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May 30, 2025

Ms. Angel Drobnic, Chair
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, Alaska 99501-2252

RE: FLC Comments on Seafood Competitiveness E.O. (B Reports)

Dear Ms. Drobnic,

The Freezer Longline Coalition (FLC) is pleased to provide the following comments for the North Pacific Fishery Management Council's (Council's) consideration under agenda item B1 (B Reports) at the June 2025 Council meeting. These comments specifically address the National Marine Fisheries Service (NMFS) request to Council for input on the Trump Administration's April 17, 2025 Executive Order (E.O.) titled Restoring American Seafood Competitiveness.

About FLC

The FLC represents the owners of 19 active (as of 2025) hook-and-line catcher processor (HAL-CP, or freezer longline) vessels that participate in the freezer longline sector of the federal Pacific cod fishery in the Bering Sea, Aleutian Islands and Gulf of Alaska. A majority Alaskan-owned fleet, FLC members include nine Alaska and Washington-based operators comprised of Community Development Quota (CDQ) organizations, an Alaska Native Corporation, and family-owned businesses. Five of the six established CDQs are either FLC members or are partners in the fishery with FLC member companies. Our member companies employ over 1,500 crew on their vessels each year, with about 20-25 crew deployed on a vessel on a given trip. FLC vessels are a full coverage participant in the North Pacific Observer Program (Observer Program), with all vessels required to carry at least one fixed gear Lead Level 2 (LL2) endorsed observer on each trip.

Council Comments on Seafood Competitiveness E.O.

The Trump Administration's E.O. on seafood competitiveness directs regional Councils to provide input within 180 days of the E.O.'s issuance on any updates to the Councils' respective comments to the first Trump Administration's May 7, 2020 E.O. titled Promoting American Seafood Competitiveness and Economic Growth. Councils are specifically asked by NMFS to provide an updated, prioritized list of recommended actions "to reduce burdens on domestic fishing and to increase production within sustainable fisheries," consistent with direction provided in Sec. 4 of the April 17th E.O. In responding to the 2020 E.O., Council stated its highest priority actions to be "non-regulatory actions related to domestic production," including agency funding for groundfish surveys off Alaska and for stock assessments. FLC strongly supports Council reasserting this as its highest priority for the agency to address, along with other core functions that allow fishermen in Alaska's federal fisheries to go to sea and to maximize sustainable domestic production. As NMFS considers how it may do more with less, the agency must commit to sustaining the data collection and analysis work that is most vital to current production and to future sustainability of our fisheries.

The FLC also supports Council’s continued attention to ensuring an Observer Program that fulfills its obligations to collect high quality data on vessel harvest. The Observer Program in our region is the largest and most complex of any such program in the country. As North Pacific fisheries have evolved, the Observer Program has had to find avenues to adapt, often with increasingly limited resources. This includes the full coverage program, which is facing a crisis in the ability to generate a pool of LL2-endorsed observers for deployment and to maintain affordability of the program for operators, including our fleet. With the program facing additional pressures on its resources, FLC and its observer provider partners Alaska Observers, Inc. (AOI) and Saltwater Inc. recommend a holistic look at measures that can help the full coverage program meet its obligations while creating funding efficiencies for the agency and industry participants to ensure its long-term sustainability. The following are some specific regulatory and non-regulatory proposals we recommend to address this objective. We welcome continued dialogue with Council and the Observer Program to consider these proposals and others that may support the future of the Observer Program and our respective operations.

Increasing Observer Platforms to Achieve Lead Endorsements

West Coast At-Sea Hake Fishery (reg change): We support a proposal recently put forward from AOI and Saltwater to NMFS¹ requesting a regulatory change to permit observer experience in the West Coast At-Sea Hake Observer Program (ASHOP) to count toward experience requirements for an LL2 endorsement in the North Pacific fisheries. The ASHOP only accepts currently certified North Pacific observers into their four-day training class. All vessels that operate in the hake fishery also operate as catcher processors and motherships in the Bering Sea, yet in our region the Observer Program does not credit observer experience from this fishery toward the sampled-haul and deployment benchmarks required to qualify for an LL2 endorsement in the North Pacific.

Prior to 2013, ASHOP experience counted toward an observer’s LL2 endorsement in the North Pacific. As we understand, the decision to stop counting this experience was not from concerns with the relevance or practical applicability of this experience to the North Pacific fisheries. Rather, it was due to NMFS’ interpretation of the governing regulation, which, per their reading, disallowed experience gained outside the North Pacific to count toward an LL2 endorsement in the region. Although regulatory language found in [§ 679.51\(a\)\(2\)\(vi\)\(A\)](#) through [\(H\)](#) pertains to the Observer Program in the North Pacific, required experience found in [paragraph \(a\)\(5\)\(iv\)](#) does not specifically state whether observer data collection on catcher processors and motherships operating outside Alaskan waters can be considered. Action to amend the regulation to expressly allow for ASHOP experience to count will definitively permit NMFS to once again count this experience toward an LL2 endorsement. Upon implementation, this will immediately boost the number of platforms available for observer providers to utilize in securing LL2 endorsements for their observers, helping ensure our vessels can continue to operate without interruption from observer shortages. As an interim measure to expedite the inclusion of ASHOP experience, NMFS may also consider reverting to their previous (pre-2013) interpretation of the existing regulation to allow for ASHOP experience to count while this interpretation is codified.

¹ AOI, Saltwater Inc. letter to Jon Kurland (NMFS Alaska Region), Jennifer Quan (NMFS West Coast Region), May 15, 2025

Shoreside Plants (reg change): A second opportunity to increase observer platforms is to count plant-sampled-hauls toward the minimum haul requirement for LL2 endorsements. Observers assigned to shoreside plants utilize many of the same skills required on catcher processors and motherships at sea, including working with flow scales. Observers are often assigned by providers to both shoreside and at-sea facilities, but under current regulations the shoreplant sampled hauls can't be counted toward an LL2 endorsement. Similar to inclusion of the hake fishery, a change to the regulation found in [paragraph \(a\)\(5\)\(iv\)](#) to allow for these sampled hauls to count would help ease the existing shortage of platforms and reduce the potential that vessels cannot go to sea for lack of a qualified observer.

Creating Efficiencies

Debriefing Performance Grades (non-reg change): We suggest the Observer Program consider a more judicious issuance of observer debriefing performance grades of zero. Currently, observers can receive a zero for a wide range of shortcomings. For instance, observers who fail to properly complete a safety check, or who complete a safety check but record it incorrectly in their logbook, currently receive a zero grade. Observers who receive zero grades have performed the job well enough to go back to work, but they are not permitted to work as leads until they finish another deployment with a grade of 1. We'd ask that the Observer Program amend their policy so a third option is available when issuing debriefing grades. Specifically, we propose that most observer errors that currently trigger a zero grade instead get a grade of 1 with a requirement that they attend a 1-day focus briefing prior to redeploying. Observers would attend the regular one-day briefing, with an additional, second day focus briefing to be scheduled separately, at the Observer Program's discretion. During these 1-day focus briefings, observer performance stumbles can be directly addressed before they redeploy, after which leads who attend these briefings could then deploy again as leads. Performance grades of zero should be reserved for observers who have repeated a mistake from an earlier cruise or whose errors are so serious as to warrant decertification. This change would increase the availability of observers to be deployed at any given time. Because this change would remove an obstacle to opportunities for observer re-employment, observer providers suggest it would also improve observer retention, reducing the strain on Observer Program training resources.

Remote Debriefings (non-reg change): We propose action to make remote, vs. in-person, observer debriefings the rule rather than an exception for the Observer Program. With in-person debriefings, observers are waiting in Seattle, where debriefings are performed, multiple weeks to participate in an in-person debriefing. Observer providers report that this can create a strain on observer mental health and morale if they do not live in the Seattle area, as is often the case. Affording observers the chance to go home during their debriefing period rather than waiting for an interview in Seattle would allow them to check in at home, attend to personal matters, then return for redeployment following their remote briefing(s). A move to primarily remote debriefings could improve overall retention of observers that can help to address challenges with the supply of LL2 observers to deploy on fleets like ours. This would also reduce costs for observer providers, who must pay for lodging and expenses while they are in Seattle, or after a certain time compensate them as employees until the debriefing is completed. Many of these costs are then passed on to vessel operators, raising costs for all stakeholders.

We acknowledge the perceived benefits of in-person debriefings by the Observer Program, including the ability for observers to participate in data checks. However, we believe a move to remote

debriefings can be accomplished without a sacrifice to data quality. Computer data checks are already performed, and remote briefings were performed regularly during COVID, without, to our knowledge, a discernable change in data quality. With the expectation that NMFS will lose more staff in the coming months, we are concerned that the wait for in-person debriefings will only become longer for observers, making matters worse for observers, providers and vessel operators who rely on, and pay for their services.

Longline Lead Instruction (non-reg change): We recommend the Observer Program incorporate longline-lead instruction in all one-day briefings and eliminate the current requirement that observers attend a separate two-day longline LL2 training class before deploying to a longline vessel. This would streamline the observer briefings and ensure all observers receive the same instruction, helping them to be readily prepared for assignments without additional instruction. A significant part of the three-week training attended by new observers is already devoted to fixed gear sampling, so this revised format would help all observers to build upon that knowledge.

Doing away with the separate two-day briefing would align fixed gear LL2 training with those who are deployed on trawl vessels. We appreciate that observer work on trawl vessels differs from work on our fleet. However, we would suggest that these differences could be addressed with the additional instruction incorporated into the one-day briefings. While the one-day briefing would realistically need to be extended to some degree, providers anticipate that this reduction in briefing days could free up resources for the Observer Program that could be directed to other needs. Likewise, it would help providers to more efficiently deploy observers on to vessels, reducing the potential for trip delays or cancellations for lack of an available observer.

Haul Requirements for LL2 Endorsement (reg change): We propose that NMFS amend the sampled-haul requirements for securing LL2 endorsement on trawl vessels from the current 100 hauls to 60 hauls. Observers who work aboard Amendment 80 trawlers currently reach 100 sampled hauls far more quickly than observers who work aboard pollock catcher processors, yet the latter group samples significantly more tonnage than the former. Observers are aware of this inequity, and anyone who works primarily on pollock catcher processors can easily need to work three or four extra months before qualifying for lead status as a result. This delay comes at the expense of observer morale and retention, and extends the time needed for many observers to secure a LL2 endorsement. While this action addresses hauls on trawl vessels, this is also a pathway for securing needed experience for a fixed gear LL2 endorsement and will help increase the overall pool of fixed gear and trawl LL2 endorsed observers. This action would be consistent with past NMFS action to address just this kind of inequity between fleets of the same gear type. In 2012, NMFS reduced the fixed gear sampled haul requirement from 60 to 30, recognizing that some longline vessels were setting once a day while others were setting three times a day.

Authority to Waive Fixed Gear LL2 Requirement (reg change): We propose granting the Observer Program the authority to waive LL2 requirements when no fixed gear LL2 observers are reasonably available by a provider to be deployed on a vessel. This request is in recognition of the crisis observer providers are facing in continuing to meet the demand for LL2 observers, particularly for our fleet. This would not require the Observer Program to grant a waiver but would provide the ability for them to do so, which we understand they do not currently have the flexibility to do. At their discretion, the agency may choose to waive an LL2 endorsement requirement on a trip-by-trip basis, or more broadly for a designated period of time (e.g. remainder of B season). They may also

choose to allow for a vessel to depart with the soonest available observer, or to establish a certain experience threshold short of LL2 that would be permitted to be deployed on the trip.

This action would be intended to strictly serve as an emergency contingency plan to help avoid a vessel having to delay or cancel a fishing trip for lack of a LL2 observer. Even in a rationalized sector, trip delays and cancellations can cost operators critical fishing opportunities. Fishing plans are developed at the start of the season with specific windows built in for harvesting a vessel's allocation. Contingency is built in for inevitable weather and operational matters that come up, but missing fishing time for lack of an observer can interrupt fishing plans and cost vessel the opportunity to fully harvest their allocation. Importantly, every day not leaving the dock can cost operators thousands of dollars in lost revenues, as vessels have already flown crew to Dutch and purchased fuel, food, bait and other provisions needed for a trip. Delays and cancellations are sunk costs that directly impact the bottom line of fishermen.

We believe a shortage of fixed gear LL2s that prompts a delay or cancellation of a trip will be much less likely if the suggestions above, including non-regulatory measures are adopted. However, a waiver option would provide the flexibility for the Observer Program to help avert vessels not being able to operate, should there be such an occurrence.

Facilitating EM on Freezer Longline Fleet

Authority for Freezer Longliner to Utilize EM In-Lieu of Observer (*reg change*). We propose that a regulatory change(s) be enacted to allow for a to-be-determined number of freezer longline vessel trips per year be completed without a human observer onboard, provided the vessel has a functioning, NMFS-approved EM system to use in lieu of the observer. Freezer longline observer coverage requirements are detailed under [50 CFR 679.51\(a\)\(2\)\(vi\)\(E\)](#). Currently, our fleet has two options for meeting observer coverage requirements, both of which involve carrying at least one LL2 observer onboard. While other actions may be necessary to accommodate EM coverage on our fleet, one necessary step would be to amend [50 CFR 679.51\(a\)\(2\)\(vi\)\(E\)](#) to provide a third option for our sector permitting the use of EM in lieu of an observer.

This action is envisioned to alleviate the demand for fixed gear LL2 observers, to reduce costs for freezer longline operators and to minimize observer training and debriefing burdens for the Observer Program while maintaining or improving data collection on our vessels necessary for stock assessments and other work integral to the understanding and management of our fisheries. The number of trips authorized to be completed with EM only would be determined in conjunction with the AFSC to ensure sufficient data is collected from our fleet to not substantially increase uncertainty over the status of managed stocks. To date, no EM system has been approved for our fleet to use in lieu of human observers for any trips. However, we ask that action be prioritized such that authority be granted for use of EM on our vessels should approval of an EM system be granted by NMFS for our use.

FlyWire EM System Testing

FLC is engaged with FlyWire, an EM technology company to test their EM systems on one of our vessels. Cameras and other tools have been installed on a vessel to compare the quality of data collection by their EM system relative to the observer(s) onboard the vessel. FlyWire and FLC are also conversing with the Observer Program and others at NMFS to understand and attempt to account

for the full range of data collection and other work to be replicated by EM or by other means (e.g. crew) to account for the absence of an observer onboard for a trip. At this time, there are no immediate plans for an EFP to further test the technology, as no departures from existing regulations, even short-term, are needed to compare the EM systems with observers. We will continue to engage with the Observer Program to determine if or when an EFP may be necessary as early as 2026 to accommodate testing and validation to secure approval for use of the EM systems, pending a change to regulations, in lieu of observers on our fleet.

Administration Focus on EM

This proposal is consistent with the Trump Administration's emphasis on the development and use of EM on vessels as a means of data collection to support our fisheries. At a May 2025 meeting of the Council's Fisheries Monitoring and Advisory Committee (FMAC), Josh Keaton of the Sustainable Fisheries Monitoring Branch emphasized the Administration's commitment to EM and to the Alaska Region's efforts even before the current Administration to improve EM testing by the agency, including to streamline the EFP process to validate the capability to utilize EM in lieu of human observers. This action would provide the agency with the flexibility to support the Administration's focus on EM on a fleet currently restricted from utilizing the technology as an alternative to the deployment of observers.

Sustaining Data Collection Needs

As noted, the number of freezer longline trips permitted to be completed without the use of an observer will be dependent upon further engagement with the AFSC about data collection needs and the level of human observer coverage needed to approximate existing levels of certainty about information on stocks gleaned from human observers on trips. A specific determination on the level of human observer coverage, vs. EM that would be needed on our vessels will be made following additional discussions between the agency and our fleet and continued EM testing to understand the capabilities of the EM systems. We will also examine through additional testing what types of data collection the EM systems could facilitate that generally are not conducted with human observers, potentially creating avenues for not just sustaining, but advancing our understanding the marine resource.

Sincerely,



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