MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: September 19, 1989

SUBJECT: Domestic Observer Program

ACTION REQUIRED

Receive progress report from NOAA Fisheries on development of a 1990 domestic observer plan. Provide guidance as necessary.

BACKGROUND

In June the Council approved as part of its groundfish amendment package a comprehensive data gathering program. Secretarial review is currently underway with a decision due by November 2, with possible implementation by mid-December. The Council recommended to the Secretary that the observer program be implemented on January 1, 1990 and that the details of the program be prepared by NOAA Fisheries. The Council also recommended 100% coverage for next year on all vessels 125 ft. and over in length and 30% coverage on smaller vessels capable of taking observers. Shoreside operations also will be covered to augment at-sea information. Funding for the observers is to be provided by the vessel carrying the observer or the shore plant in which the observer is operating. This deployment scheme is intended to establish a solid baseline data base for future management.

Since the June Council meeting, NOAA Fisheries has been working on the observer plan. The Data Gathering Committee met with NOAA staff on August 30 to receive a preliminary report. In general, the Committee was impressed with the progress to date and encouraged NOAA to continue with its work. A written report prepared by NOAA is included in your notebooks as Item C-5(a). NOAA Fisheries staff are also available to present an oral review of their progress to date.

The Data Gathering Committee will meet again this week, on September 25, and a report of their findings and recommendations should be available.

PROGRESS REPORT

WORKING DRAFT

OPERATIONAL PLAN FOR DOMESTIC OBSERVER PROGRAM

Introduction

The North Pacific Fishery Management Council has approved amendments to both the Bering Sea/Aleutian Islands and Gulf of Alaska Groundfish Fishery Management Plans which will require that U.S. fishing vessels carry observers. The plan amendments require that the National Marine Fisheries Service develop and implement a domestic observer program which will be funded by both industry and the federal government. Industry will be responsible for the direct costs of obtaining and maintaining observers aboard their vessels while NMFS will be responsible for administration of the overall program. As a result of the shared funding responsibilities of NMFS and industry, the proposed observer program will be a cooperative effort between NMFS, industry and observer contractors. The elements of this proposed program is described by this document.

Summary of Program Operation

The proposed domestic groundfish observer program will operate as a combination of shared efforts and responsibilities between NMFS, the fishing industry and independent observer contractors. NMFS will have the funding and operational responsibility for the overall administration of the program as well as observer training, debriefing and data management. The fishing industry will be responsible for providing plans of their fishing effort to NMFS and for then making arrangements for and paying for the direct costs of placing NMFS certified observers aboard their vessels through an independent observer contractor certified by NMFS. The observer contractors certified by NMFS to provide observer services will be responsible for the recruiting, deployment, logistics, insuring that their observers have been NMFS certified, insurance and employee benefits and delivery of observer data to NMFS. The domestic observer program required by the Marine Mammal Protection Act and funded by the federal government will be in operation prior to the approval and implementation of this program and possibly throughout the operation of this program. The integration of these two programs will be discussed later.

NMFS Responsibilities

NMFS will be responsible for the overall program administration, training or certification of observers, contractor certification, final trip debriefing of observers, coordination of observer coverage and logistics, and management of the data collected by the observers. A description of what each of these tasks entails follows.

1. Program Administration. This task consists of establishment of general program policy; specification of observer duties, sampling methods and data formats; observer qualifications; contractor certification; management of NMFS personnel and budgets; and development and implementation of fishery regulations pertaining to observer work, accommodations and placement aboard vessels.

2. Observer Training/Certification. Observers who meet the basic educational and experience qualifications established by NMFS (Attachment No. 1) and hired by contractors to be placed aboard domestic vessels will be required to successfully complete a 2.5 week training certification conducted by NMFS prior to being placed aboard a domestic vessel. Individuals who have successfully completed either a foreign or domestic groundfish observer deployment administered by the NMFS AFSC will only require attendance at a 2-4 day briefing. The materials to be covered in the 2.5 week training course are shown in (Attachment No. 2). Certification training will be provided at a minimum on a scheduled quarterly basis and more frequently (monthly) if required. During 1990 the AFSC will initially conduct observer training but will investigate the feasibility of issuing a contract RFP for a pilot training program to be developed and conducted in the second half of 1990. This effort will be evaluated and a decision made to either contract for all training in 1991 and beyond or continue NMFS in-house training of observers. The training of observers is the critical foundation to the overall success of the program and the quality of data collected. Training must be consistent from month to month and must be able to adapt to changing management and research needs and requirements. Further development of the observer certification process is continuing.

3. Contractor Certification. Though NMFS may have an observer contractor(s) established by a contract for MMPA domestic observers, the size and industry funded nature of the NMFS groundfish domestic program should provide an opportunity for other contractors to work with industry to provide observer services. However, contractors desiring to provide observer services to industry should be certified by NMFS so that industry and NMFS are assured that the contractors are financially independent of fishing vessel owners and understand their responsibilities under the program. NMFS will develop a set of responsibilities which must be performed at a minimum by each contractor. NMFS will review technical proposals submitted by prospective contractors which describe how they will perform their specified tasks to ensure they can adequately provide the required services. The cost for providing observers will

not be used in the evaluation. Firms submitting proposals judged adequate to provide services and whose independent financial nature have been verified will be included in a list of certified contractors from which industry members can obtain their required observers. Any firm which has been contracted by NMFS to provide observer services will automatically be certified. A contractor could lose certification if they are found to not be financially independent of vessel owners or if they deficient in the performance of their duties. As with the observer certification process, the development of the contractor certification process is continuing.

4. Observer Debriefing. The task of observer debriefing is critical to NMFS to maintain the quality control of the data collected by observers, the collection of information on the fishery which is not somehow contained in the standard data collections, and to identify problems and solutions to problems encountered by observers during their deployments. Observers deployed through this program will be debriefed by NMFS Observer Program staff at field offices such as at Dutch Harbor, Kodiak, and at the AFSC in Seattle. Observers will be debriefed between deployments in the field so that the data can become available for entry, editing and use in a timely fashion.

5. Coordination of Observer Coverage and Logistics. Though the observer contractors will be responsible for all deployment logistics and the vessel owners responsible for insuring that they have an observer aboard their vessel if required, NMFS will need to monitor coverage and the placements of observers aboard vessels to ensure coverage requirements are met and to ensure that required data are received from observers. NMFS will also be responsible for determining and notifying the vessels of the need to obtain an observer in the vessel category requiring less than 100% coverage. This task will be aided by the provision of fishing operation plans by vessel owners and by monitoring the vessel movement and catch reports.

6. Data Management. NMFS will be responsible for the entry, editing and data base management of all data collected by observers. Data will reside on the AFSC mainframe computer and be made available to users according to the NOAA rules for data confidentiality.

Fishing Industry/Owner Responsibilities

Under the domestic groundfish observer program, the fishing industry or vessel owners are responsible for the direct costs for placing observers aboard their vessels. The program requires that fishing vessel owners submit a fishing operations plan to

NMFS. These effort plans will be used to determine observer coverage needs and to select vessels. Any vessel owner who is required to carry an observer will be responsible for obtaining a NMFS certified observer from the certified observer contractor of his/her choice. The cost for that observer will be paid by the vessel owner directly to the contractor. Prior to beginning fishing operations during the period which the vessel is required to carry an observer, the observer must notify NMFS that he or she is aboard the vessel and prepared to perform the observer duties. NMFS wants to work with industry to resolve issues associated with the need for effort planning and the handling of observer logistics.

Vessels required to carry an observer but without an observer will not be allowed to fish. This requirement places the burden on industry and the contractor to ensure they meet the observer requirement. Vessels under 50 feet in length or judged to be unsafe may not be required to carry an observer. Development of proposed minimal size, safety standards and observer accommodation requirements has not yet been completed. NMFS will be seeking the advice of industry on the further development of these requirements.

Certified Observer Contractor Responsibilities

Contractors wishing to provide observer services to the fishing industry must be certified to do so by NMFS. Firms holding a contract with NMFS to provide observer services will automatically be included in the list of certified observers. To obtain certification as an observer contractor, a firm must be financially independent of the fishing companies and vessels to which they are providing observers, must have submitted a proposal to NMFS and which is judged adequate by NMFS that details how they plan to carry out the required observer contract services and must agree to provide all data collected by observers directly to NMFS. Under this proposal there would be no limit placed on the number of contractors which could participate in the program and a vessel owner could choose to work with the firm or firms of personal choice.

Observer contractors would be responsible for the following tasks at the minimum:

1. Recruiting, evaluating and hiring of qualified candidates to serve as observers.

2. Ensuring that their observers have obtained the required NMFS certification through attendance and successful completion of the NMFS certification training or previous satisfactory completion of a NMFS foreign or domestic observer deployment and attendance at a recertification briefing.

3. Providing observer salary, benefits and personnel services.

4. Providing basic workmen's compensation and P & I insurance to cover and protect observers injured in the performance of their duties.

5. Providing all deployment logistics to place and maintain the observers aboard the fishing vessels. This includes all travel arrangements, hotels and per diem, and any other services required to place the observers aboard the vessels.

6. Providing replacement or back-up observers in the event an observer has to be removed from a vessel for any reason.

7. Keeping NMFS informed of current observer deployments and deployment plans.

8. Arranging and coordinating observer debriefings with NMFS.

9. In cooperation with the vessel owner, assuring that all observer in-season catch messages and other required transmissions between the observer and NMFS are delivered to NMFS within a specified time.

10. Assuring that all data, reports and specimens collected by observers are delivered directly to NMFS within 5 working days of the completion of each observer trip.

11. Assuring that all gear and equipment issued to their observers by NMFS is returned to NMFS within 5 days of the completion of the observers field deployment.

A more detailed work statement for contractor responsibilities will be developed by NMFS and modelled after the statement of work used by the NMFS contract for observers. Certification of a contractor could be completed through the signing of a letter or memorandum of understanding between NMFS and the contractor. A contractor can be decertified if they are found not to be financially independent, they fail to provide the required observer data directly to NMFS or vessels owners can clearly demonstrate that the firm has not performed the required services satisfactorily.

Coordination with MMPA Domestic Observer Program

The 1988 amendments to the Marine Mammal Protection Act require that domestic vessels participating in the trawl fisheries in Alaska carry natural resource observers on 20% - 35% of their effort. This program is currently in place in 1989 and observers

are being deployed by the AFSC to domestic trawlers through a NMFS observer contractor. A request for proposals for a contract to provide observers for 1990 and 1991 will be issued shortly. This contract should be awarded in December, 1989 and will provide a vehicle to place observers funded through federal money.

Once the NMFS domestic groundfish observer program is implemented, it will provide sufficient coverage to meet all requirements of the MMPA. It is also proposed that funding for the MMPA program be used to cover the NMFS costs for administering the Council program. If MMPA funds are available for observers after implementation of the domestic groundfish observer program and accounting for the NMFS costs of program administration, these observers could be placed randomly throughout the fleet, thus relieving those vessel owners for a short time from being responsible for the cost of their observers.

Attachment No. 1: Observer Qualifications

Observers placed aboard domestic vessels must have bachelor's degree in fisheries or wildlife biology or related field of biology and natural resource management. If sufficient numbers of qualified and acceptable applicants with the above educational background are not available, individuals with senior standing within one of those programs listed above or individuals with an Associate in Arts (A.A.) degree in fisheries or wildlife science or technology may be substituted, upon approval by the AFSC. Individuals who have satisfactorily served as an observer for program administered by the Observer Program of the AFSC during the past 24 months must attend a two-to-four day certification briefing conducted by the AFSC prior to deployment. Individuals who have not served as an observer or who last satisfactorily served as an observer prior to the past 24 months must attend and successfully complete a 2 1/2 week certification training conducted by the AFSC prior to deployment. Individuals who serve as observers must be U.S. citizens. Previous at-sea experience is desirable, though not required.

Attachment No. 2: Training Syllabus (current joint venture program)

Joint Venture Observer Training Syllabus

Day 1
Orientation Day: Administrative information, introductions all around. Introductory slide show #1 - emphasis on terminology, safety, and visual orientation. MFCMA and management of the FCZ. Safety in transfers and aboard the vessel. Seasickness and medical advice, living accommodations. Communications, with home, NMFS; clothing and other items to bring with you. Videos about the observer program and life on a foreign fishing vessel.

Day 2 Guest Lecture: Dr. Aron, Director of Northwest and Alaska Fisheries Center. Hardships, deportment, and conduct. U.S. customs. Introductory slide show #2 - emphasis on life at sea and vessel types. Objectives and workload; typical sampling procedures. General instructions on data forms. GMT, metric system and ratios of proportion. Videos about MFCMA and joint venture fishing.

Day 3 Species Identification: a general review of identification terminology and slides of various representatives of N.E. Pacific fish families (given by a U. of W. ichthyologist). Catch information: data forms 2 and 2JV. Adjusting the ship's estimate of catch size. Estimation of catch size - by the ship and by the observers. Discussion of joint venture. Classroom practice of haul weight estimating using a fish bin model.

Day 4 Species Composition Sampling: Random, representative, unbiased sampling. Determining a sample weight. Species composition form 3(2), math extrapolations (forms RM and RM-1) and radio messages (paragraph 1). Formatting the radio messages, management areas and report groups. Classroom practice by using fish bin models.

Day 5 Determining the Incidence of Tanner crab, king crab, halibut and salmon in the catch: Sample size, relationship with species composition sampling, sampling methods, considerations, and problems. Incidence of Prohibited Species form 3(1). Computations (form RM-3) and formatting the radio message (paragraph 2).

Day 6 Collecting biological data from prohibited species, (form 4). Tagged fish information collection. Length frequency sampling, (form 7). Otolith and scale sampling, (form 9). Alaska pollock spawning study, (form 6).

Day 7 Species identification of crab: slides and classroom practice. Harassment of observers and interactions with vessel personnel. Cross-cultural training. Problem solving using small group discussions in the classroom.

Day 8 Fish identification laboratory session with a U. of W. ichthyologist. Fish dissection slides and lab session. Read previous cruise reports; watch videos made by observers who were on longliners, small trawlers, etc. Receive special project instruction.

Day 9 Guest Lecture: Scientist from the National Marine Mammal Laboratory showing slides on identification of marine mammals at sea. Marine mammals: as incidental catch, (form 10); sightings, (form 11a,b). Net scarred salmon study form. Final reports 1 and 2, logbook entries.

Day 10 Species Identification - focusing on: rockfish, flatfish, and salmon (with the U. of W. ichthyologist). Medivacs and radiotelephone procedures. Safety videos and checkout of survival suits. Survival suit and life-raft water practice.

Day 11 Guest lecture: NMFS enforcement division agent - monitoring for compliance to fishing regulations. Product Recovery Sampling, (form 8); comparing observer data with the fishing logs. Species I.D. Lab final.

Day 12 Continued compliance training by NMFS enforcement agent-logging and documentation. Gear issue: familiarization and care of equipment, checking equipment and calibration of scales.

Day 13 Final Exam. Guest speaker: Debriefing supervisor. First day aboard preparation. Travel rules and parting information.

ACTIVITY SCHEDULE FOR DOMESTIC OBSERVER PROGRAM

The attached tables contain a schedule for the implementation of the domestic observer program. Two separate options are presented. Option A, provides the schedule of activities for the continued operation of the Marine Mammal Protection Act (MMPA) observer program which was implemented in August, 1989 and will continue until the domestic groundfish observer program is implemented in 1990. At the time the requirements of the MMPA program will be met by the groundfish program. Option B, provides the schedule of activities for both the MMPA program and the domestic groundfish program.

ACTIVITY SCHEDULE FOR DOMESTIC GROUNDFISH OBSERVER PROGRAM

TABLE 1. MMPA Program Only.

1. Current MMPA Program
   - FY 89 funded observers
     - Observer training
     - Observer deployment
   - FY 90 funded observers - interim program
     - Request WASC approval to use foreign contract
     - Receive FY 90 funding
     - Observer training
     - Observer deployment

2. New FY 90 MMPA Contract
   - RFP process
     - Issue RFP
     - Proposals received
     - Review proposals
     - Negotiations
     - Award contract
   - MMPA contract work
     - Start-up
     - Observer training
     - Observer deployment

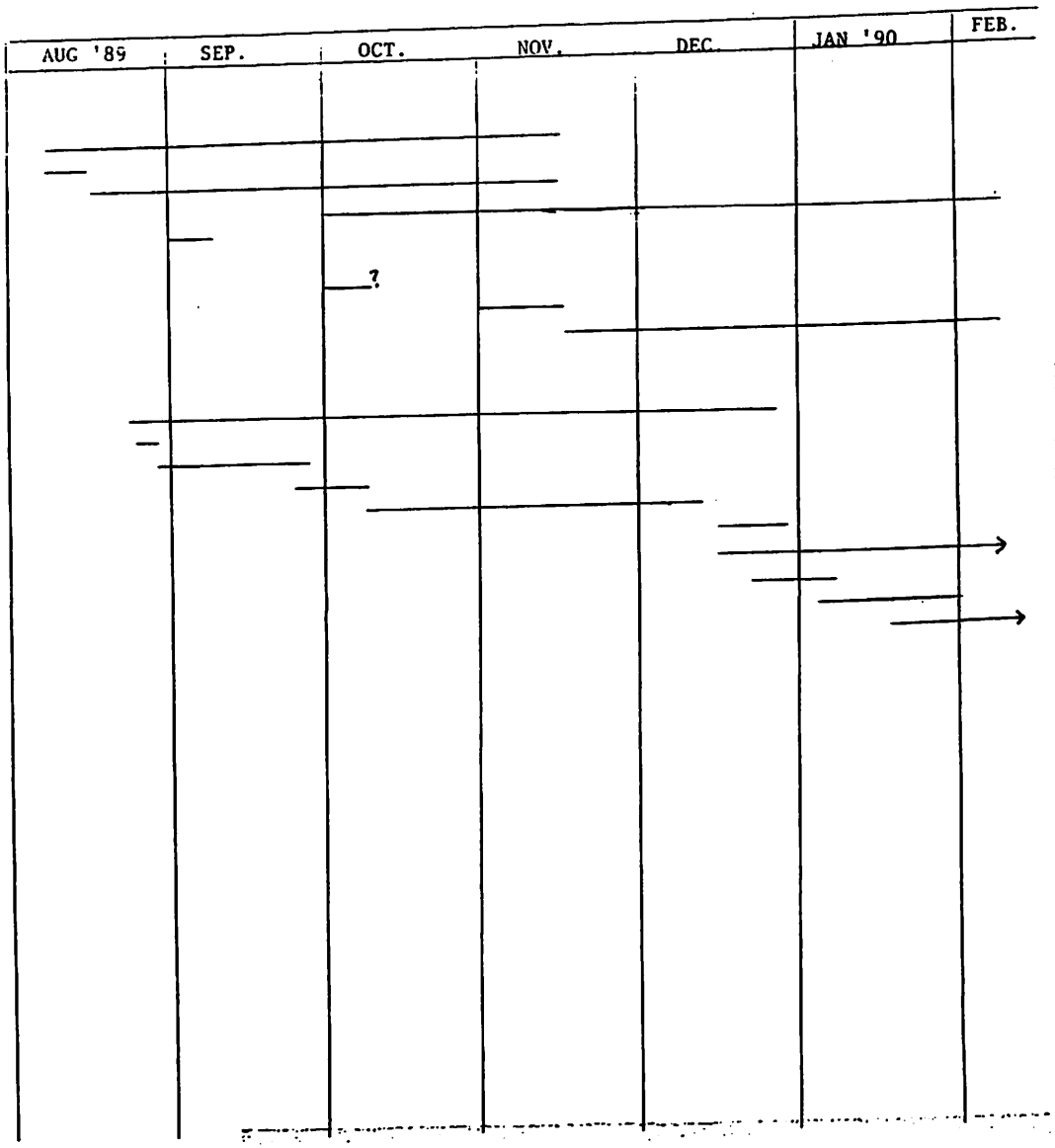
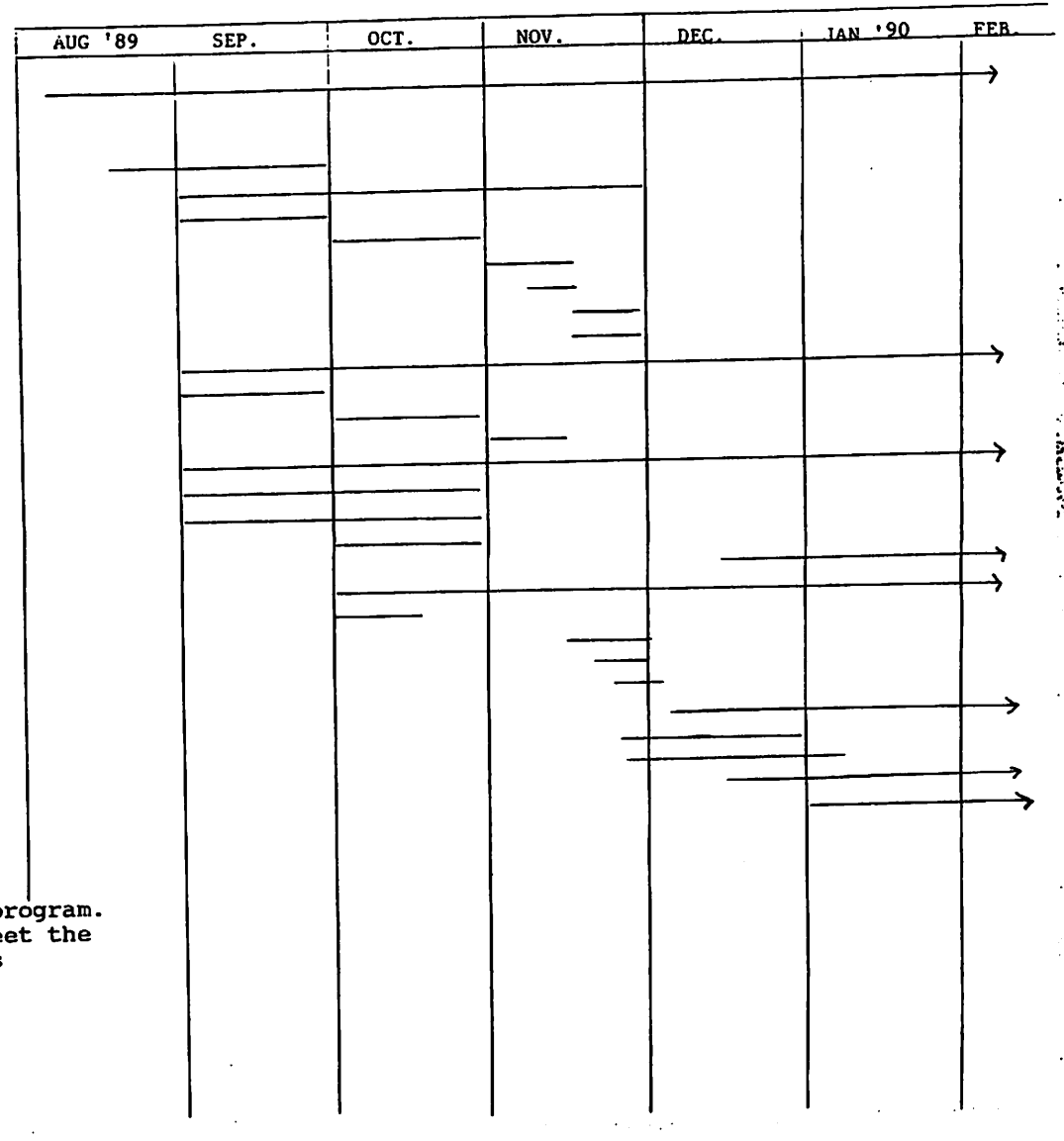


TABLE 2. MMPA PROGRAM + DOMESTIC GROUNDFISH PROGRAM *

1. MMPA program - as described in Table 1, Nos. 1 & 2.

2. Domestic groundfish program
   - Approval of operational plan
   - Contractor certification
     - Develop certification criteria
     - Publish criteria & request proposals
     - Receive and review proposals
     - Request clarifications on proposals
     - Publish certified contractor list
     - Review & act on possible protests
   - Observer certification
     - Develop certification criteria
     - Develop observer regulations
     - Establish training schedule
   - Vessel safety criteria & observer accommodations
     - Develop minimal safety and accommodations
     - Develop waiver & review process
     - Develop required regulations
     - Implement regulations
   - Vessel selection & notification
     - Notify owners of need for effort plan
     - Receive vessel operating plans
     - Select vessels including back-up selections
     - Notify owners selected
   - Observer training/deployment
     - Vessel owner selects contractor
     - Contractor obtains observer
     - Observer attends certification training
     - Observer deployment



* NMFS will utilize the MMPA funding to fund program administration for the entire MMPA + domestic groundfish program. Funds available for observer placements will be used to meet the MMPA requirements until the domestic groundfish program is implemented in 1990.

HIGHLIGHTS OF FOREIGN FISHERY OBSERVER PROGRAM

The Foreign Fisheries Observer Program at the Alaska Fisheries Science Center is responsible for the placement of observers aboard foreign vessels participating in fisheries in the northeast Pacific Ocean and Bering Sea. The purposes for placing observers on foreign fishing vessels within the U.S. 200-mile Exclusive Economic Zone are 1) to collect data used to estimate foreign and joint venture catches of groundfish; 2) to determine the incidental catches of species whose retention is prohibited and of marine mammals; 3) to provide information needed to assess the biological status of the various stocks of marine fish; and 4) to report on suspected violations of U.S. fishing regulations.

Observers for the program are provided through contractors who are responsible for the recruiting and hiring of observers and all logistical tasks associated with placement of the observers aboard vessels. The observers are trained by the program staff at the Alaska Fisheries Science Center and also debriefed by the program staff upon completion of their deployments. Highlights of the program's accomplishments over the past 17 years are provided below.

1. The Foreign Fishery Observer Program for fisheries off Alaska and the northwest coast of the U.S. began in 1973. 2,153 biologists have been trained and deployed as observers. At the height of the program in 1984, 474 observers were trained and deployed while in 1983 and 1985 over 400 observers were trained and deployed annually.

2. Since its inception, the program has staffed over 6,000 cruises.

3. The early costs of the program are not available, however, since 1982 an average of $4.28 million per year has been spent.

4. The observer cadre consists of 18 staff members: Program administration - 2; Observer training - 2; Observer debriefing/gear - 3; Observer logistics - 1; Data management - 4; Computer programming - 1; and, Catch estimation/data summarization - 5.

5. Of the more than 2,000 observers that have been trained and deployed, 34% have made multiple trips as observers. Since 1985, 53% of the observer trips have been made by repeat observers.

6. During the peak of the program in 1984-86, the program maintained 125 - 140 observers in the field on a continuing basis.

7. Fewer than 1% of the observers have been removed because of unsatisfactory performance and less than 2% of the observer trips have been terminated early due to injury or illness.

SUMMARY REPORT

Data Gathering Committee
September 24, 2989
Anchorage, Alaska

I. Call to Order

Chairman Dyson opened the meeting with a review of the agenda. Other committee members in attendance were: Henry Mitchell, Phil Chitwood, John Peterson, Dave Hanson, Dave Fraser, Tony Knowles, Larry Cotter, and Ron Hegge. Ken Parker, ADF&G also attended and there were over 25 members of the public in attendance.

II. Logbook Program and Reporting Requirements

Dr. Low, AFSC presented a status report on the logbook/reporting requirements section of the Council's comprehensive data gathering program. Since June, a technical group comprised of NMFS, ADF&G, and Council staff have met once and conducted two follow-up conference calls to review details for implementing this section. Four main tasks have been outlined and need to be accomplished for the logbook and reporting requirement aspects of the program to become fully operational.

1. Design, print, and distribute logbooks and data forms.
2. Track logbooks and data reports.
3. Develop in-season management system.
4. Develop long-term data retrieval system.

Dr. Low reviewed each task and reported that Tasks #1, 2, and 4 appear to be on schedule and should be in place by 1990. Task 3 may require its own computer system and obtaining such a system is being explored by AFSC staff.

Dr. Aron mentioned that $2 million is needed to replace the Burroughs mainframe computer and that Task 3 may be delayed until a replacement computer is installed. Funding for a computer has been requested in NMFS' 1990 fiscal year budget. Funding for other aspects of the logbook/reporting requirement section is being temporarily provided through Marine Mammal funds.

Members of the committee mentioned that logbooks need to be on the boats in November since many vessels will be leaving for the Bering Sea in early December. The committee also stressed that the industry needs to be educated with regard to filling out the logbooks and new report forms. Mr. Pennoyer mentioned that NMFS intends to conduct education programs for industry later this fall.

Unnecessary Duplication in Reporting

Ron Berg, NMFS and Dave Carlile, ADF&G, reported on progress to date by management agencies to address the Council's concern that the new data program may produce unnecessary duplication in federal-state reporting forms. The committee heard that significant progress has been made, but several outstanding issues remain.

The main problem appears to be focused on the State's desire to obtain more detailed catch/production statistics than is provided on the weekly catch/production reports. This detailed information is being provided in the logbooks, but the Council's plan calls for only quarterly submission of this information. Mr. Berg and Mr. Carlile pointed out that 1990 should be viewed as a transition year and as the Council's program comes on line, changes to either the submission schedule of logbook data, or other modifications can be entertained. Both agencies committed themselves to continuing to work on this problem.

Steve Davis mentioned that a proposed amendment to the Magnuson Act is intended to allow State employees access to federal data bases according to certain confidentiality standards.

III. Domestic Observer Program

Dr. Bill Aron and Russ Nelson, AFSC, presented an update on development of a 1990 observer plan. AFSC staff has continued their efforts given the legal and budgetary constraints. Specifically, additional work has been done on the observer certification program and the establishment of an industry advisory group.

Mr. Dyson mentioned that a major concern is the number of observers needed at the beginning of the year. Mr. Nelson responded that approximately 70-75 observers will be needed and that the AFSC sees no problem having the observers ready by 1990. Industry funding schemes and a method for certification of contractors are two areas that need further work.

There was some discussion on observer qualifications. Dr. Aron mentioned that NMFS is willing to review all aspects of the program and explore alternatives as time allows but the agency is unwilling to do anything that would reduce the quality of the observers or the information generated by the program.

Committee members noted that following Secretarial approval of the program, there will only be 4-6 weeks to implement the program prior to 1990. This small amount of time will make implementation difficult, but NMFS is committed to do the best job they can to implement the program.

An industry advisory group might help in addressing this problem. For purposes of designing a 1990 deployment scheme, NMFS intends to use 1989 fishing practices as a basis for hiring observers.

The University of Alaska and the Municipality of Anchorage offered to help implement this program.

Meeting Wrap-Up

The committee recommends that the Council accept the NMFS status report and that the Council approve authorize another meeting of the committee soon after the Secretarial decision for the purpose of providing further guidance to NMFS on the 1990 observer plan.

The Committee also stated as a goal that the observer program be designed so it is efficient, timely, and cost-effective. ADF&G is willing to share their expertise on this issue. University of Alaska and Municipality of Anchorage were encouraged to work with NMFS in a technical capacity.