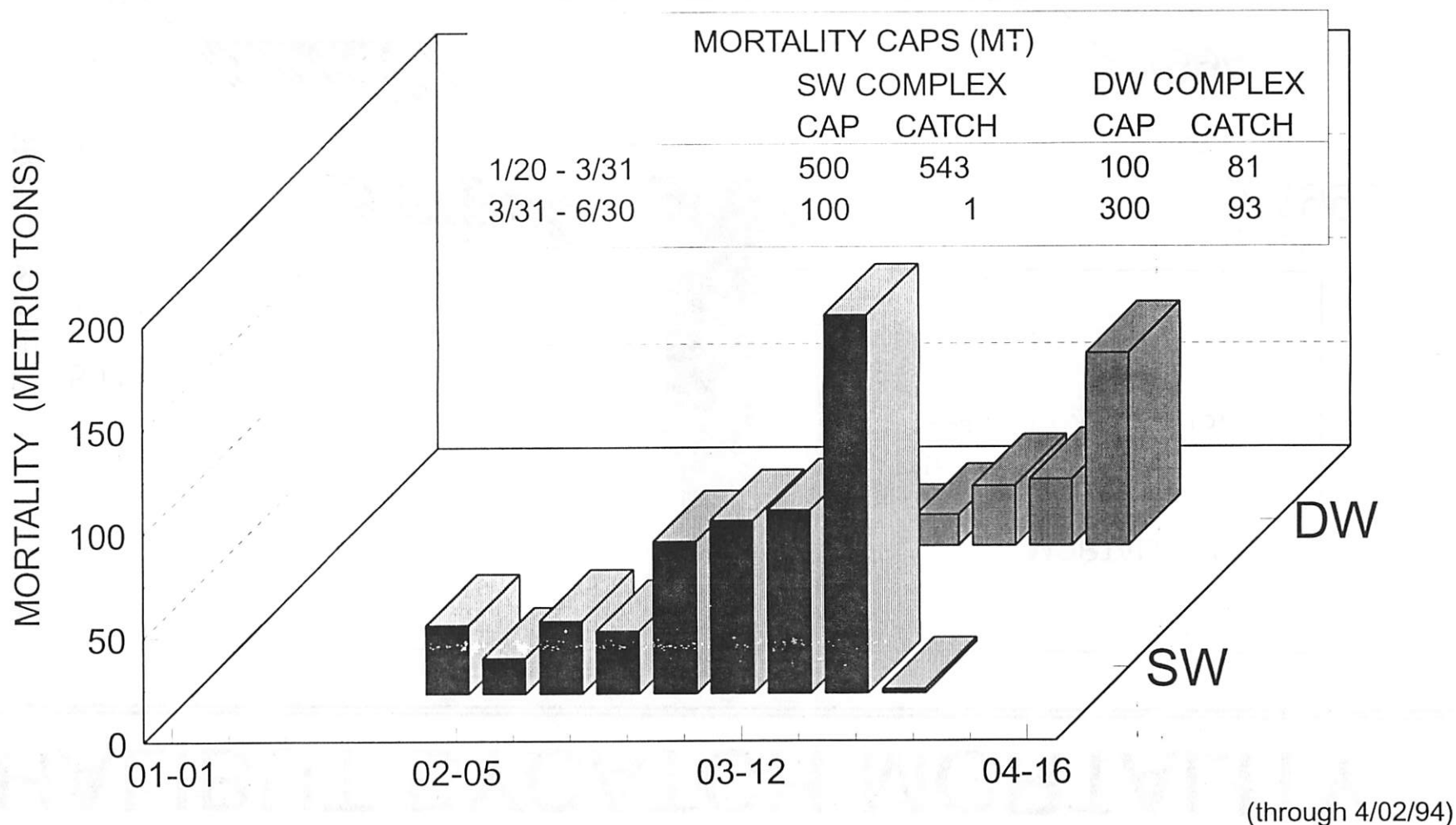
LEGEND

- A - Atka mackerel
- B - Bottom pollock
- C - Pacific cod
- D - Deepwater flatfish
- H - Shallow water flatfish
- K - Rockfish
- L - Flathead sole
- P - Midwater pollock

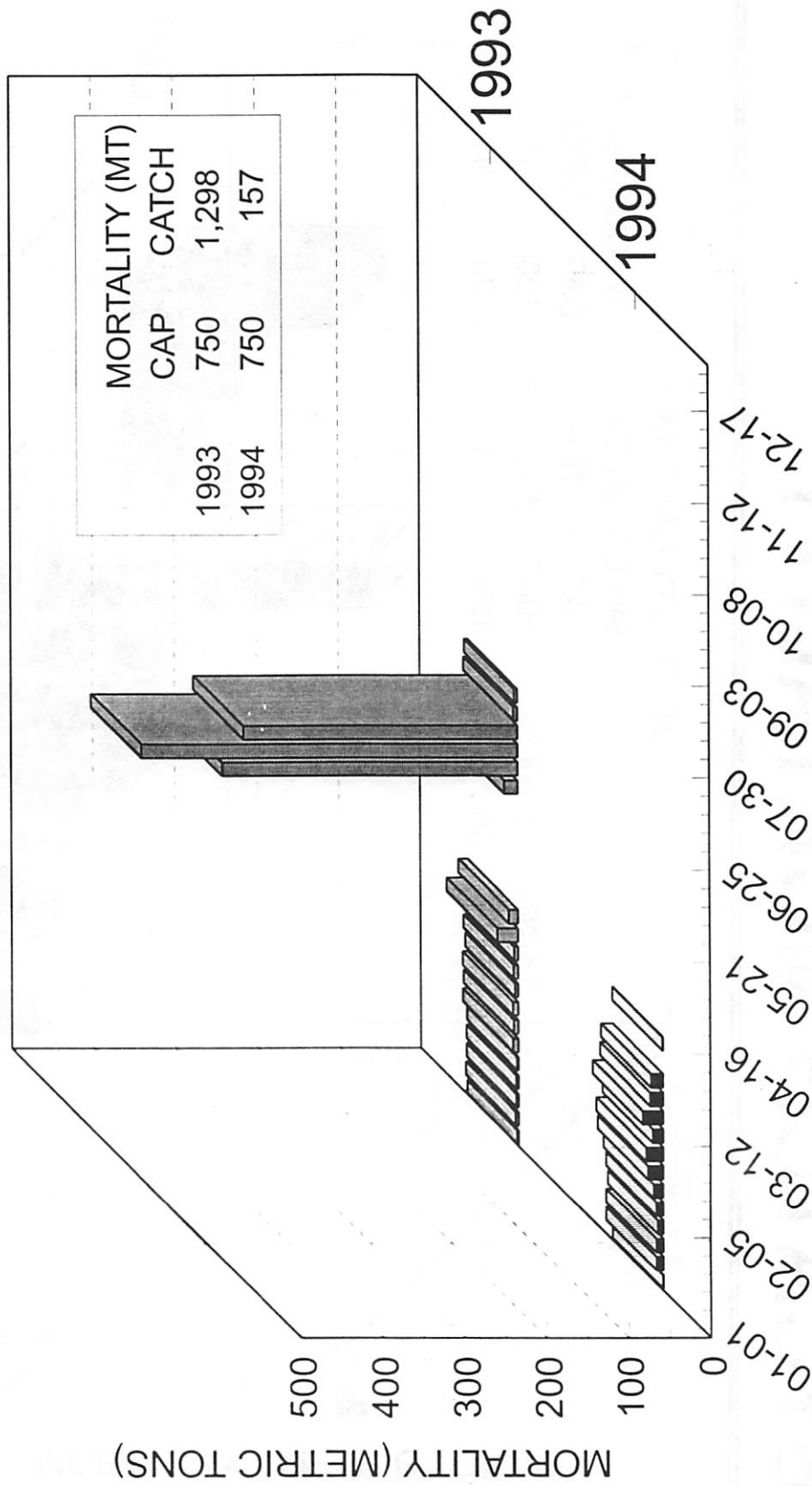
■ DISCARDED ■ RETAINED

(through 4/02/94)

1994 GOA TRAWL HALIBUT BYCATCH MORTALITY

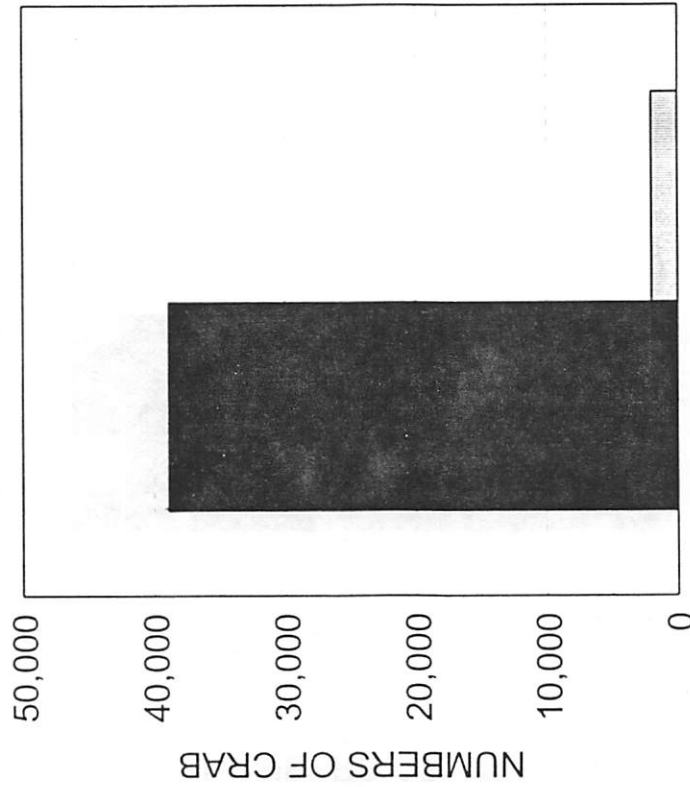


1993 & 1994 GOA H&L GEAR HALIBUT BYCATCH MORTALITY

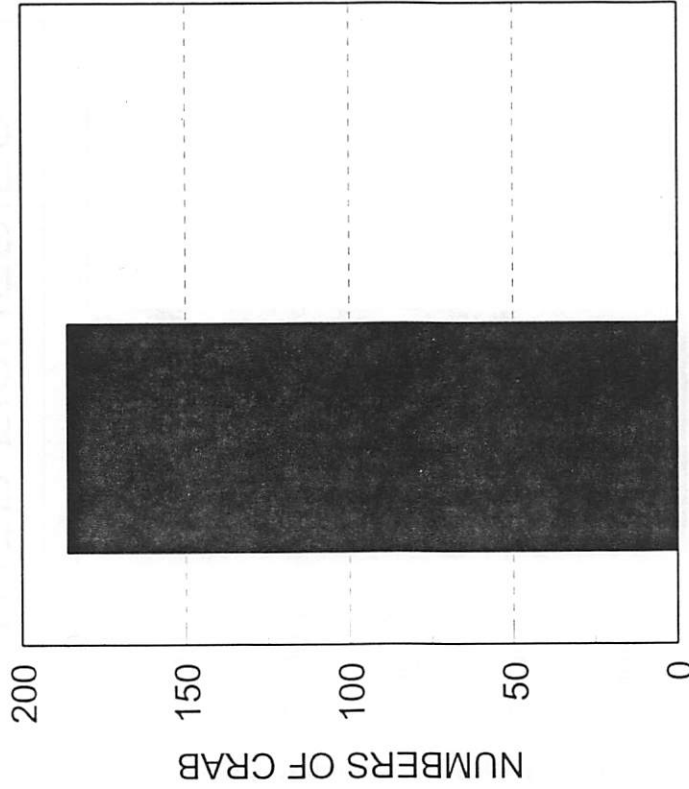


(through 4/02/94)

1993 & 1994 GOA TRAWL CRAB BYCATCH -- 1ST QUARTER

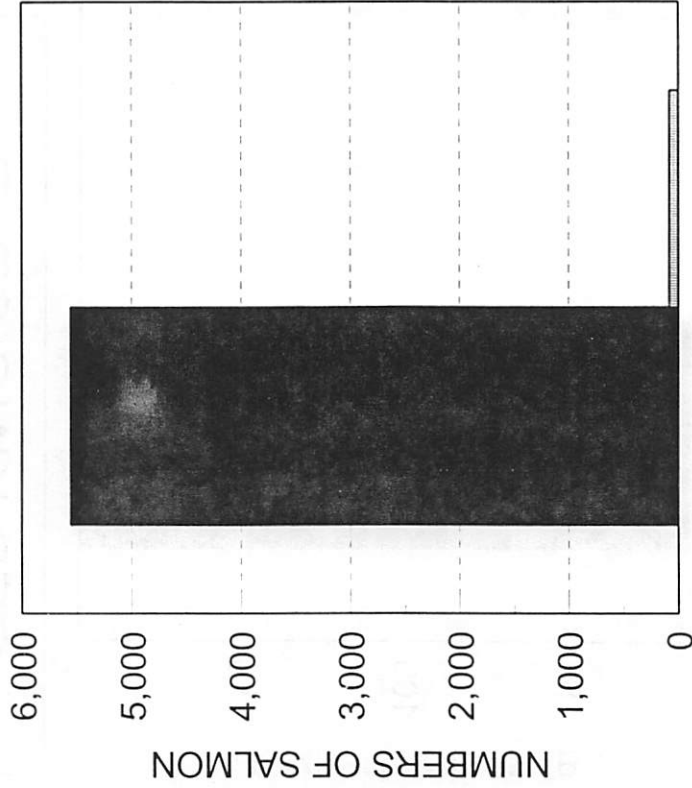
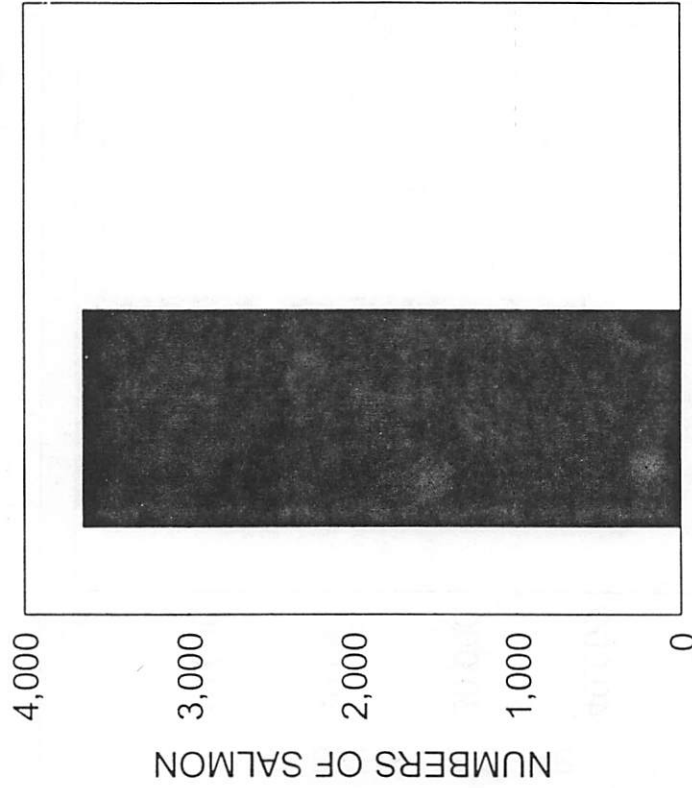


BAIRDI TANNER CRAB	
4/93	38,905
4/94	2,004



RED KING CRAB	
4/93	186
4/94	0

1994 GOA TRAWL BYCATCH, CHINOOK AND OTHER SALMON



National Marine Fisheries Service
Alaska Region
Juneau, Alaska
04/19/94

Status of Regulatory Actions Through April 19, 1994

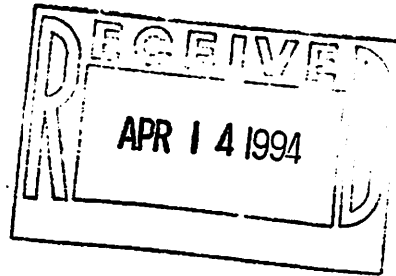
ER for GOA halibut apportionments & change of BSAI flatfish fishing season	Effective February 7, 1994
100% observer coverage in Area 517	Effective February 13, 1994
BSAI cod allocation to specific gear (Amd 24)	Final rule effective February 28, 1994
Mandatory retention of trawl-caught salmon (Amd 25) & Elim. 1°&2° halibut PSC limit; Release of observer data	Final rule effective <u>about</u> May 18, 1994
Define legal gear types	Final rule effective March 30, 1994
GOA and BSAI specifications	Final notices effective February 10, 1994
Observer regulations	Final rule being reviewed in WDC
CDQ total weights	Final rule being reviewed in WDC
Reduced pollock roe retention	Final rule effective
Standard PRRs	Final rule being prepared by Regional Office

Superexclusive Registration in Norton Sound crab fishery	Public comment periods ends April 25, 1994
15 percent halibut reserve in Area 4B (Atka)	Public comment period ends April 28, 1994
Appeals & Determinations	Final rule being prepared by Regional Office
NPF Research Plan (Amd 27/30)	Proposed rule being reviewed in WDC
Moratorium (Amd 23/28) and Crab Amd 2	Proposed rule being prepared by Regional Office
'94 recordkeeping and reporting	Proposed rule being prepared by Regional Office
IFQ CDQ Reserve (Amd 30/34)	Proposed rule being prepared by Regional Office
IFQ Block Proposal (Amd 31/35)	Proposed rule being prepared by Regional Office



UNITED STATES DEPARTMENT
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
 P.O. Box 21668
 Juneau, Alaska 99802-1668

April 13, 1994



Mr. Richard B. Lauber
 Chairman, North Pacific Fishery
 Management Council
 P.O. Box 103136
 Anchorage, Alaska 99510

Dear Rick,

The North Pacific Fisheries Research Plan (Research Plan) and proposed rulemaking to implement the Research Plan were submitted to the Secretary of Commerce (Secretary) for review on March 31, 1994. Under the review and approval process set out for the Research Plan under section 313 of the Magnuson Act, the Secretary must publish proposed rulemaking for public review and comment within sixty days of receiving the Research Plan. Public comments on the proposed Research Plan and its implementing regulations will be invited for 60 days. During this comment period, the Secretary is required to conduct public hearings in Alaska, Oregon, and Washington for the purpose of receiving public comments on the proposed regulations.

The schedule for public hearings on the Research Plan will be published with the proposed rule. We recommend the Council review the proposed schedule for public hearings listed below and either adopt the schedule as proposed or recommend to us suggested revisions. The schedule for implementation of the proposed Research Plan requires that the proposed rule be published in the Federal Register by May 29, although this action could occur earlier if Secretarial review of the Research Plan requires less than the full 60 days allowed under the Magnuson Act. We recommend, therefore, the public hearing be conducted during the month of June as follows:



<u>Location</u>	<u>Date</u>	<u>Comment</u>
Anchorage, AK	June 6	The hearing would be held at the Westward Hilton, Monday, 7:00 pm, to coincide with the Council's June meeting.
Seattle, WA	June 15	The hearing would be held at the Alaska Fisheries Science Center Auditorium, Wednesday, 1:00 pm.
Portland, OR	June 16	A meeting room at the Red Lion Inn, Jantzen Beach (near the the Portland Airport) has been reserved Thursday from 10:00 am until 4:00 pm

For the Council's information, we have attached the schedule for implementation of the Research Plan which includes a formidable list of tasks that must be accomplished before 1995 (Attachment 1). We intend to keep the Council informed on our progress throughout the year.

Sincerely,



Steven Pennoyer
Director, Alaska Region

Attachments

Attachment 1

IMPLEMENTATION DATES FOR NORTH PACIFIC RESEARCH PLAN
(Dates are approximate)
April 7, 1994

1994

- Mar. 31 -- Council submits Research Plan to Secretary (receipt date declared)
- Apr. 7 -- NMFS and ADF&G begin development of Research Plan specifications (standard exvessel values, total exvessel value, observer coverage, and fee percentage) for Year 1 (1995), with supporting estimates of costs and values
- Apr. 8 -- NMFS staff meet to discuss the establishment of the administrative office responsible for coordinating the billing, collection, rebate, and auditing procedures required under the Research Plan and Financial Information Management. NMFS anticipates that up to five full-time employees will be needed to administer the Research Plan.
- Apr. 18 -- NMFS/Council establishes dates and locations of public hearings on Research Plan (these need to be set before the proposed rule is published) (Council meeting)
- May 3, 4, or 5 -- NMFS/ADF&G workgroup meeting in Juneau to coordinate the implementation of the Research Plan in a manner that addresses the fundamental differences between the NMFS and ADF&G observer programs.
- May 26 -- Observer Oversight Committee (OOC) meeting in Seattle; NMFS and ADF&G must prepare annual budget reports for review by the OOC. NMFS also must prepare for OOC review a recommendation for the 1995 fee percentage based on anticipated exvessel prices, amounts of groundfish retained for processing, and level of observer coverage specified for 1995

in the proposed rule to implement the Research Plan. The OOC will review NMFS and ADF&G observer program budgets, and provide input to the Council on 1995 fee levels.

- May 29 -- NMFS publishes proposed rule for Research Plan; 60-day public comment period begins
- June 6 -- OOC and Council approve proposed Research Plan specifications for 1995
- June 6 -- Public hearing in Anchorage, Alaska (coincides with Council meeting)
- June 9 -- Council submits FMP amendments to Secretary (receipt date declared)
- June 13 -- NMFS publishes Notice of Availability for FMP amendments (no proposed rule; no regulations); 60-day comment period on amendments begins
- June 15 -- Public hearing in Seattle, Washington
- June 16 -- Public hearing in Portland, Oregon
- July 28 -- Public comment period on Research Plan proposed rule ends; final rule package is prepared
- Aug. 8 -- Public comment period on FMP amendments ends
- Aug. 19 -- Final rule for Research Plan completed and sent to NMFS HQ
- Aug. 19 -- NMFS publishes proposed initial fee rate and supporting estimates for 1995 in Federal Register; public comment period begins (publish earlier if possible to allow for adequate time to incorporate comments received)
- Sept. 12 -- Final rule implementing Research Plan published in Federal Register; 30-day cooling-off period begins
- Sept. 12 -- FMP amendments approved by Secretary (no final rule); effective date concurrent with effective date of Research Plan
- Sept. 12 -- NMFS mails description of Research Plan,

- requirements, and necessary permit applications to all harvesters and processors to begin application process for 1995
- Sept. 15 -- NMFS finalizes procedures for processing of permit applications and issuance of permits (printing application forms and permits, and developing databases) and begins implementation
- Oct. 3 -- Council approves final Research Plan specifications for 1995
- Oct. 11 -- Initial aspects of Research Plan become effective, authorizing necessary actions prior to Year 1 of the Research Plan
- Oct. 15 -- NMFS initiates procurement of observer contracts for Years 2 and 3 (1996 and 1997) [assumes these contracts will be for 2 years]
- Nov. 1 -- NMFS publishes final fee rate for 1995 and supporting parameters in Federal Register
- Dec. 1 -- NMFS issues semi-annual processor permits for first half of 1995
- Jan. 1995-- NMFS implements procedures for fee collection and accounting consistent with FIMA guidelines

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99501



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 271-2809
FAX: (907) 271-2817

March 23, 1994

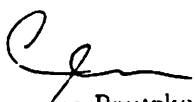
Steve Pennoyer, Director
NMFS-Alaska Region
P.O. Box 21668
Juneau, AK 99802-1668

Dear Steve:

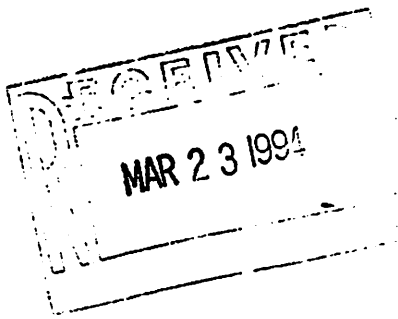
I just reviewed the March 11, 1994 memorandum from Bill Karp detailing changes to the observer program in response to the observer nonpayment problem. I did not find any reference to the Council's action of September 1993 requesting a regulatory amendment for 1994 that would require observer contractor certification to be contingent upon a contractor holding in escrow at all times the equivalent of one month of salaries to cover observers it employs, and to authorize NMFS to audit contractors to verify that salary funds are in escrow. This seems to be a solution that would go a long way toward resolving the nonpayment problem. Was the lack of reference to these new provisions in the Karp memo just an oversight or have they been dropped from further consideration?

Thanks for your consideration of these matters.

Sincerely,


Clarence Pautzke
Executive Director

cc: Bill Karp



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Alaska Fisheries Science Center
Resource Ecology and Fisheries
Management Division
United States Observer Program
7600 Sand Point Way Northeast
BIN C15700, Building 4
Seattle, Washington 98115-0070

March 11, 1994

MEMORANDUM FOR: Distribution .
FROM: F/AKC2 - Bill Karp
SUBJECT: Response to Observer Nonpayment Problem

In July, 1993, a NMFS certified groundfish observer contractor ceased business operations, leaving approximately 25 observers unpaid. NMFS recognized the need to take action and respond to questions raised by Congressional staff who had been made aware of the problem through correspondence with unpaid observers. As a result, agency staff from F/AKC, F/AK, F/PC, F/PR, GCAK, GCF, and GCEL engaged in discussions to determine actions that would be taken. The purpose of this memorandum is to document those actions.

The contractor responsible for nonpayment, Arctic Observers, Incorporated (AOI), claimed that they were forced to cease operations because several fishing companies had failed to pay them for providing observers. NMFS was requested to take action against these companies and require them to pay for coverage or discontinue fishing. GC has recently published a memorandum which "examines the ability of NOAA to prosecute fishing vessel owners and operators in Alaska who refuse to pay for mandatory observer coverage". In this memorandum the following statements appear:

"Under the existing regulatory scheme, the Agency cannot successfully prosecute vessel owners that fail to pay for observer coverage."

and:

".....NOAA has no authority to compel payment to contractors since it is not party to any contract relating to observer coverage."

Nevertheless, NMFS has, at the request of the Subcommittee on Fisheries Management of the House Committee on Merchant Marine and Fisheries, written to a number of fishing companies alleged by AOI to have failed to pay for observer coverage. In these letters, the companies were asked if they did pay for all the



observer coverage obtained and if any of their payments were delayed. They were also asked to explain the circumstances if payments had been made late, or not at all. An example is attached.

With guidance from GC, the Observer Program determined that the existing regulations did permit NMFS to take action against contractors who failed to pay their observers. The program has initiated a policy that will enable late payment and nonpayment problems to be identified as early as possible and to proceed rapidly with contractor decertification proceedings if it is evident that a contractor is failing to meet its responsibilities. If decertification proceedings are initiated, a notification will be sent to the contractor. A copy of the notification is attached.

GC has advised the Observer Program of the importance of making it clear to observers that they are employed by private contractors and that the federal government is not responsible for establishing their terms of employment or paying their salaries. In response to this concern, several changes have been made within the program. The letter sent to prospective observers has been revised; even though it is now much shorter, it emphasizes the role of NMFS and the nature of the contractual relationships involved. Prospective observers are cautioned that they should have a signed contract in hand before they begin training, study your contract carefully before signing, and consult with an expert in contract law if necessary. A copy of the letter is attached. Changes have been made in training materials and presentations to further clarify the employment situation and encourage observers to be aware of their contractual responsibilities and those of their employers. The observer program will no longer issue protective gear to observers. This change was made on the advice of GC, in order to distance NMFS from the observers, and limit the possibilities for ambiguity in the relationship between the agency and the observers.

On March 8, 1994, a letter was sent to all certified groundfish observer contractors explaining the changes in policy and procedure. A copy of this letter is also enclosed.

Distribution

Rolland Schmitten F
Steven Pennoyer F/AKR
William Aron F/AKC
Richard Marasco F/AKC2
Ron Berg F/AK01
Roger Hutchinson F/PC

Nikki Bane F/PC
Alan Risenhoover F/PR4
Michele Kuruc GCEL
Joel LaBissonniere GCEL
Lisa Lindeman GCAK
William Nielander GCF
Martin Loefflad F/AK01
Susan Salveson F/AK01

Attachments

Letter to vessel owners
Notification to contractors regarding decertification
Letter to prospective observers
Letter to contractors regarding observer program changes



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21868

Juneau, Alaska 99902-1868

February 28, 1994

Jormund Vagadal
Crown Fisheries, Inc.
4215 21st Avenue W., #106
Seattle, Washington 98199

Dear Mr. Vagadal:

In August, 1993, Arctic Observers Incorporated (AOI), a contractor certified by the National Marine Fisheries Service (NMFS) to provide groundfish observers to the domestic fishing industry, ceased business operations, leaving several observers unpaid. The owners of AOI claimed that they had to close down their business because they had not received payment for observer services from a number of fishing vessel owners. The United States Congress has asked my office to look into this problem and provide further information regarding nonpayment by fishing companies.

During discussions with the owners of AOI, they indicated that they had not received payment for observers they had provided to your company. We would like to follow up on this issue by asking if your company did pay AOI for all the observer coverage obtained and if any of your payments were delayed. If payments were delayed, or not made at all, we would appreciate an explanation of the circumstances.

Your assistance in responding to this request as soon as possible would be greatly appreciated.

Sincerely,

Steven Pennoyer
Director, Alaska Region



Dear Contractor:

The National Marine Fisheries Service Observer Program has been informed by _____ that he/she has not been paid by your company for services he/she performed while employed as a groundfish observer.

Under the Observer Plan, provision of observer salary is a responsibility of a certified observer contractor. The Plan also provides that the certification of a contractor may be revoked if he/she is deficient in the performance of his/her duties.

In order to determine if you have performed your duties under the Plan or whether proceedings should be initiated to revoke your certification, please provide the Observer Program with a copy of the employment contract between your company and _____ as well as certified records indicating your payment of _____ salary or your comments as to why _____ has not been paid. If the information is not received in this office by _____, we will initiate decertification proceedings.

Thank you for your cooperation.

Sincerely,

William A. Karp, Ph.D.
etc.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

**Alaska Fisheries Science Center
Resource Ecology and Fisheries
Management Division
BIN C15700; Building 4
7600 Sand Point Way NE
Seattle, Washington 98115-0070**

In response to your inquiry:

Thank you for your interest in the groundfish observer program. Observers collect data required for fisheries management and enforcement purposes. All observers are placed aboard domestic vessels. Data collected includes: estimates of catch weight; species composition; incidental catches of Pacific halibut, salmon and crab. For some species, length and weight measurements, sex determination, and collection of otoliths or scales may be required. Observers also report on vessel compliance to U.S. fishery regulations. Data collected by observers are compiled at the Alaska Fisheries Science Center for the purposes of estimating overall catches of groundfish; estimating the incidental catch of species not allowed to be retained by these vessels, (i.e. marine mammals, salmon, king crab, Tanner crab, and halibut); and assessing stock conditions.

The program is administered by National Marine Fisheries Service (NMFS) staff based at the Alaska Fisheries Science Center (AFSC) in Seattle. However, observers are not employed by the Federal government but are hired by contractors who are certified by NMFS to provide vessel and plant owners with observers. A list of certified contractors is attached. You should contact the contractors to determine terms of employment and other requirements. If you are hired, your contractor will arrange for you to attend a three-week observer training course in Seattle or Anchorage; upon successful completion of the course you will be certified as a groundfish observer.

Please be aware that different terms of employment are offered by each contractor. It is advisable to have a signed contract in hand before you begin training; you should study your contract carefully before signing and consult with an expert in contract law if necessary. You should pay particular attention to the following aspects: salary levels, benefits, expense coverage, insurance, job assignments, and personal assistance. Salary considerations include base pay rate, and whether the contractor pays observers during training, debriefing (usually 5 - 7 days, sometimes longer), travel, time between deployments, and time in transit. You should be satisfied that the method of payment is acceptable and that your contractor will not have difficulty meeting salary obligations. Observers have occasionally experienced delays in payment and nonpayment of salaries.



Maritime insurance is complex; you should be aware of the types of loss and injury that are covered and the extent of coverage. If you are concerned about insurance coverage, you should talk with someone who is familiar with this issue.

With regard to expenses, you should consider room and board costs while in training, transit, and awaiting deployment, and such costs as those associated with clothing and supplies, and medical examinations. AFSC will provide certified observers with sampling equipment and safety gear. You (or your contractor) will be responsible for providing sleeping bags, rain gear, boots and gloves.

A copy of the Observer Plan, which defines and describes observers' and contractors' responsibilities can be obtained directly from the contractors. Each contractor can also provide you with detailed information regarding the work of groundfish observers.

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Alaska Fisheries Science Center
Resource Ecology and Fisheries
Management Division
BIN C15700; Bldg. 4
7600 Sand Point Way NE
Seattle, WA 98115-0070

March 7, 1994

Diane Wright
Northwest Observer Association
6628 212th St., Suite 110
Lynnwood, WA 98036

Dear Diane,

At the meeting that we held in January, we discussed program changes that would be put in place to address concerns that arose when Arctic Observers Incorporated ceased operations last year. Since the meeting, program staff have been working on details of these changes and a schedule for implementation. I am writing to you now to provide this information and give you as much notice as possible of changes that may affect your business operations.

We have been advised by National Oceanic and Atmospheric Administration (NOAA) General Counsel (GC), to make several changes to help clarify the fact that observers are employed by certified contractors and do not work for the Federal government. These changes are as follows:

1) A change in the letter that the National Marine Fisheries Service (NMFS) sends to prospective observers. The current, five-page letter will be replaced with a short response which provides limited information about the program, emphasizes the fact that observers are hired by contractors and are not Federal employees, and encourages prospective observers to be fully aware of their terms of employment before signing their contracts. In the new letter, prospective observers are requested to contact certified contractors to obtain further details about the program and copies of the Observer Plan. A copy of the letter is attached. Also attached is a collection of draft paragraphs which present the information we would like you to provide to prior and prospective observers. I think it is very important that all these issues be addressed in your letters and I would appreciate receiving copies when they have been drafted.

2) Changes in training. There will be minor changes in the training materials and presentations to further clarify the fact that observers are employed by contractors and to warn observers that they must be aware of their contractual responsibilities and the responsibilities of their employers. Observers are also warned that late payment and nonpayment of salaries has occurred



and are requested to inform NMFS as soon as they become concerned about payment.

3) Provision of protective gear and first-aid kits. Effective May 1, 1994, NMFS will no longer issue protective gear or first-aid kits to observers. We define protective gear as rain pants, bib overalls, jackets, rubber boots, gloves and liners, knee pads, wristers, and sleeping bags. We will continue to supply observers with safety equipment such as survival suits, life vests, hard hats, and protective eye-wear, but we will not provide first-aid kits. Exposure suits and protective eye-wear will be classified as safety equipment for observers deployed aboard longliners only. NMFS will not provide exposure suits or protective eye-wear to observers deployed in other situations. Observers who were issued protective gear and first-aid kits by NMFS prior to May 1 will be required to return this equipment at the conclusion of their current deployment. We will be providing contractors with recommendations for purchasing protective gear in the near future. Contractors will be responsible for insuring that adequate protective gear is provided to their observers. The provision of first-aid kits is discretionary. Contractors will be free to determine who will be responsible for purchasing the protective gear.

We have also established a change in procedure that will enable us to identify late payment and nonpayment problems more easily and work with contractors to resolve such problems. As mentioned above, during training and briefing, observers will be asked to bring payment problems to our attention as soon as possible. In addition, observers will be asked specific questions about payment during debriefing. As soon as program staff become aware of a concern regarding payment, we will contact the contractor directly to discuss the matter. If we are unable to resolve the concern within one business day and it appears that the observer's claim is valid, a letter will be sent to the contractor stating that:

"Under the Observer Plan, provision of observer salary is a responsibility of a certified observer contractor. The Plan also provides that the certification of a contractor may be revoked if he/she is deficient in the performance of his/her duties."

and:

"In order to determine if you have performed your duties under the Plan or whether proceedings should be initiated to revoke your decertification, please provide the Observer Program with (specific information regarding your employment contract and records of payment to the named observer)....."

The Observer Plan does not provide us with a mechanism for addressing concerns regarding nonpayment to observer contractors by vessel and plant owners. Our only recourse is to work

directly with contractors when problems concerning payment of observers occur.

I hope this provides you with all the information you need regarding the changes we are making within the program and the changes it will be necessary for you to make in your operations. I realize that some of these changes may create inconvenience for your company and I would like to take this opportunity to thank you for working with us to implement them. Please do not hesitate to call me if you have concerns regarding these issues or any other aspects of your business relationships with certified observers and the NMFS Observer Program.

Yours sincerely,



William A. Karp, Ph.D.
Task Leader, Observer Program

Enclosures

**Suggested information to be provided to new and prior observers
as deemed appropriate by contractors**

Hiring and Deployment (New and Prior Observers)

If you are hired, we will arrange for you to participate in three weeks of certification training. Following certification you will probably be deployed for one to three months. There is normally a week or more of report writing and data correcting at the end of a cruise. During your deployment, you may be assigned to work aboard several different ships fishing off Alaska or the west coast or you may be stationed at shore-side processing plants in Alaska. You will be employed for the duration of each deployment (PLEASE PROVIDE DETAILS OF EMPLOYMENT TERMS INCLUDING PAYMENT DURING TRAINING, BRIEFING, DEBRIEFING, TRAVEL, INSURANCE COVERAGE, ETC). A high proportion of first-time observers return for future assignments.

Equipment (New and Prior Observers)

(CONTRACTORS MAY WISH TO EXPAND THIS SECTION WITH DETAILED ADVICE ON WHAT TO BRING)

All sampling equipment is provided along with survival suits, life-vests and hard-hats. Observers working aboard longliners are also supplied with exposure suits and protective eye-wear. Observers need to provide their own rain suits, boots, gloves, and work clothes to be worn under the rain gear, including heavy wool or polypropylene socks, felt/wool boot insoles, a warm coat, and a wool or polypropylene knit cap. You may also need to bring a sleeping bag - this will depend on the type of assignment you receive. You will be issued, and responsible for, about \$2,000 worth of gear. It will be your responsibility to look after and return this equipment. (INSERT COMPANY POLICY REGARDING WHO PAYS FOR LOST GEAR).

Seasickness Medication (New Observers Only)

You are strongly advised to bring seasick medicine with you. Over-the-counter medications may be effective in some cases but prescription medicines are generally advised. You should consult your physician regarding the best choice of medication, but the following information regarding prescription medication may be useful. Scopolamine ear-patches (brand name: Transderm V) have been found to be effective by some observers, however, Coast Guard research suggests that the best medication for seasickness consists of a combination of two drugs, an antihistamine called Phenergan (promethazine hydrochloride) and Ephedrine sulfate, a decongestant. The recommended dosage is 25 mg of each, one to two hours prior to motion stress, and at 6 hour intervals as needed thereafter.

General Considerations (New Observers Only)

Individuals who apply to be observers must be mature and responsible people. Captains may be unfamiliar with an observer's duties and mutually agreeable working situations may need to be negotiated. Applicants should be aware that plant sampling and working aboard fishing vessels is potentially hazardous. Commercial fishing is rated as the most hazardous industry in the United States. Medical assistance may be minimal on board ship. A woman observer may be the only woman aboard. Observers must work for two to three months without supervision, sometimes under difficult shipboard conditions, and may experience seasickness or loneliness. Rewards include personal growth, professional experience, and the satisfaction of doing a tough job well.

If you are qualified for this job and are a hard-working, self-motivated person who would like to experience the adventure of working as a groundfish observer, we encourage you to complete the enclosed application.

Enclosures

Observer Plan (New Observers Only)



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA B-3
APRIL 1994

March 31, 1994

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

APR - 4 1994

Dear Rick,

This letter is to notify you of my decision to approve Amendment 32 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska. Amendment 32 establishes a plan to rebuild stocks of the rockfish Pacific ocean perch (POP) (Sebastes alutus) in the Gulf of Alaska (GOA).

Under this amendment, POP stocks will be considered to be rebuilt when the total biomass of mature females is equal to or greater than B_{MSY} (currently estimated at 150,000 mt). Annual total allowable catch amounts for POP established for the GOA regulatory areas will be based on procedures set forth under Amendment 32 and will be specified annually under existing regulations at 50 CFR part § 672.20(a)(2).

Sincerely,

Steven Pennoyer
Director, Alaska Region



DRAFT

MEMORANDUM FOR: FAK - Steve Penoyer
FROM: F/AKC - William Aron
SUBJECT: 1993 Gulf of Alaska Triennial Survey Results for Pacific Ocean Perch

The Gulf-wide biomass estimates for Pacific ocean perch (*Sebastes alutus*) based on the results of the 1993 triennial bottom trawl survey of the Gulf of Alaska are now available. The preliminary biomass estimate of 338 thousand t for the central and western Gulf of Alaska provided at the December 1993 Council Meeting has increased approximately 27% to 461 thousand t with the addition of the survey results from the eastern Gulf of Alaska.

The 1993 survey results for Pacific ocean perch represent a substantial increase over the 132 thousand t estimated from the 1990 triennial survey and twofold increases over estimates from the 1984 and 1987 surveys. For your information, further details of the survey results regarding Pacific ocean perch are attached.

Attachment

DRAFT

1993 Gulf of Alaska Triennial Survey Results
for Pacific Ocean Perch

The preliminary biomass estimate of 338 thousand t for the central and western Gulf of Alaska provided at the December 1993 Council Meeting has increased approximately 27% to 461 thousand t with the addition of the survey results from the eastern Gulf of Alaska. The results of the 1993 survey represent a substantial increase over the 132 thousand t estimated from the 1990 triennial survey, especially considering that the 95% confidence intervals from the two surveys do not overlap. The uncertainty associated with estimating the biomass of Pacific ocean perch is relatively large, typical of many rockfish assessments, ranging from +/- 50% in 1990 to +/- 45% in 1993. In absolute terms, the 95% confidence interval for the 1990 survey was 66-199 thousand t and in 1993, 255-666 thousand t.

The combined Kodiak and Chirikof areas accounted for the largest portion of the total biomass (56%) followed by the Southeastern (19%), Shumagin (17%) and Yakutat (7%) areas. By depths, the 100-200 m outer continental shelf strata accounted for 66% of the total biomass with the 200-300 m upper slope strata providing an additional 28%.

Length-frequency samples indicate a relatively unimodal size composition with no obvious evidence of new recruitment which would account for the increase over 1990. Minor length modes at 15 and 22 cm provide some evidence of juvenile recruitment although fish less than 25 cm represented only a small portion of the total biomass which was dominated by 30-40 cm fish. Since many year classes could be present in this size range, an evaluation of the age samples collected during the survey will be necessary to obtain a measure of relative year class strength.

MEMO

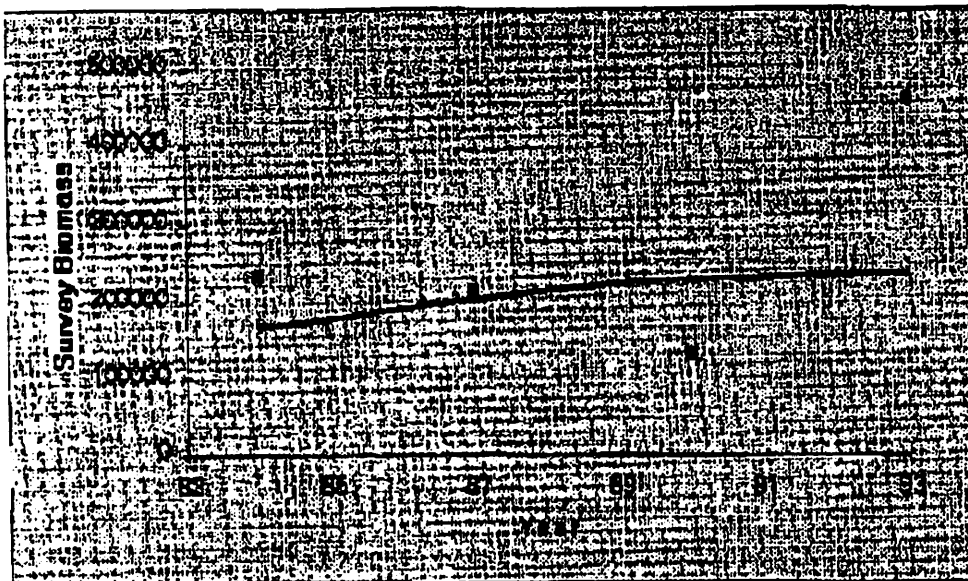
March 1, 1994

To: Rich Marasco, Rick Methot

From: Jim Ianelli

Subject: POP rebuilding: consequences of 93 survey estimate

Below is a typical assessment run using the 1993 survey biomass estimate and the model fit (solid line). This model run results in a female spawner biomass of about 115 kt which is slightly below the target spawner biomass of 150 kt. This estimate is up from the ~75 kt estimate for 1993. Under Policy 3, adopted by the Council, the TAC would be on the order of 6,000 tons. The ABC recommendation, (based on Policy 2) would be on the order of 10,000 tons. It is worth noting that under the Policy 3, once the spawner biomass exceeds 150 kt then Policies 2 and 3 are equal. These results are based on very preliminary modelling efforts and should only serve as a guideline for relative differences. The 1993 survey biomass estimate may also be subject to revision.



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As filed with the OFR 03-02-94.

Billing Code 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030194C]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of an amendment to a fishery management plan; reopening of comment period.

SUMMARY: NMFS is reopening public comment through March 11, 1994, on proposed Amendment 32 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) and is requesting comments from the public. Amendment 32 would establish a plan to rebuild stocks of the rockfish Pacific ocean perch (POP) in the Gulf of Alaska (GOA). This action is being taken to allow additional time for review and consideration of information contained in the 1993 Gulf Triennial Survey Results for POP (Triennial Survey). The Triennial Survey represents the best available information on the status of POP stocks in the GOA.

DATES: Comments should be submitted on or before March 11, 1994.

ADDRESSES: Comments on the FMP amendment should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, Alaska, 99802 (Attn: Lori Gravel), or delivered to the Federal Building, 709 West 9th Street, Juneau, Alaska.

Copies of Amendment 32 and the environmental assessment (EA) and economic analysis prepared for the amendment are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510 (telephone 907-271-2809).

Copies of the Triennial Survey are available from Dr. William Aron, Director, Alaska Fisheries Science Center, 7600 Sand Point Way, N.E., BIN C15700, Bldg. 4, Seattle, WA 98115-0070. The document is also available in the Miscellaneous Section on the NMFS Alaska Region's electronic bulletin board at 907-586-7259.

FOR FURTHER INFORMATION CONTACT: Jessica A. Gharrett, NMFS, Alaska Region, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS issued a Federal Register notice (59 FR 295, January 4, 1994) announcing that the North Pacific Fishery Management Council (Council) had submitted Amendment 32 to the FMP for Secretarial review and requested public comments over a 60-day period, ending March 7, 1994. Due to a miscalculation in the comment period deadline of March 7, a

correction was subsequently issued on February 2, 1994 (59 FR 4978). The document corrected the date for the comment period from March 7, 1994 to February 28, 1994 (59 FR 4978).

Amendment 32 would establish a plan to rebuild stocks of the rockfish Pacific ocean perch (POP) (Sebastes alutus) in the GOA. This amendment is necessary to improve conservation and management of POP and is intended to further the goals and objectives of the FMP. Additional information is contained in the Federal Register notice, which announced the availability of Amendment 32 for public comment.

NMFS has received a request for an extension of the comment period to allow time for consideration of the Triennial Survey. NMFS agrees that information contained in this document related to POP should be considered prior to the final decision by the Secretary of Commerce (Secretary). Therefore, NMFS is reopening the comment period through March 11, 1994. The Secretary will consider the public comments received during both comment periods in determining whether to approve Amendment 32.

Copies of the amendment may be obtained from the Council
(see ADDRESSES). Copies of the Triennial Survey are available
(see ADDRESSES).

Dated:

Acting Director, Office of Fisheries Conservation
and Management
National Marine Fisheries Service