



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

May 30, 2025

Stacy Hansen  
Saltwater Inc.  
733 N Street  
Anchorage, Alaska 99501

Michael Lake  
Alaskan Observers  
130 N Nickerson #206  
Seattle Washington 98109

Dear Ms. Hansen and Mr. Lake:

Thank you for your letter voicing concerns about the availability of observers with Lead Level 2 endorsements, and for offering ideas to reduce constraints on trawl fisheries that require this endorsement. As you noted, this endorsement is required on vessels with at least 100 percent observer coverage, creating a continual need to recruit and train new Lead Level 2 observers. These observers are critical to the fisheries monitoring portfolio, providing valuable on-the-water experience and expertise gained through specialized training, which leads to better data accuracy used for management by industry and NMFS. However, this also creates a potential labor supply constraint for both observer providers and fishery participants.

As noted in your letter, prior to 2013, experience in the Pacific whiting (also called hake) fishery counted towards the experience necessary to obtain a Lead Level 2 observer endorsement from the North Pacific Observer Program (NPOP). It is important to note that prior to the Northwest Fisheries Science Center annexing Pacific whiting science and monitoring, the Pacific whiting fishery was included in the "North Pacific" for monitoring and the Pacific whiting fishery did not have its own monitoring regulations. The Northwest Fisheries Science Center has since established the Pacific whiting fishery monitoring program as a fully regulated, stand-alone fishery observer program (At-sea Hake Observer Program, ASHOP). While there are similarities between ASHOP and the NPOP, there are differences as well.

The NPOP shifted its policy in 2013, making Lead Level 2 experience specific to North Pacific fisheries. As noted in your letter, NMFS previously corresponded with Mr. Lake in 2013 on this issue. In that exchange, Mr. Loefflad, then Director of the Fisheries Monitoring and Analysis Division (FMA), clarified that the federal regulations at 50 CFR 679.52 apply specifically to the NPOP and he noted important differences in data collection duties between the hake and Alaska trawl fisheries.



In the years following, both NMFS and the Council have revisited the regulations governing Lead Level 2 observers. This first occurred in 2017, when regulations were modified for nontrawl vessels (83 FR 30528), and more recently in October 2024 when a discussion paper<sup>1</sup> addressing observer availability was presented to the North Pacific Fishery Management Council (NPFMC). However, neither action evaluated the potential role of using ASHOP experience to satisfy NPOP Lead Level 2 requirements.

Given the time that has passed since the 2013 correspondence, NMFS has reconsidered this request in light of the type of regulatory changes that may be required and the broader context of recent trends in observer availability.

## **Qualifying Experience for Lead Level 2**

The question at hand is whether the time observers dedicate to the ASHOP can fulfill the requirements outlined in § 679.53(a)(5)(v) for obtaining a NPOP Lead Level 2 endorsement, despite the fact that the Pacific whiting fishery is not classified as a North Pacific fishery, meaning these observers are not operating under 50 CFR 679, Subpart E.

According to § 679.53(a)(5)(iv), the experience needed for a Level 2 endorsement must be obtained in a groundfish or halibut fishery off Alaska. The subsequent subparagraph, § 679.53(a)(5)(v), states that "an observer who has obtained a Level 2 endorsement" under § 679.53(a)(5)(iv) may also qualify for a Lead Level 2 observer endorsement if, among other qualifications, "A Lead Level 2 observer on a catcher/processor using trawl gear or a mothership must have completed two observer cruises (contracts) and sampled at least 100 hauls on a catcher/processor using trawl gear or on a mothership." While § 679.53(a)(5)(v) does not explicitly specify that the experience gained from these cruises and the sampling of 100 hauls must be in an Alaska fishery, based on the context and subject matter of the regulations that is the intent.

Given that Lead Level 2 endorsement builds upon the experience of being a Level 2 observer, which is required to occur in an Alaska fishery, it is reasonable to expect that the experience for a lead endorsement should also meet the observer requirements for Alaska fisheries. Further, the observer program detailed in 50 CFR 679, Subpart E, is dedicated solely to NPOP and Alaska fisheries, comprising training and requirements tailored to that region; thus, it logically follows that the path to a higher level of endorsement should occur within the context of an Alaska fishery. This interpretation aligns with the position articulated by NMFS in 2013.

## **Future Direction**

To assess the current scope of the issue, FMA analyzed data from the previous two years by comparing eligible observers under the current regulations with the proposal to include all ASHOP sampling. The findings suggest that allowing observers who meet the Lead Level 2 experience requirements in the Pacific whiting fishery could expand the pool by up to 5 additional observers, representing approximately 2 percent of the currently qualified Lead Level

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<sup>1</sup><https://meetings.npfmc.org/CommentReview/DownloadFile?p=3067bad6-189e-41f5-b659-bf2a2885884c.pdf&fileName=D1%20observer%20availability%20discussion%20paper.pdf>

2 observers. Therefore, the immediate impact on available Lead Level 2 observers is likely low, but a change in the endorsement criteria may offer a small amount of flexibility.

A change in the endorsement criteria would require a regulatory amendment that allows experience gained under ASHOP to apply towards Lead Level 2 endorsement in Alaska. Regulatory changes are typically pursued through the NPFMC process. Should the NPFMC choose to pursue such a change, NMFS would provide the necessary analytical and regulatory support, within the constraints of overall priorities.

### **Other Issues**

We note your letter also highlighted that observers are deployed for 2-3 month periods, but current regulations do not require contracts to be that long to be used to qualify for a Lead Level 2 endorsement. Regulations at § 679.53(a)(5)(v)(C)(I) stipulate that for work on a vessel using nontrawl gear, a qualifying contract needs to be 10 days long. This means observers who are nearing the required number of sampled hauls can be deployed for a shorter period, allowing them to achieve Lead Level 2 endorsement sooner on nontrawl gear than may otherwise occur if they are deployed on longer tours. We recognize this may not always be possible due to logistical constraints.

We also recognize the constraints related to the Lead Level 2 endorsement and general observer availability remain an ongoing concern for fishery participants and observer providers. We support continued dialogue through the NPFMC processes and encourage reference to the October 2024 observer availability discussion paper for development of ideas that may improve observer availability.

In closing, we appreciate the opportunity to address these important issues and remain committed to providing the high-quality information necessary to manage the nation's fisheries, while also working to streamline regulations to reduce the regulatory burden on the seafood industry.

Please reach out to Lisa Thompson, Acting Director of the Fisheries and Monitoring Division at Alaska Fisheries Science Center, if you have questions: [lisa.thompson@noaa.gov](mailto:lisa.thompson@noaa.gov)

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Kurland', with a stylized flourish at the end.

Jonathan M. Kurland  
Regional Administrator