Members of the North Pacific Management Council,

I am writing to comment about changes in the observer program.

I am a commercial longliner in SE Alaska. I own about 3000 lbs. of 2C Halibut and 8000 round lbs. of SE Blackcod. In addition I use my vessel to catch other peoples quota, last year about 25,000 lbs.

I run a three man crew. I believe it is the safest way to longline. You need a man on the roller, one on the hauler and one on deck to handle fish and help in case something goes wrong. Forcing me to take a crewmember/quota holder off the boat to accommodate an observer is forcing me to be an unsafe operation in my opinion. I cannot safely run my operation with two people.

My vessel is 45 feet long, but only has 3 bunks. This is no easy way to install a third bunk without altering bulkheads or rebuilding the cabin (expensive). If someone were to sleep in the narrow floor space it would block access for crewmembers in the forecastle from getting up in the night to use the "bathroom". Blocking the only access corridor by forcing someone to sleep on the floor is unsafe, inconsiderate and unreasonable. There needs to be an exemption available for vessels that cannot reasonably accommodate an observer.

I had to buy my quota so I have a lot of money on the line and want to see a well-managed fishery. I believe every fisherman has an obligation to help their fishery be well managed. That is why I participated in the Alaska Longline Fisherman Assn. (ALFA) electronic monitoring (EM) experimental program. I installed the Archipelago Research EM unit on my vessel for the 3 months period that I intermittently used my vessel for longlining. There was a learning curve involved, but is a much better option for a vessel my size and design.

Part of the trick with fishing a small vessel like mine is it not go out in weather that we are not suited for. By insisting that I declare exactly when a trip will begin it removes the flexibility I have to fish the best weather and makes my job harder and potentially more dangerous.

The requirement that 12% of the trips be observed for vessel in my class leads me to a few questions. Will this requirement be on each vessel or on a fleet wide basis? Will it be an every year requirement, or will it be a multi-year average? For example, if I make 8 trips a year will I have to have one of them observed every year or can there be a two year average. If a small quota holder only makes one trip a year how will the 12% be applied. If I am required to report 3 days before each trip I make every trip, how long will it take for me to be informed that I am required to take an observer? What happens if I weather changes or unforeseen difficulties will I be required to have a new three day waiting period to start a trip. In small vessels like mine rapidly changing weather forecasts can change when we depart. I need a certain amount of flexibility to ensure I fish the safest weather. Weather forecasts three days in advance are not always accurate.

Sincerely,

Bert Bergman

801 Charles St.

Sitka, AK 99835

Petersburg Vessel Owners Association
PO Box 232
Petersburg, AK 99833
Phone & Fax: 907.772.9323
pvoa@gci.net • www.pvoaonline.org

September 30, 2014

North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, AK 99501

RE: C-1, Observer Annual Deployment Plan and C-2, Electronic Monitoring

Dear Council Members,

The Petersburg Vessel Owners Association (PVOA) supports provisions in the 2015 Observer Annual Deployment Plan (ADP) for moving the 40' to 57.5' vessels from the vessel selection pool into the trip selection pool as well as the recommended 12% and 24% selection rates for the two vessel size categories within that pool. Allowing the smaller vessels to register in the ODDS system could go a long way to reduce much of the bias associated with conditional releases.

However, PVOA does not support the entire ADP as presented, as it does not allow for conditional release for 40' to 57.5' vessels that do not have adequate bunk space to accommodate an onboard observer. Although including all vessel sizes in the trip selection pool would likely reduce conditional release bias until EM can be implemented, the elimination of conditional releases for lack of bunk space will only result in much more significant fishing pattern and behavior changes and consolidation which will, in turn, likely increase bias by moving the observed vessels further away from a true representative sample of the small vessel fleet and encouraging "gaming" of the system. Requiring a vessel with inadequate bunk space to carry an observer is also a safety issue that will put the entire vessel and crew and the observer at increased risk of injury or worse. **PVOA therefore urges the Council to recommend that both life raft capacity and bunk space conditional releases be included in the 2015 ADP for 40' to 57.5' vessels.**

From discussions with other fishing industry representatives, we also believe that there are creative solutions to address bunk space and conditional release issues that will better inform NMFS and the Council on the actual effect of the conditional releases and vessel size on observer obtained data. At present, the data on the number of unique vessels affected by granting conditional releases is not known and is therefore not possible to comment on the possible effects of conditional releases under the trip selection pool.

Electronic Monitoring

PVOA is also in complete support of efforts to implement electronic monitoring (EM) as an integral part of the overall catch monitoring program particularly for the vessels where carrying a human observer is problematic. We support the EMWG's continuing efforts to develop the contextual framework for application and integration of EM into the catch monitoring program as soon as possible.

Thank you for your consideration of our comments. If you have any questions, please do not hesitate to contact us.

Sincerely,

Brian Lynch

Brian Lynch
Executive Director

Freezer Longline COALITION

Ph. 206.284.2522
2303 W Commodore Way Suite 202
Seattle, WA 98199
www.freezerlonglinecoalition.com

September 30, 2014

Mr. John Henderschedt, Acting Chairman
North Pacific Fishery Management Council
605 W. 4th Ave, Suite 306
Anchorage, AK 99501-2252

RE: Agenda Item C-1, Observer Deployment Plan

Dear Chairman Henderschedt,

The Freezer Longline Coalition (FLC) wishes to submit the enclosed correspondence with the National Marine Fisheries Service (NMFS) for consideration with agenda item C-1, the Observer Deployment Plan. The letters and related attachments are in reference to the critical shortage of fixed gear Lead Level 2 observers and the impacts on the freezer longline fleet. We appreciate the opportunity to provide our input and look forward to additional dialogue on this issue at Council.

Enclosed correspondence with NMFS:

- August 28, 2014 letter from FLC to Dr. Jim Balsiger, NMFS AK Region
  - Includes attachments on previous correspondence with NMFS on LL2
- September 8, 2014 letter from Dr. Balsiger to FLC
- September 27, 2014 letter from FLC to Dr. Balsiger

Thank you for your consideration in this matter,.

Sincerely,

Chad I. See
Executive Director
Freezer Longline Coalition

Freezer Longline COALITION

2303 West Commodore Way
Suite 202
Seattle, WA 98199
Office Phone 206-284-2522
Cellular Phone 202-487-3562
Fax 206-284-2902
chadisee@freezerlongline.biz

Coastal Villages Seafoods ®
Family of Seafood Producers

Coastal Villages Pollock, LLC • Coastal Villages Longline, LLC
Coastal Villages Crab, LLC • Coastal Villages Seafoods, LLC
www.coastalvillages.org

22 August 2014

Lead Level 2 observers on Cod Freezer Longliners

Coastal Villages Seafoods is the owner operator of three longline cod freezer processors of which two are actively fishing. These two vessels are the Lilli Ann and the Deep Pacific.

For planning purposes we use 30 days as a trip for the Lilli Ann during B season. August 10th/11th, 2014 the Lilli Ann was into Dutch Harbor for an offload. Under normal B season fishing conditions we would not expect the Lilli Ann to be fully loaded and back into Dutch Harbor until somewhere around September 11th. The LL2 observer we had aboard the Lilli Ann on the August 10/11 delivery will time out on his 90 day deployment limitation on September 5, 2014. Our observer contractor, Saltwater Inc, was unable to provide us with a replacement LL2 observer for the start of this trip. To prevent our current LL2 observer from going over his deployment limitation of 90 days and to keep from incurring a fine of $1500 per day for this, the vessel committed to cutting their trip short and to return to port no later than September 5th. While we personally did not check the other observer contractors for their availability for LL2 observers we were assured by our observer contractor that they had and the other contractors had none available. It is very costly for the vessel to cut a trip short and return to town before being fully loaded just to change out an observer. But that is what we will be doing September 5th.

We were early adapters on installation of flow scales for many reasons, one of which was the need to only have to carry only one Lead Level 2 observer if the vessel was fitted with a flow scale. There is a tremendous cost saving between paying for one observer as opposed to two. There is not only the $10,000 plus per month direct contractor/observer fee but there is airfare, food costs and insurance. These are small vessels with limited room and having to dedicate an additional bunk to a second observer reduces the number of crew we can carry aboard, which in turn hinders our production. Because of the shortage of the LL2 observers our observer company has asked us if we would be willing to carry two observers for a trip so they can attempt to get more observers the necessary sets and sea time to qualify for LL2 status. This is going to coast us an additional $10,000 plus for one trip that is added on to our current $80,000 plus per year we currently spend on observers.

There has got to be some relief for the lack of Lead Level 2 observers and some other method of developing LL2 observers that is not such a financial burden on industry.

Kenneth Tippett

Freezer Longline COALITION

Ph. 206.284.2522
2303 W Commodore Way Suite 202
Seattle, WA 98199
www.freezerlonglinecoalition.com

September 27, 2014

Dr. James Balsiger
Regional Administrator
NMFS Alaska Region
PO Box 21668
709 W. 9th St., Rm 420
Juneau, AK 99802-1668

Subject: **FLC response to September 8, 2014 letter on LL2 observer shortage**

Dear Dr. Balsiger,

Thank you for your September 8, 2014 response to the Freezer Longline Coalition's letter calling for immediate action by the National Marine Fisheries Service (NMFS) to address the critical shortage of Lead Level 2 (LL2) observers for the freezer longline fleet. In our initial letter, dated August 28, 2014, we raised strong concerns about the significant impact of this shortage on our fleet, our crew members and the communities they support. These adverse impacts are no less a concern today, and in fact are becoming more impactful as the shortage continues and more vessels are stranded at the dock. We urge NMFS to engage with FLC members and observer providers to develop an immediate, interim solution to this problem to minimize further impacts while longer-term solutions are developed and implemented.

The FLC was disappointed that your letter offered no regulatory or non-regulatory agency solutions to address the existing LL2 observer shortage and to prevent additional freezer longline vessels from being stuck at the dock. Rather, you point to our fleet and to the observer providers to come up with an answer to this problem on our own. You state that "we expect industry to take actions necessary to comply with the existing regulations. We believe the conditions currently exist for the freezer longline fleet to comply with the Lead Level 2 regulation, though it may require action on the part of your Members." This response ignores the voluntary actions industry is already taking to address the shortage and expresses no responsibility on the part of the agency to correct this problem. We find this response unacceptable.

The FLC wishes to provide responses and clarifications to a number of statements in your letter and to offer an update on discussions about potential solutions to the LL2 observer shortage.

We sincerely hope that this additional information will facilitate more cooperation from the agency to arrive at both an immediate and long term solution to this issue.

NMFS responsibility to address existing LL2 observer shortage

The shortage of LL2 observers faced by the observer providers and the freezer longline fleet is a direct consequence of the NMFS September 2012 Final Rule modifying monitoring requirements on the freezer longline fleet. This regulation, for the first time, required LL2 observers be deployed on all trips made by our fleet. As was made clear in our letter, the FLC and observer providers raised strong concerns about the LL2 requirement for the fleet prior to and following the implementation of the Final Rule. The concern was not rooted out of any desire to not deploy LL2 observers on our vessels. Rather, it was based on the correct conclusion that the regulation would be unlikely to facilitate enough LL2 observers to utilize on our fleet, a consequence that would result in vessels stranded at the dock.

The agency made repeated assurances before and after the implementation of the regulations that there would be sufficient LL2 observers for the freezer longline fleet. This was so even when, as you note, the agency fully anticipated that nearly the entire fleet would opt to install flow scales and carry one observer on their vessels. You acknowledge in your letter that the agency took steps with the implementation of the regulation to help facilitate sufficient numbers of LL2 observers, specifically by reducing the number of sets required for an observer to reach LL2 certification. However, it's clear from the existing shortage that these agency actions have not been sufficient to fulfill the need for LL2 observers under the regulation. Moreover, opportunities anticipated by NMFS to train additional LL2 observers for use on our fleet through the restructured partial observer program have not developed as predicted by the agency. Despite inquiries to NMFS by industry, we are not aware of a single fixed gear LL2 observer deployed on our vessels who secured their LL2 certification through the restructured partial observer program. We would suggest that the inability of NMFS to facilitate an adequate pool of LL2 observers to meet the requirements set forth in the Final Rule obliges the agency to take prompt action to minimize the impact of the shortage on our fleet and prioritize the development of a long-term solution to this issue.

Industry actions to address the LL2 shortage

You ask in your response to our letter for any information showing steps our fleet is taking to ensure LL2 observers are available when needed. The fact is our fleet is actively involved in ensuring an adequate pool of LL2 observers for our fleet. We stated clearly in our letter that we are working with observer providers to deploy second, non-LL2 observers on our vessels to help these observers get the necessary 30 sets required for LL2 certification. These voluntary actions are being fully paid for by FLC members, at a cost of about $10,000 per observer, per trip. It's important to note, too, that when this second observer is deployed on the vessel, this often results in a crew member being left at the dock to make room for the second observer, resulting in the vessel operating short staffed for the full trip and the crew member being without employment for up to a month when the vessel returns to port.

Observer providers anticipate that it will take until at least the first quarter of 2015 to replenish the pool of LL2 observers for our fleet. This is due to several factors, including the difficulty of scheduling second observers for deployment on vessels and the time needed for observers to

complete the requisite 30 sets to secure LL2 certification. As an example, earlier this month one member had a second observer return from an approximately 30 day trip with 29 of the 30 sets completed for certification. Because the observer did not complete one additional set, the observer was required to go on another trip to secure the 30th set and become LL2 certified. These voluntary industry actions will help to replenish the pool of LL2 observers, but they will not minimize the immediate impacts of the existing shortage of LL2 observers and will negatively impact fishing operations and reduce crew employment opportunities for as long as we need to continue these efforts to ensure LL2 observers are available when needed.

Need for LL2 observers on freezer longline vessels

It's stated in your letter that "catch share programs require precise estimates of catch to ensure accurate accounting so that vessels do not exceed their specific catch allocations." The FLC respects the need for accurate accounting of our catch. This information is important for the management of our fishery and welcomed to help ensure the efficient harvest of our allocation. Our interest in consistent, accurate accounting was a key reason for our decision to invest in flow scales for our vessels. FLC members report that the installation of flow scales has uniformly improved the accuracy of the catch on our vessels relative to the reliance on observers alone. Given these observed advances in the accuracy of catch following the installation of the flow scales, it is difficult to understand the agency's contention that a LL2 observer (vs a non-LL2 observer) and a flow scale is necessary on all trips to ensure that catch allocations are not exceeded.

The FLC would also suggest that our operation as a voluntary cooperative provides further protections against vessels exceeding specific catch allocations. Members are subject to strict penalties for over-fishing the vessel allocation percentages in the cooperative agreement. This discourages vessels from taking risks that may result in harvesting more than their allocated amount. Members also have the flexibility to lease quota from others in the fleet to address needs for additional allocation by a given vessel. Our experience in our fleet is that members harvest the quota for the sector in a more sustainable, cleaner, managed manner than when not operating under a cooperative program.

Non-enforcement policy for "failure to maintain coverage"

Your letter stated that the non-enforcement policy for "failure to maintain coverage" violations suggested by FLC "would, in effect, allow your members' vessels to leave the dock when a lead level 2 observer is not available for deployment." This comment does not offer a complete picture of the minimal impact of the policy proposed in our letter on the overall observer coverage of the freezer longline fleet. As proposed, while a freezer longline vessel would be permitted to leave the dock without a LL2 observer if one is not available, no vessel in our fleet would be permitted to leave the dock without a non-LL2 observer being deployed on the vessel in place of the LL2. All vessels would maintain the same amount of observer coverage on a given trip. Additionally, we proposed in our letter that this policy of non-enforcement could have an end date applied to it to limit potential impact on the policy to NMFS objectives.

Per our letter, the application of such a policy would also help facilitate industry's voluntary actions to address the LL2 observer shortage. As noted, FLC and observer providers are working collaboratively to deploy second, non-LL2 observers on vessels that currently carry a LL2

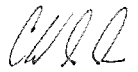
observer and a flow scale. It is hoped that this temporary action will help to replenish the pool of LL2 observers until a long-term regulatory solution to the shortage can be developed. However, these actions to produce additional LL2 observers will be slowed if vessels continue to be stranded at the dock because of the LL2 requirement. A temporary policy of non-enforcement, or a suspension of the rules to permit vessels to operate and to replenish the pool of LL2 observers would offer immediate and longer-term benefits for addressing this issue.

Potential regulatory and non-regulatory agency actions

At the Observer Advisory Committee (OAC) meeting last week, myself and other committee members discussed additional options for consideration to address the LL2 shortage, both as short-term fixes and long-term solutions. One potential alternative put forward was the flexibility to use trawl LL2 observers on freezer longline vessels in the event that a non-trawl LL2 observer was not available for deployment on a vessel. This option would ensure that the observer deployed with the freezer longliner at least has LL2 level training before going on a trip, while giving observer providers and our fleet more ability to meet the regulations and prevent additional vessels from being stuck at the dock. The OAC also discussed other agency options that appear to have the potential to facilitate a solution to this issue. We hope to engage with the agency to identify and implement measures that resolve this shortage and minimize future adverse impacts on the operations of our fleet. This includes continued discussion on immediate actions available to the agency to act, as well as moving forward on the discussion paper initiated by Council in June 2014 to explore solutions to this issue.

Thank you for your attention to this important issue for the freezer longline fleet. We welcome the opportunity to talk with you in more detail soon to address our concerns.

Sincerely,



Chad I. See
Executive Director
Freezer Longline Coalition

Freezer Longline Coalition

2303 West Commodore Way
Suite 202
Seattle, WA 98199
Office Phone 206-284-2522
Cellular Phone 202-487-3562
Fax 206-284-2902
chadisee@freezerlongline.biz

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
September 8, 2014

Chad See, Executive Director
Freezer Longline Coalition
2303 West Commodore Way, Suite 202
Seattle, Washington 98199

Dear Mr. See:

I am writing in response to your August 28, 2014, letter that raises a number of issues regarding the availability of lead level 2 observers that your member vessels must use when fishing for Pacific cod in the Bering Sea and Aleutian Islands management area. The lead level 2 observer requirement is one of several enhanced monitoring and catch accounting measures associated with the formation of a voluntary cooperative by the participants in the freezer longline fleet. These measures are intended to provide a consistent measured weight of Pacific cod, the primary species harvested by the freezer longline fleet. You asked NMFS to implement a non-enforcement policy for "failure to maintain coverage" violations related to a vessel's failure to use a lead level 2 observer. The requested policy would, in effect, allow your members' vessels to leave the dock when a lead level 2 observer is not available for deployment.

NOAA does not adopt non-enforcement policies. We expect industry members to take actions necessary to comply with regulations. We believe that the conditions currently exist for the freezer longline fleet to comply with the lead level 2 regulation, though it may require action on the part of your members.

The requirements placed on the freezer longline fleet in 2013 provided the fleet with two options: option 1 -- to take two observers, one of whom would meet lead level 2 experience requirements; or option 2 -- to take one lead level 2 observer in combination with a flow scale that the crew would use to weigh all Pacific cod. Lead level 2 observers are observers with specific experience and training that ensure collection of accurate and complete data on vessels that require additional expertise to monitor. The lead level 2 experience requirements are necessary for the collection of complete, accurate, and timely fisheries data in the voluntary cooperative program run by the freezer longline cooperative. The voluntary cooperative program operated by the freezer longline coalition operates as a catch share program. Catch share programs require precise estimates of catch to ensure accurate accounting so that vessels do not exceed their specific catch allocations. NMFS' experience with catch share programs has shown the need for experienced observers in these situations.

Option 2 offers vessel owners the opportunity to reduce observer costs by installing a set of scales and operating with a single observer. However, the demands on a single observer are pronounced and an experienced lead level 2 observer is required. All Alaska groundfish catch share programs adopted since 1999, such as the American Fisheries Act, the Amendment 80 Program, and the Gulf of Alaska Rockfish Program, have included similar lead

level 2 observer requirements. Participants in these programs have been able to consistently meet the lead level 2 observer requirements.

Freezer longline fleet member vessels have chosen, with one exception, Option 2 – the flow scale option with one observer as their preferred method for monitoring catch. The near unanimous selection of Option 2 by the fleet was anticipated. NMFS has provided regulatory changes to facilitate the ability for lead level 2 observers to operate in this fishery. Furthermore, NMFS has offered several solutions to the fleet to ensure adequate numbers of lead level 2 observers are available to support fishery operations with one required observer. These solutions can be adopted by the freezer longline fleet without any change in regulations or adoption of a non-enforcement policy.

When NMFS established the monitoring regulations for the freezer longline fleet, it reduced the threshold eligibility requirements for lead level 2 observers for the fleet. NMFS reduced the experience needed to obtain lead level 2 status from 60 to 30 sets (hauls). This reduction allows an observer to achieve lead level 2 status after a relatively short period of time onboard a freezer longline vessel; potentially in as little as two to three weeks depending on the number of sets made by a vessel. The reduction allows a vessel owner to take two observers, one with lead level 2 status and one without lead level 2 status, for a period of time. After the second observer has met the requisite requirement to achieve lead level 2 status, that observer could serve as a lead level 2 observer. Consequently, two-observers would no longer be required on that vessel. Only recently has the fleet started to take second observers for these lead level 2 observer eligibility purposes.

In September, 2012, NMFS published the final rule modifying the freezer longline vessels monitoring requirements. In the rule and the supporting analysis, NMFS noted that the industry could ensure there are enough lead level 2 observers either by adequately compensating existing observers, or by facilitating how observers meet the lead level 2 eligibility requirements. In a response to a comment on the proposed rule, NMFS noted that:

> "Methods exist to obtain, train, and retain the needed lead level 2 observers.... These methods include paying observers higher wages and using the voluntary cooperative's structure to compensate vessels that choose to carry an additional observer to gain the experience required for lead level 2 certification. The cooperative may be able to arrange for its members to compensate some vessels to carry an observer in addition to the lead level 2 observer, and that observer could obtain the sampling experience needed to qualify for a lead level 2 position. The freezer longline fleet may also use the cooperative arrangements to adjust their fishing operations to ensure that a lead level 2 observer is available to the fleet and vessels are not stranded at the dock without observer coverage. The observer employment market will play a crucial role in ensuring that enough lead level 2 observers are created and mobilized to meet the quantity demanded. Based on the analysis prepared for this action, NMFS anticipates that there will be enough lead level 2 observers to meet the requirements of this monitoring program."

We believe that this response is still correct.

Finally, NMFS has noted that the freezer longline fleet can reduce observer attrition and ensure adequate numbers of lead level 2 observers. We reported in a June 2014 report to the Council that there were 213 active[1] observers with the requisite qualifications to serve as a lead level 2 observer for the freezer longline fleet. NMFS believes that this current pool of lead level 2 observers is sufficient to meet regulatory requirements. However, NMFS notes that observer companies do not generally pay a significant premium to observers for lead level 2 qualifications nor do they charge fishing companies more for providing them. NMFS notes that the freezer longline fleet could negotiate higher wages to help guarantee that an adequate number of lead level 2 observers is maintained. NMFS has no role in setting the compensation provided to lead level 2 observers in the freezer longline fleet. It is essential that observer provider companies and the freezer longline fleet provide compensation and working conditions that will attract and retain qualified observers, or provide a mechanism that gives newer observers lead level 2-qualifying experience.

At its June 2014 meeting, the Council requested that staff prepare a discussion paper about the lead level 2 observer availability issue. Specifically, the Council requested staff to identify regulatory and non-regulatory alternatives "to develop a sustainable, renewable and adequate pool of fixed-gear, lead level 2 observers." This letter identifies a number of non-regulatory alternatives. NMFS will request further input from the Council at its October 2014 meeting about the priority of development of regulatory alternatives to address the lead level 2 observer availability issue relative to other Observer Program analytical projects. In the meantime, we welcome information showing steps your fleet members have taken to ensure lead level 2 observers are available when needed. The need for quality data from the lead level 2 observers serving in this fleet has increased under cooperative management, and we encourage creativity in working with the observer provider community to ensure that requirement is met. Thank you for your continued cooperation in our efforts to sustainably manage our federal fisheries.

Sincerely,

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

[1] Defined as having debriefed within the past 18 months.

Freezer Longline Coalition

Ph. 206.284.3522
2303 W Commodore Way Suite 202
Seattle, WA 98199
www.freezerlonglinecoalition.com

August 28, 2014

Dr. James Balsiger
Regional Administrator
NMFS Alaska Region
PO Box 21668
709 W. 9th St., Rm 420
Juneau, AK 99802-1668

Subject: Immediate action needed on LL2 observer shortage for freezer longline fleet

Dear Dr. Balsiger,

I am writing to raise to your attention to the critical and intensifying shortage of Lead Level 2 (LL2) observers for the Freezer Longline Coalition (FLC) member fleet and to urge immediate action by the National Marine Fisheries Service (NMFS) to minimize the adverse impacts on our members' operations.

About FLC

The FLC represents the owners and operators of over 30 U.S.-flag vessels that participate in the freezer longline sector of the Pacific cod fishery in the Bering Sea and Aleutian Islands (BSAI). FLC member vessels range in size from approximately 110 to 185 feet with a gross tonnage of approximately 140 to 1400 tons. The freezer longline fleet generates over $160 million in revenues annually and employees over 1200 full-time workers in Washington and Alaska. All members of the FLC are also members of the Freezer Longline Conservation Cooperative (FLCC), a voluntary cooperative established in 2010. Since its establishment, FLCC has been a leader in efforts to promote more sustainable fishing practices in the BSAI.

Immediate Action Needed from NMFS

FLC members are enduring significant impacts to their operations as a result of the increasing shortage of LL2 observers available to serve on their vessels this summer. ***In August, LL2 observer shortages are resulting in freezer longline vessels being delayed at the dock while others are being forced to cut fishing trips short*** to accommodate the observer requirements. The impacts on our operations are resulting in fewer opportunities for harvest and lost dollars for our members and their crew. ***Pending action to address this problem, the shortage of LL2 observers threatens the freezer longline fleet's ability to fish their quota in the 2014 B season,*** with additional concern in 2015 if this issue persists.

The following are examples from FLC members on the impacts of the LL2 observer shortage in the past month. These are coming at a substantial financial burden to each of these members, who have to incur additional costs for crew, supplies, and other expenses while adjusting their fishing plans for fewer days at sea.

Alaska Longline Company: The F/V Arctic Prowler arrived in Dutch Harbor for its offload on August 24th. The vessel was scheduled to return to sea by the 26th. However, due to a shortage of LL2 observers, the vessel will not be able to leave the dock until August 29th, ***resulting in a loss of three fishing days*** due the current shortage.

Clipper Seafoods: Clipper has had two instances in August in which one of their vessels was stranded at the dock in Dutch Harbor due to a lack of LL2 observers:

- The F/V Clipper Endeavor ***waited at the dock for five days***, from August 8-12 for a LL2 observer to become available.
- The F/V Clipper Surprise similarly ***waited for four days***, from August 20-23 for an LL2 observer.

Clipper has three more observer swaps scheduled before September 5th. Currently they have no guarantees that they will not face additional waits at the dock due to the observer shortage.

Coastal Villages Seafoods: On August 11th, Coastal Villages had to alter their fishing plan for the F/V Lilli Ann, scheduled to leave that day, so the existing LL2 observer on the vessel could return in time to be in compliance with their 90 day deployment limit. A new LL2 observer was to have been deployed on the Lilli Ann on the 11th, but none were available at the time, forcing Coastal Villages to either leave with the time-limited LL2 observer or to be stranded in Dutch Harbor. If the Lilli Ann was able to leave with a new LL2 observer, the vessel would have been at sea until September 11th, ***costing the Lilli Ann six days of fishing*** and forcing them to return to shore with less than a full load of fish. Coastal Villages is still awaiting confirmation on whether they will have a new LL2 observer for the Lilli Ann when it returns on September 5th. As a Western Alaska CDQ organization, these impacts not only come at a cost to Coastal Villages, but to the 20 Western Alaskan member villages that Coastal Villages supports through their operations. Additional details on the impacts of the LL2 observer shortage on Coastal Villages can be found in the enclosed letter from Ken Tippett of Coastal Villages.

These developments follow an instance in 2013 when a Blue North vessel was stranded at the dock after the LL2 observer scheduled for deployment incurred an accident on their way to Dutch Harbor. The observer required medical attention and was unable to be deployed on the vessel. No LL2 observer was immediately available in Dutch Harbor, requiring the vessel to wait until a replacement could be identified and flown to Dutch Harbor for the trip.

Observer providers are making every reasonable effort to secure LL2 observers for the freezer longline fleet. The providers track vessel and observer schedules in order to meet the fleet's needs, with hiring goals set months in advance. In cases when a provider is in need of additional observers, they typically work with other providers to sub-contract observers for deployment on their client vessels. Until recently, this has been effective in addressing the increasing concern

on LL2 observer availability, but as is evidenced above, these actions are no longer enough to avoid shortages for the freezer longline fleet. FLC members and providers are taking actions to replenish the pool of LL2 observers, as noted in more detail below, and continue to correspond with the NMFS Observer Program about short and long-term solutions, but action by NMFS is needed now to alleviate these immediate concerns.

The FLC urges NMFS to adopt a policy of non-enforcement, effective immediately, on "failure to maintain coverage" violations related to LL2 observers that would allow for our members' vessels to leave the dock when an LL2 observer is not available for deployment. All vessels would still carry the requisite number of observers on board, as a non-LL2 observer would be deployed with the vessel in place of an LL2 observer. This is a reasonable and prudent action to address an adverse consequence of NMFS regulations and to facilitate the continued operation of our members' fleet until a longer term solution is in place.

LL2 Observers on the Freezer Longline Fleet

LL2 observers have been required on freezer longline vessels since the implementation of the September 26, 2012 Final Rule addressing "Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet (Final Rule)."[1] This action included a requirement that freezer longline vessels carry a LL2 observer on all trips. Under the regulation, vessel owners were permitted the option to select between carrying an LL2 observer and an additional, non-LL2 observer, or to carry one LL2 observer and use a flow scale on their vessel. Following the enactment of the regulation, nearly all vessel owners opted to install flow scales, at a cost of nearly $100K each. NMFS acknowledges in the Final Rule that the addition of these flow scales and other equipment in addition to 100% observer coverage serves to "improve the catch and fishing effort data in the freezer longline fleet,"[2] supporting the Observer Program's efforts to improve the quality of monitoring efforts. All vessels that have installed flow scales continue to use them and to carry a LL2 observer on all trips, as required under the regulation. The one FLC-member vessel without a flow scale carries a LL2 observer and a non-LL2 observer when they are at sea.

When given the choice, FLC members prefer to have experienced, LL2-certified observers deployed on their vessels. Prior to the enactment of the Final Rule, LL2 observers were not required on freezer longliners, but members regularly carried LL2 observers on their vessels. There were never any significant difficulties with securing LL2 observers for our fleet, and members appreciated the additional knowledge and familiarity with our fleet that LL2 observers brought on board. FLC members continue to make every effort to ensure LL2 observers are deployed on our vessels, as is required. No freezer longline vessel has committed a "failure to maintain coverage" violation related to leaving the dock without a LL2 observer on board. That said, our investment in flow scales and the increased monitoring technologies (e.g. cameras) now in place on our vessels have dramatically increased observer data collection and monitoring capabilities relative to before the Final Rule, regardless of the qualifications of the observer on board. FLC knows of little reason to suggest that the quality of observer data collection and

[1] Federal Register /Vol. 77, No. 187/Sept. 26, 2012/pgs. 59053-59061/Fisheries of the EEZ Off Alaska; Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet/Final Rule
[2] Federal Register /Vol. 77, No. 187/Sept. 26, 2012/p. 59058/Fisheries of the EEZ Off Alaska; Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet/Final Rule

other responsibilities will be noticeably compromised if a non-LL2 observer is deployed on a vessel in cases when an LL2 observer cannot be secured.

NMFS Assurances on LL2 Availability

Prior to the implementation of the Final Rule, NMFS and the North Pacific Fisheries Management Council (NPFMC) heard from the FLC and others, including the observer providers and the Western Alaska Community Development Association (WACDA) stating explicitly that the requirement to carry a LL2 observer on all trips by freezer longline vessels would result in a shortage of available LL2 observers for the fleet. Since then, NMFS and the NPFMC have continued to be informed of the impending shortage of LL2 observers resulting from the enacted regulation. A sampling of comments submitted to NMFS and the NPFMC include:

- Sept. 27, 2011 letter from observer providers to NPFMC
- May 16, 2012 letter from observer providers to James Balsiger, NMFS Alaska Region
- July 16, 2012 comments from FLC on NMFS Draft Rule – Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet
- July 16, 2012 letter from Alaskan Observers (AOI) on NMFS Draft Rule – Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet
- July 16, 2012 letter from WACDA on NMFS Draft Rule – Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet
- January 30, 2014 letter from observer providers to NPFMC
- May 28, 2014 letter from Alaskan Observers (AOI) to Martin Loefflad, NMFS Observer Program

Since 2011, the FLC and observer providers have likewise testified repeatedly at the NPFMC and have had many more separate conversations with NMFS and NPFMC officials, including the author of the NMFS analysis on LL2 availability used in the Final Rule, expressing our concerns about the observer shortage. In the issuance of the Final Rule, NMFS responded to concerns that the regulation would result in a shortage of LL2 observers. NMFS commented that the restructured observer program, in particular, would facilitate additional opportunities for observers to get the requisite experience/sets to become LL2 certified, thus providing for a sufficient availability of LL2 observers for the FLC fleet. Likewise, NMFS pointed to action to reduce the number of sampled sets required for LL2 certification by half as a measure to address concerns about training LL2 observers following the implementation of this rule. Specifically:

"The EA/RIR highlights that the restructured observer program will provide the most new opportunities for observers to acquire lead level 2 certification. In addition, through this action NMFS reduced the number of sampled sets required for lead level 2 certification by half. Both of these factors increase the likelihood that there will be sufficient lead level 2 observers in the long term. The analysis suggests that it is likely that the number of qualified lead level 2 observers will exceed the number required in any given year."[3]

[3] Federal Register /Vol. 77, No. 187/Sept. 26, 2012/p. 59055/Fisheries of the EEZ Off Alaska; Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet/Final Rule

NMFS later comments in the Final Rule that "our analysis indicates that a sustainable supply of lead level 2 observers should be available in the short, as well as the long, term."[4] In total, NMFS comments four different times in the Final Rule that they believed, based on their analysis, that there would be a sufficient level of LL2 observers for the freezer longline fleet. NMFS also expressed this position in their June 12, 2012 response to the May 16, 2012 letter from observer providers noted above and in many other correspondences with industry and the NPFMC. Despite the repeated concerns raised from industry and other stakeholders, and some acknowledged uncertainties from NMFS themselves in the Final Rule about the effectiveness of the restructured observer program on the availability of LL2 observers[5], NMFS determined that there would be a sufficient availability of LL2 observers for the freezer longline fleet.

Intensifying Shortage of LL2 Observers and its Impacts

The unfortunate reality is that that actions anticipated by NMFS to facilitate a sustainable supply of LL2 observers has not produced the needed results. In particular, the restructured observer program has done little to facilitate training of new LL2 observers for the freezer longline fleet. Despite the restructured program being in place since January 2013, the pool of available LL2 observers for the freezer longline fleet has continued to decrease, much as was anticipated by industry prior to passage of the Final Rule. Alaskan Observers' May 28, 2014 letter to the Observer Program, referenced above, details the decrease in the LL2 observer pool in 2014.[6] Since this letter, the availability of LL2 observers has only become a more critical concern for the observer providers and our fleet. The requirement for LL2 observers on the freezer longline fleet, coupled with the inability of the restructured observer program to sufficiently train up enough LL2 observers, has resulted in a critical shortage that threatens the operations of our fleet.

As detailed above, in the past month, concerns about shortages of LL2 observers have become the reality. Some FLC members are being forced to strand their vessels at the dock for multiple days and to alter their fishing trips as a result of a lack of LL2 observers to be deployed on their boats. All members are being forced to prepare for this to happen to them, creating uncertainty for their fishing plans for the remainder of the year and into 2015. This is an unacceptable outcome to regulatory action that must be addressed immediately.

Existing Actions Not Sufficient to Address Immediate Crisis

FLC members are actively engaged in efforts to alleviate the LL2 observer shortage and minimize further harm to their operations. In particular, FLC members are working with observer providers to temporarily deploy second, non-LL2 observers on FLC member vessels to help these observers secure the requisite training needed for LL2 certification. This is consistent with comments from NMFS in the September 26, 2012 Final Rule on actions industry may take to alleviate a shortage if sufficient numbers of LL2 observers are not available. These efforts come at a substantial cost to industry. FLC member Coastal Villages estimates the additional costs of taking an additional observer on just one trip to be $10,000. However, results from these efforts are not expected to relieve the shortage of observers until the beginning of 2015, at the

[4] Federal Register /Vol. 77, No. 187/Sept. 26, 2012/p. 59057/Fisheries of the EEZ Off Alaska; Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet/Final Rule
[5] Federal Register /Vol. 77, No. 187/Sept. 26, 2012/p. 59056/Fisheries of the EEZ Off Alaska; Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet/Final Rule
[6] Alaskan Observers letter to Martin Loefflad, NMFS Observer Program, May 28, 2014

earliest. It's important to note that these efforts will be also be impacted by a shortage of LL2 observers, as all vessels who agree to take on a second, non-LL2 observer still need a LL2 observer on board. If a vessel isn't able to leave the dock without a LL2 observer, then this will also limit training opportunities to replenish the LL2 observer pool.

In addition to taking on second observers, since the enactment of the Final Rule, the FLC and observer providers have met repeatedly with the NMFS Observer Program to consider potential regulatory or policy actions that could be enacted to avoid the problems we are now experiencing. Many of these proposals are detailed in the letters to NMFS and the NPFMC referenced above (and enclosed). The Observer Program has been cooperative in taking limited actions to facilitate second observers securing the needed training for LL2 certification. However, to date we have not been able to arrive at an action by the Observer Program that would facilitate a permanent solution to the LL2 observer shortage other than amending existing regulation. We hope to continue pursuing a long-term regulatory solution to this problem, but immediate actions to address the LL2 observer shortage do not appear to be available, short of not enforcing the regulation.

Policy of Non-Enforcement on LL2 Observer Violations

What is needed is action to, at a minimum, allow time for LL2 training and other measures to effectively reduce the shortage of observers so the freezer longline fleet is not stranded at the dock waiting for relief. The FLC proposes that a policy of non-enforcement on "failure to maintain coverage" violations related to LL2 observers on freezer longline vessels be implemented to address this concern and to help alleviate the adverse impacts of the Final Rule.

We understand that the NMFS Office of Law Enforcement (OLE) currently has the authority to consider reduced penalties or to not enforce "failure to maintain coverage" violations if there are "clear mitigating circumstances" that led to the violation. In a conversation with OLE[7], we have been informed that, while each case is unique, this may include an injury to a LL2 observer that prevents the individual from deploying with a vessel. Should a vessel leave the dock with a non-LL2 observer in place of the injured individual for lack of an LL2-certified replacement, OLE would take this into account in their consideration of enforcement action.

In our conversation with OLE, they informed us that a general shortage of LL2 observers, such as what we are now experiencing, does not qualify as a "clear mitigating circumstance" for "failure to maintain coverage" violations. It's our understanding that any such violations resulting from the shortage (and not involving additional mitigating circumstances) would be passed on from OLE to NOAA General Counsel (NOAA GC) for further consideration and enforcement. The FLC proposes that NMFS consider a shortage of LL2 observers, regardless of reason, to be a "clear mitigating circumstance" in a "failure to maintain coverage" violation and that such violations not be subject to enforcement by OLE or NOAA GC. If needed, an end date could be applied to the policy, at which time industry and NPFMC would re-evaluate the continued need for this action. We welcome feedback from NMFS on this proposal and other potential options for facilitating our vessels to continue their operations while the LL2 observer shortage is addressed.

[7] C. See call with N. Lagerwey/OLE, August 1, 2014

Long term, the shortage of LL2 observers presents cause to reexamine the LL2 requirement for the freezer longline fleet. In the final rule, NMFS states that they "could reconsider the monitoring requirements for the freezer longline fleet if there is a future shortage of lead level 2 observers."[8] The feared shortage of observers is now upon us. We hope NMFS will act on this development and work quickly with observer providers and the freezer longline fleet to eliminate this unnecessary threat to the operation of our fleet.

Thank you for your attention to this important issue for the freezer longline fleet. We welcome the opportunity to talk with you in more detail soon to address our concerns.

Sincerely,

Chad I. See
Executive Director
Freezer Longline Coalition

2303 West Commodore Way
Suite 202
Seattle, WA 98199
Office Phone 206-284-2522
Cellular Phone 202-487-3562
Fax 206-284-2902
chadisee@freezerlongline.biz

Cc:
Eileen Sobeck, Assistant Administrator for Fisheries, NMFS
Doug Mecum, Deputy Regional Administrator, NMFS Alaska Region
Martin Loefflad, Observer Program, NMFS
Nathan Lagerwey, Office of Law Enforcement, NMFS
Tom Meyer, NOAA General Counsel
Jane DiCosimo, National Observer Program Coordinator, NMFS
Dan Hull, Chairman, NPFMC
Cora Campbell, Commissioner, ADF&G
Michael Lake, Alaskan Observers Inc.
Troy Quinlan, Techsea International Inc.
Stacey Hansen, Saltwater Inc.
Jay Sterne, Legislative Assistant, Sen. Lisa Murkowski (R-AK)
Bob King, Legislative Assistant, Sen. Mark Begich (R-AK)
Erik Elam, Legislative Assistant, Rep. Don Young (R-AK)
Nikky Teutschel, Legislative Assistant, Sen. Maria Cantwell (D-WA)
Anna Sterling, Legislative Assistant, Sen. Patty Murray (D-WA)
Matt Bormet, Legislative Assistant, Rep. Rick Larsen (D-WA)

[8] Federal Register / Vol. 77, No. 187/Sept. 26, 2012/p. 59036/Fisheries of the EEZ Off Alaska; Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet/Final Rule

Enc:

Observer providers letter to NPFMC, Sept. 27, 2011

Observer providers letter to James Balsiger, NMFS Alaska Region, May 16, 2012

FLC comments on NMFS Draft Rule – Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet, July 16, 2012

Alaskan Observers (AOI) comments on NMFS Draft Rule – Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet, July 16, 2012

WACDA comments on NMFS Draft Rule – Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet, July 16, 2012

Observer providers letter to NPFMC, January 30, 2014

Alaskan Observers (AOI) letter to Martin Loefflad, NMFS Observer Program, May 28, 2014

Coastal Villages Seafoods letter re: LL2 observers on Cod Freezer Longliners, Aug. 22, 2014

September 27, 2011

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

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

Dear Chairman Olson,

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

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

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

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

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

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

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

Sincerely,

Michael Lake
Alaskan Observers Inc.

Bryan Belay
MRAG Americas Inc.

Stacey Hanson
NWO, Inc

Darren N. Stewart
Saltwater Inc.

Troy Quinlan
Techsea International Inc.

May 16, 2012

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

Dear Dr. Balsiger,

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

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

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

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

Sincerely,

Michael Lake
Alaskan Observers Inc.

Bryan Belay
MRAG Americas Inc

Stacey Hansen
Saltwater Inc.

Troy Quinlan
Techsea International

Cc: Martin Loefflad
Glenn Merrill
Jennifer Mondragon

July 16, 2012

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

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

Dear Mr. Merrill

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

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

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

While several items in the proposed rule and associated EA/RIR should be corrected or clarified our intention is to address those issues by informal communications as they are principally secretarial in nature. Therefore we will maintain the focus of these comments on the paramount concern at hand, the requirement for Non-trawl Lead Level Two (LL2) observers to serve on all vessels choosing the scales option.

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

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

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

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

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

If left unchanged the rule would separate the freezer longline fleet as the only fixed gear fleet in existence with this requirement. In comparison to other fleets with LL2 requirements, the freezer longline fleet will harvest in 2012 a maximum of 113,000 mt of Pacific cod. Compare this fleet

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

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

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

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

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

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

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

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

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

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

Letters[3] signed by all of the companies in existence that currently provide federal observers to the freezer longline fleet indicate an inability for these providers to supply the anticipated number of LL2 observers going into the future if the proposed rule becomes law. There is currently no alternate source to supply observers to the fleet. **If NMFS does not reject this requirement in the Final Rule it is our conclusion that the rule will cause long-term severe and significant economic losses for our Members when these shortages occur.** If adequate observers are not available in a timely matter the vessels will have no choice but to stop fishing and wait for an observer to become available. Consequently, the loss of fishing caused by implementation of the proposed rule without granting the request to remove the LL2 requirement will cause instability in our fishery, severely limit the ability of the vessels to plan fishing operations and cause significant losses to the owners, operators and crew of these vessels that cannot be mitigated.

The Analysis for the EA / RIR delves into the issue of LL2 availability in depth and determines that these observers will be difficult to get but will be available. The analysis has several shortcomings and completely misses the mark in several areas. Using anecdotal information to make assumptions about a possible future the analysis makes no conclusion as to the factual basis for the proposed rules requirement that only LL2 observers can be used on vessels selecting

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

the scales option. The analysis is only mildly convicting that we may be able to find these observers in year one of the program but after careful review and discussions with the author of the EA / RIR analysis we are convinced the analysis itself shows it will be tight and may quickly unravel and become impossible at any price to fill the vacancies.

The analysis indicates that estimates using 2011 as a baseline the freezer longline fleet *"would have required 133 individual observers"*[4] while admitting the upper bound may be as high as 150[5]. This range is possibly correct although fluctuations are driven by Total Allocated Catch (TAC), which is on the increase, which was not but should have been taken into account in the analysis.

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

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

While the analysis drifts into an odd supposition and offers a solution to the forgoing obvious problem that *"It is possible, however, for the cooperative to arrange for its members to compensate some vessels to carry an observer in addition to the lead level 2, and the observer*

[4] EA / RIR pg 60
[5] EA / RIR pg 61
[6] EA / RIR pg 61
[7] EA / RIR pg 61
[8] EA / RIR pg 61

could thus obtain sampling experience needed to qualify for a lead level 2 position[9]*."* This theory is flawed from the get go. It is not possible that this will take place in actuality, not because the FLC would not be willing to, at huge expense to itself, take up an observer training program for NMFS that would be far out of the realm of any observer program currently in existence, but because federal law mandates that we cannot request particular individuals to work on our vessels. The analysis notes this in an earlier section "*Fishing firms cannot request specific individuals (and are prohibited from discriminating on a number of other grounds, including sex, as well).*"[10]

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

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

There is absolutely no evidence that paying more will fix the problem of a lack of available observers, particularly to the degree that a lack of observers is projected by the observer providers. In addition this must be placed into context with the newly restructured observer program that is yet to be implemented. Because of the structure of that program, observers will be paid a higher rate than observers currently working on freezer longliners and an exodus to the higher paying positions could occur. **The freezer longliners will already likely have to pay more than the current rate to obtain any observers without adding the LL2 certified requirement to the mix.** *"Note that the observer restructuring program, by increasing wages among vessels in the less than 100 percent sector, will also put upward pressure on wages in the*

[9] EA / RIR pg 62
[10] EA / RIR pg 55
[11] EA / RIR pg 64
[12] EA / RIR pg 54
[13] EA / RIR pg 55
[14] EA / RIR pg 66
[15] EA / RIR executive summary pg X, EA / RIR pg 67, 71

100 percent sector".[16] As previously stated we do not believe LL2 certified observers are needed on a freezer longliner to accurately and competently provide the neeessary eatch information to NMFS, particularly with the scale option. The current pool of observers we are now using, a mix of LL2 certified and non-certified will be more than sufficient. The analysis indicates that the freezer longliners are among the simplest platforms for observers. *"This fleet requires one of the most straightforward sampling strategies of all potential fixed gear deployments"*[17] We would strongly contend that the freezer longline fleet requires one of the most straightforward sampling strategies of all gear deployments, period!

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

"The development of a cooperative based fishery is expected to lead to changes in the duration of fishing and the number of vessels participating in the fishery. This makes accurately estimating observer demand in the future difficult"[18] This leaves out the single most important driver, that being Allowable Biological Catch and Total Allocated Catch or ABC and TAC. The analysis was based primarily on 2011 numbers for estimated needs of observers. The TAC in 2011 was 228,000 mt but in 2012 rose to 261,000.00 mt an increase of over 13%, the 2013 TAC could be as high as 319,000[19] mt or a 70% rise over the lone 2011 year used in the analysis as a basis for LL2 Observer needs. This approach again falls short by failing to recognize that a freezer longline fleet can only catch fish at a certain rate and a rise in TAC equates to a similar rise in observer coverage requirement.

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

---

[16] EA / RIR pg 62
[17] EA / RIR pg 59
[18] EA / RIR pg 60
[19] *NMFS, TABLE 1—FINAL 2012 AND 2013 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC),* (USING ABC = TAC for 2013. 2012 was TAC < ABC by industry agreement and NPFMC approval.)

observers" (in the yet to be implemented observer restructuring program) and "pay as you go observers" (observer pool currently available to the freezer longliners).

Closing:

The concept to require Non-trawl Lead Level Two (LL2) remains as our paramount concern with the rule as proposed. Of further concern is the fact that NMFS staff and the authors of the proposed rule have discounted an entire industry comprising every individual directly affected by this rule and further has ignored the advice of every single observer provider company who contracts with NMFS to provide these observers. Not only has NMFS disregarded the entire industry who first requested the changes as outlined in the proposed rule and their own expert contractors, both of who have clearly articulated major issues with the increased observer certification as proposed in the rule but further uses flawed rationale to support its position on the necessity of including the requirement for increased observer training.

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

Kenny Down
Executive Director
Freezer Longline Coalition
http://freezerlong@necoalition.com/

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

July 16, 2012

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

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

Dear Mr. Merrill

In two previous letters (attached), all the Observer Providers in the North Pacific Groundfish Observer Program (NPGOP) presented the National Marine Fisheries Service (NMFS) with serious concerns about the Draft Proposed Regulatory Amendment to Modify the Monitoring of the BSAI Freezer Longline Fleet. NMFS all but ignored the Providers' concerns, and now offers a preferred alternative in the Final Proposed Rule that includes significant increases in the total number of observers that will be needed to cover the longline fleet combined with unsustainable increases in the level of certification required for that same coverage. If adopted, Alaskan Observers Inc. (AOI) contends that this option will over time lead to a severe shortage of qualified observers, which will in turn leave vessels unable to fish.

The preferred alternative includes language that would require most, if not all, freezer longliners to carry a single Lead Level 2 (LL2) observer at all times. The associated Regulatory Impact Review/Environmental Analysis (RIR/EA) for this proposed rule suggests that getting an observer from training to LL2 certification will be a quick and easy process. We contend that this analysis makes too many assumptions, includes too much anecdotal and unsubstantiated information, and uses irrelevant observer sampling histories from early years of the program. Moreover, the analysis discounts the years of experience and knowledge that Observer Providers have with regard to the provision of observers to the NPGOP.

Our experience has been that it takes multiple deployments of 75-90 days to get a person the 60 sampling days, 60 sampled sets, and two completed deployments that lead certification requires. The NMFS analysis applied an average sampled set rate of 2.97 sets per day, to suggest that it only takes 21 days to get 60 sampled sets. However, using the NMFS generated sampling histories, AOI found that in 2011 we had observers deploy to 143 fixed gear vessels for 4307 deployed days, and 3331 of those days were sampling days that included only 5397 sets. This yields a rate of 1.25 sets per deployed day and a timeline of 48 deployed days to get 60 sampled sets.

In 2011 AOI's observers had 70 deployments to the vessels in the Freezer Longline Cooperative (FLC) for a total of 3366 deployed days. Of those days 3296 were sampling days, during which observers sampled 2678 sets. At this rate of .79 sets per deployed day, it would take a person assigned to a vessel in the FLC 75 deployed days to get 60 sampled sets. The NMFS estimate is off by over 200% because its analysis included irrelevant prior sampling histories that are not reflective of current fishing and sampling practices. The NMFS analysis also fails to account for the days a person is assigned to a vessel and not sampling.
AOI's observers who ended up on fixed gear boats during a 2011 deployment spent an average of 43.5 days on fixed gear assignments, and averaged 76 days in the field. Observers from this group who had no prior fixed gear experience would have an average of 57.42 sampled sets at the end of their contract. Observers from this group assigned to FLC boats completed contracts with an average of 37 sampled sets completed. One might assume that some of these observers could be sent back out on a short fixed gear trip to get the requisite sampling experience to become LL2 observers. The vessels that make short trips have short seasons, however, and they currently require only 30% coverage, so options are limited. In practice, observers who want to redeploy will return for another average contract of 76 days. If they make it onto a fixed gear assignment they then may qualify as a LL2 after a second debriefing.

Allowing for training, briefing, and debriefing periods, the reality, then, is that observers reach LL2 status after six months of employment that's often spread out over a year or two. It is important to note that while AOI's observers provided over 21,000 deployed days to the Observer Program in 2011, only 20% of these days were on fixed gear vessels, and only 16% were on FLC vessels. There are only a limited number of fixed gear assignments available at any one time, and this provides a further bottleneck to getting observers to LL2 status.

NMFS suggests that reducing the sampled set requirement to qualify as a LL2 observer to 30 sampled sets will increase the numbers of available LL2 observers. We agree that over the short term the pool of LL2s would increase should 30 sets become the standard. But telling observers that they are suddenly LL2 certified does not necessarily make them available to observe. Over the long run, the problem persists that without freezer longliners agreeing to voluntarily take an observer to train as an LL2, observers will have to gain experience on other fixed gear assignments. The NMFS analysis suggests that the new, rationalized observer program will provide this training ground starting in 2013. This is an assumption about a future, yet to be implemented program. If this assumption is wrong, then the shortage of LL2 observers will only be exacerbated, and we have reasons, based on our experience, to question the assumption.

In the new, rationalized program, the level of coverage in what is currently the 30% coverage fleet is expected to drop, and perhaps to drop significantly. What is a long path to lead status in the industry funded program will likely appear short when compared to the path to that same status in the rationalized program. At the same time, nothing about the new, rationalized program leads us to believe that the average person observing in that program will suddenly decide to work more each year, on average, than observers in the industry funded program, and nothing about the new program leads us to conclude that the average person's observer career will suddenly increase dramatically in length. If people are working about as much each year in the new program as they do currently, and if they move on from observing after a similar length of time, then the new program will yield fewer leads at a slower pace than the industry-funded program has.

The NMFS analysis also questions why all the currently certified LL2s at the end of 2011 were not available to deploy and suggests that paying observers more would increase the availability

of LL2 certified people. These assertions reveal a remarkably simplified view of how observers view their work.

AOI, informed by 26 years of experience, knows that monetary incentives often have little to do with the myriad reasons observers aren't available at a given time. Firstly, observing is contract work, and not a long term career choice for most people. For many observers who have been doing this job for more than a couple of years, it's not a year-round job. On average and by choice AOI's observers worked 126 days in the year 2011.

The NPGOP has set very high standards for biologists to qualify for their training program. The contractors then tend to hire highly qualified people. Because they are highly qualified they have numerous other opportunities available to them. Observers continuously leave the program to attend grad school, take permanent career positions with NMFS or another government agency, or pursue some other professional endeavor that better fits their career or personal goals. Observing in the North Pacific currently pays very well when compared to many other biologist positions. So, many observers use the job to fund their world travels, while others take other contract or volunteer biologist positions to broaden their experiences. Often these people are leaving observing for a lesser paying job, knowing all the while that they would be in line for the next pay grade increase if they returned for another observer contract in Alaska. It is telling that observers even leave the North Pacific program to take lesser paying observing positions—on the West Coast, for instance—that appeal to them for reasons that are clearly not monetary.

All this leads us to reluctantly conclude that the only way to maintain a sustainable supply of LL2 observers for the FLC fleet in the future is for NMFS to require these vessels to carry 2 observers, one of whom would be an L1 observer gaining the experience necessary to reach lead status. We want to emphasize that this 2nd observer would not be on board for any reasons related to data quality—in other words, they would be there not because they were necessary to the work at hand, but only because they were necessary to the future coverage of the fleet.

Requiring 2 observers per boat isn't AOI's preferred approach, however, for the simple reason that we believe quality data collection on these vessels does not require an LL2. We arrived at this position by reviewing observer sampling histories from 2011. Of the 143 fixed gear vessels debriefed by NMFS observers received 5 scores of "0", or unacceptable. One of these was for work performed on an FLC boat, and the others were all for work performed on small blackcod boats in the 30% coverage category. Moreover, in an informal survey of AOIs observers, our currently certified observers overwhelming stated that their work on longliners is not more difficult than assignments that do not require lead status; that sampling stations will greatly improve their ability to get quality samples; and that flow and motion compensated scales will make the job easier. The NPGOP has also dedicated a lot of time to improving in-season communications with observers on longliners. The Observer Program has said they will continue to implement new procedures in future such as faxing in deck sheets to allow early detection of sampling and data issues.

In arguing in its analysis that LL2 observers could be quickly minted, NMFS relied on an unrealistic timeline to certification of 21 days; the timelines we've outlined here are based on real 2011 (and so, recent) deployments, and these numbers can be easily verified. In arguing that LL2 certification is necessary for the work at hand, NMFS relies on assertion, but its own debriefing data, which we cite, argues otherwise. Regardless of which alternative NMFS implements for the FLC boats, it clearly has to establish a set of requirements that are

sustainable, and its analysis falls short on this score. To address the legitimate coverage concerns of this fleet, NMFS has to either eliminate the single LL2 requirement for most boats, or mandate an LL2 and require a second observer whose sole reason for being on board would be to gain experience toward LL2 certification. These are the only options that will allow Providers to assure that our clients won't be left at the dock.

Sincerely,

Michael Lake
Alaskan Observers Inc

Cc: James Balsiger

WACDA
WESTERN ALASKA COMMUNITY DEVELOPMENT ASSOCIATION

July 16, 2012

via Electronic Submission

Glenn Merrill, Assistant Regional Administrator
Sustainable Fisheries Division, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

Attn: Ellen Sebastian

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

Dear Mr. Merrill:

The Western Alaska Community Development Association (WACDA) represents the six Community Development Quota (CDQ) entities, the 65 eligible CDQ communities, and over 27,000 citizens who reside along the Bering Sea/Aleutian Islands coast and participate in federal fisheries through the CDQ Program. WACDA appreciates the opportunity to provide comment on the proposed rule to modify monitoring and enforcement requirements in the Bering Sea and Aleutian Islands freezer longline (FLL) fleet as released to the public on June 15, 2012.

Currently, Lead level 2 (LL2) observers are not required in the FLL fleet whether fishing CDQ or non-CDQ Pacific cod. In a policy letter dated May 31, 2011, NMFS notified the CDQ groups of the change to observer coverage requirements resulting from the application of the regulation of harvest provisions of Section 305(i)(1)(B)(iv) of the Magnuson-Stevens Fishery Conservation and Management Act. Since that time, there have been no requirements for observers with prior experience on these vessels. We are not aware of any significant data losses or of any increases in data losses since the relaxation of the LL2 requirement. The analysis indicates that FLL vessels are among the simplest platforms for observers *"This fleet requires one of the most straightforward sampling strategies of all potential fixed gear deployments"* (EA/RIR pg 59), which further supports our belief that reintroducing the LL2 experience requirement is unnecessary.

In addition, WACDA believes that imposing the LL2 requirement upon all vessels in the fleet has the potential to create a serious problem of observer availability. Historically, only vessels in the FLL fleet fishing CDQ were required to carry observers with LL2 experience. Even at that level of participation, it was at times difficult for observer providers to secure all of the necessary fixed gear LL2 qualified observers. Requiring LL2 observers on all vessels in the FLL fleet will only exacerbate this problem.

Under the revised observer program scheduled for implementation in 2013, the challenge of securing fixed gear LL2 observers may be even greater. Because one observer provider will be providing observers for all of the catcher vessel fleet, by default that provider will become the trainer for new fixed gear LL2 observers as the providers will oversee the only available training platform. The analysis notes that "*almost all of the catcher/processors would choose the scale option*" (EA/RIR pg 61). It is unrealistic to assume the FLL fleet would carry a second observer solely to gain the experience needed to qualify as LL2 without certainty that the observer would remain available to the FLL fleet. No other fleet has ever been asked to take on such a burden. In addition, under the revised observer program, the Agency will determine which vessels are covered and when. This new deployment system will reduce the ability for a provider to steer observers to any one vessel type to reach LL2 qualification.

Further, we are concerned about the potential for daily cost increases for observers in both the federally contracted and the pay-as-you-go observer systems. In the event FLL vessels are forced to remain at the dock when a LL2 observer is unavailable, they will likely have no option other than pay more or risk the additional cost of remaining dockside. Under the proposed rule, if the FLL vessels were to take a second observer, one of the observers would need to be LL2 certified thus there is no relief mechanism. Luring observers from the federal program will likely require financial incentives and create unnecessary strain on relationships between observer providers.

WACDA strongly urges you to reconsider the decision to require LL2 certified observers for the FLL fleet as a stipulation of the scale option. With the upcoming changes to the observer program, there is serious potential for problems of LL2 observer availability. The current requirements have been successful and will improve with the addition of scales to enhance the accuracy of a single observer's observations.

We appreciate your consideration. Please contact me if you have questions or would like additional information.

Sincerely,

WESTERN ALASKA COMMUNITY DEVELOPMENT ASSOCIATION

Aggie M. Blandford, Executive Director

cc: WACDA Board of Directors/CDQ Panel
Kenny Down, Freezer Longline Coalition

January 30, 2014

Chairman Eric Olson
North Pacific Fisheries Management Council

Dear Chairman Olson,

Prior to the observer delivery model restructure in 2012, we raised our concern that the process for growing Lead Level 2 observers for the longline fleet was going to be compromised in that an insufficient number of assignments that could generate Lead Level 2 observers would be available to those providers working in the 100% restructured pool. The process of growing leads was further hindered by the adoption of flow scales in lieu of a second observer by the longline fleet. This, coupled with normal observer attrition in the past 2 years, has further reduced the number of available Level 2 Leads in this most difficult fishery. When we sounded the alarm in 2012, NMFS provided an in-depth analysis that showed a sufficient number of leads could be produced and made available for deployment see (Attachment 1, pages 59-). We request that NMFS provide an update on the number of observers who met the requirements for Lead Level 2 observers duties.

Unfortunately, the reality of the past two years and our collective experience as observer providers has shown a declining population of Lead Level 2 observers with no realistic replacement happening. Our effort to recruit and retain experienced Lead Level 2 observers with higher pay and bonuses does not stem the natural attrition that all contractors face. Collectively, we providers are gravely concerned that we are on the brink of running out of a robust pool of qualified observers, resulting in one or more longline vessels left at the dock without an observer very soon. However, we believe this does not need to be the case.

We propose an alternative process, to be pilot tested and potentially used on a limited basis, be undertaken that mirrors the process used by the Alaska Department of Fish and Game in the Bering Sea Crab Observer Program to ramp up seasoned observers. In that program, uncertified observers must debrief by their 36th deployment day. If their reviewed data and collection methods achieve the standards maintained by ADF&G, they are moved to a "Certified Crab Observer" status.

For the longline industry, we propose that chosen experienced observers, without the requisite number of 30 hauls, but who do possess a minimum level of observer experience, be allowed to work in the longline sector in a "trainee" status. Selected observers filling this limited role could be deployed for a maximum of one trip, after which they go through a mandatory debriefing to determine if they can be moved from a "trainee" status to "certified Lead" status. To achieve maximum effectiveness, we request that the interim debrief be held in the field at the port location. NMFS could continue this cycle until such time as either the requisite number of hauls is met, or

NMFS is comfortable that the observer can be moved to a less frequent debrief cycle. If the pilot is successful, we request that the process be adopted on a limited basis to backstop and prevent stranded boats.

We look forward to the opportunity to work together with the Council and NMFS to find a resolution to this issue.

Respectfully,

Tim Carroll
Saltwater Inc.

Michael Lake
Alaskan Observers Inc.

Troy Quindan
Techsea International

Attachment 1: May 2012 NMFS Analysis

CC:
Mr. Dan Hull, Observer Advisory Committee Chair

ALASKAN OBSERVERS

28 May 2014

Martin Loefflad
Observer Program Director
Fisheries Monitoring and Analysis Division
Alaska Fisheries Science Center
7600 Sand Point Way N.E., Building 4
Seattle, WA 98115

Dear Martin,

In 2012, when the regulations governing observer coverage for the Freezer Longline Sector were being developed, Alaskan Observers Inc. (AOI) along with the other North Pacific Observer Providers raised a number of concerns. Central to our concerns was the thought that the regulations would limit our opportunity to replenish our pool of fixed gear leads as we faced attrition from that pool. Now only 18 months since the implementation of those regulations, the Providers' concerns are presenting themselves as today's reality.

In 2012 AOI deployed 157 individual observers. By the end of 2012 81 (52%) of those 157 observers were certified as fixed gear leads. In 2013 AOI deployed 145 individuals and by the end of 2013 89 (61%) were certified as fixed gear leads. There were several factors that contributed to the increase of certified leads in 2013: A onetime regulatory change from 60 sets to 30 sets to qualify as a lead; AOI purposefully placing observers on vessels that did not have flow scales and carried second observers; and several vessels carrying observers who were not required to have fixed gear leads.

Jump ahead to the first half of 2014 and AOI experienced some significant changes in numbers of priors wanting to continue work as observers. We started the year with 103 prior observers expressing interest in work at some time in 2014. We added 23 trainees between January and March which left us with 64 (50%) of 126 observers with fixed gear lead status.

The departure of our priors from observing continues as we look ahead to the period from June through the end of 2014. We currently have only 63 prior observers interested in work through the end of the year. At a minimum we will need to add at another 34 trainees between May and July to cover our boats through the end of 2014. We estimate this will leave us with 44 (36%) of 123 observers certified and available for work as fixed gear leads by the end of 2014.

This decline is partly the result of a rotation of the sort we see every few years, as a group of observers that's been with us for several years begins to move on to other things. This rotation is more dramatic, however, than any we've seen for awhile, perhaps reflecting improved employment opportunities elsewhere. Added to this attrition are two coverage realities: since June of 2013 we have had no fixed gear vessels that are required to carry a second observer, and we have fewer boats in the fishery that

130 NICKERSON, SUITE 206 • SEATTLE, WA 98109 • 206 • 283-6604 • 206 • 283-7310 • FAX 206 • 283-6519

are not required to carry a lead. These diminished opportunities have allowed us to only train 2 new fixed gear leads in 2014.

To deal with our decreasing pool of fixed gear leads AOI has been developing a plan that will allow us to continue to provide observers to our clients without disrupting their fishing operations. Our plan is to ask our clients to voluntarily take second observers. Most of these clients have installed, at great expense, flow scales and cameras to allow a single fixed gear lead to observe on their vessels. To now ask that they occasionally carry a second observer to allow that observer to gain certification as a fixed gear lead is going to significantly add to the cost of coverage projected by the National Marine Fisheries Service (NMFS) in the Regulatory Amendment to Modify Monitoring and Enforcement Requirements in the BSAI Freezer Longline Fleet. AOI then needs some assurances that NMFS will be supportive of us going forward with this voluntary program.

Fortunately, we are not breaking new ground here with vessels voluntarily taking an observer, or by placing any certified observer to serve as a second observer with a certified lead. The Bering Sea cod fleet currently voluntarily carries observers, and there is precedence set from years of vessels fishing in the North Pacific with a certified lead and any certified observer working the alternate shift. Moreover, the regulations for observer coverage for the freezer longline fleet specifically allow for a vessel to carry two observers. The NPGOP policy that allows observers who have 60 sampling days and successfully completed two deployments to attain lead status during a deployment will continue to provide us the best opportunity to replenish all of our lead observer pools.

In developing our plan to train new fixed gear leads by asking our clients to voluntarily carry a second observer, AOI identified a significant issue with the way the NPGOP credits observers with sampling experience. The NMFS database is currently programmed to credit a single observer for sampling a set or haul, even when both observers onboard have participated in the sampling process. Because of this limitation, one observer's work goes unrecognized each time both observers are involved in a sample. Historically, when two observers are sampling on a vessel it is left up to the observers to decide who gets credit for the work. We believe it would be more accurate to give credit to observers for any sampling they do while onboard. After all, the NMFS database also counts a single pot lift as a "set" when an observer is on a pot vessel fishing single pots—so it is fair and reasonable to credit an observer for her work when she samples part of a set that involves thousands of hooks retrieved over a number of hours. If the NMFS database cannot reflect this, then NMFS should allow our observers to keep track of any haul or set that they wholly or partially sample and submit any missing sampling credit during their debriefing.

AOI does not view our plan to replenish our pool of fixed gear leads through a voluntary arrangement to be a long-term fix. Rather, it is a necessary step in the short-term to prevent vessels from being held up at the dock. As you can imagine, from the numbers we have presented, AOI is very concerned about the precipitous decline in our pool of prior observers. Because we have in place the means to efficiently get observers to their lead trawl status, the immediate need is to create an equally efficient means to get observers their fixed gear lead certification. The latter will require cooperation between Observer Providers, Industry, and the NPGOP.

The NPGOP's role, though, is essential. Getting our clients to agree to voluntarily take second observers won't accomplish anything if the Observer Program is unwilling to change the way work is credited to those observers. Before we proceed any further down this path, we need to know if we can count on your support. We look forward to your reply.

Sincerely,

ALASKAN OBSERVERS, INC.

Michael Lake

Michael Lake
President

North Pacific Fisheries Association
P.O. Box 796 · Homer, AK · 99603

North Pacific Fishery Management Council
605 West 4th Avenue Ste 306
Anchorage, AK 99510

Agenda Item C1 Annual Deployment Plan

September 29, 2014

Dear Members of the Council,

The North Pacific Fisheries Association represents members who fish many fisheries on a variety of vessel sizes. A lot of our members longline for halibut and sablefish. In reviewing the 2015 annual deployment plan our members have a major concern with the proposed changes to the conditional release policy. On many of our vessels it is not practical to carry an additional person. As we have stated and testified to in the past we do not carry extra crew. A typical halibut trip does not involve much rest and what little time is dedicated to sleeping is crucial. It is unsafe to compromise this time by having a crew member displaced from a bunk. When fishing with an IFQ quota holder scheduling is already a challenge. On a vessel with four bunks, for instance, which would normally have a Captain, two crew, and a quota holder there is no way to accommodate a human observer safely. We often have limited tide and weather windows to fish in and can't reschedule or change plans because a trip has been selected. From the introduction of the program it has always been our belief that Electronic Monitoring would available as an alternative to this problem. Please realize the importance of this issue. Overcrowding boats will force vessels to alter their fishing behavior and compromise safety.

Thank you,

Malcolm Milne
President, NPFA

Subject: observer
From: Carolyn Nichols <carenichols@hotmail.com>
Date: 9/29/2014 9:41 PM
To: NPFMC <npfmc.comments@noaa.gov>

I am concerned about the changes to the observer program that are proposed.

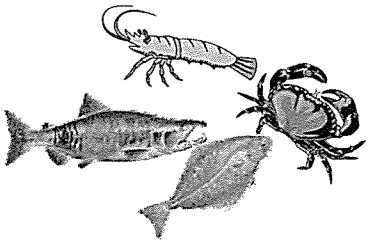
Observer deployment needs to be concentrated on the fisheries that have the larger impacts on the resource. The coverage in the trawl fleet has been reduced to 50% since the observer program was restructured. The trawl fleet needs much higher coverage as their impact can be huge.

Observer costs should be evenly distributed with each fishery paying for its own coverage. It is totally unfair for the longline fleet to be paying for the trawl fleet observer costs. The trawl fleet I am sure is delighted with the present situation but it sure is unfair and stressing small boat fishermen financially. For a fishery that catches 16% of the resource to be paying 70 % of the costs is grossly unfair!

Bunk space releases are necessary for small boats . For NMFS to expect boats to leave a crew member home to take an observer or to have the crew member sleep on the floor - what is wrong with the observer sleeping on the floor??? And if the boat is small with two bunks and one skipper and one crew - so you leave the crew home and then who does the work??? Certainly not the observer. NMFS needs to get real on this. There are boats that are not adaptable to this. EM is obviously better in these situations.
Electronic Monitoring needs to be developed that is compatible with the small boat fleet. Like Tract 1 of the EM Cooperative Research. The focus of EM is to collect scientifically relevant data like catch and bycatch estimation. The NPFMC and NMFS need to fast tract this as it would be more compatible with the small boat fleet and would cost a huge amount less than observers.

In closing looking back at this it almost seems like the observer program has been designed to penalize the hook and line fishery for some unknown reason. The inequalities in it need to be addressed now and corrected!!
Thank you
Carolyn Nichols
Sitka Alaska

Southeast Alaska Fishermen's Alliance
9369 North Douglas Highway
Juneau, AK 99801
Phone: 907-586-6652 Email: seafa@gci.net
Fax: 907-523-1168 Website: http://www.seafa.org



September 29, 2014

North Pacific Fishery Management Council
Chris Oliver, Executive Director
604 W 4th Ave, Suite 306
Anchorage, AK 99501

RE: C1 – Observer Annual Deployment Plan & C2 – Electronic Monitoring

Dear Council Members,

Southeast Alaska Fishermen's Alliance (SEAFA) is extremely concerned over the Observer Annual Deployment Plan (ADP) for 2015 as presented with no conditional release for vessels 40' to 57.5 feet that does not have the bunk space for an observer onboard. We support the movement of these vessels to a trip selection rather than a vessel selection pool and the 12% and 24% observation suggested for the two different pools but some accommodation for bunk space issues is necessary until a workable solution for these vessels are a workable option.

We believe the trip selection pool over the vessel selection pool can help reduce the bias from conditional releases until an EM alternative as envisioned in the EA/RIR/IRFA is provided for those vessels that are unable to carry an observer due to bunk space or life raft issues.

By having all the vessels in the 40' to 57.5' foot range register in the ODDS system, one of the biggest hurdles to the vessel selection pool is eliminated. By eliminating the conditional release for bunk space and IFQ riders you are just substituting a different type of data bias by creating changes in fishing behaviors due to loss of a crew member, fishing closer to town or a shorter trip because of fatigue. In addition, we have already been observing a change in the commercial IFQ program due to consolidation or becoming an IFQ rider on a larger vessel and we believe that loss of conditional releases for bunk space will further create consolidation and changes in behavior.

SEAFA strongly requests the Council to consider recommending conditional releases in the 2015 ADP for vessels 40' – 57.5'. This could be done by stating the number of bunks on the vessel in the original registration and then submitting in the ODDS system on each trip the

number of crew/permit holders onboard. If the number of crew registered on the trip is more than the number of bunks it could either be kicked out before the 12% random selection is generated or if selected for an observer, and then evaluate how much conditional releases are affecting the program until EM is integrated with the program. With this conditional release policy we believe that vessels that are released for lack of bunk for a trip, that OLE is notified of the trip logged and conditional release taken so that when these vessels call in their landing, they would be a priority to be checked during their landing. It will only take one public enforcement action against a vessel that takes less crew members than logged in the ODDS system and given a conditional release to eliminate those few who might try.

The data provided in the ADP regarding conditional releases and vessel sizes is not sufficient for any type of determination of the effect of conditional releases or vessel size. The data provided is not for unique vessels and the same vessels were selected several times and granted releases. For a more informed decision on conditional releases you need to be viewing the information of how many unique vessels are believed to be of that vessel length, the number of unique vessels that received conditional releases and the number of unique vessels that were picked for each vessel length listed. Without this information it's difficult to make an informed decision on how much effect conditional releases would have under a trip selection pool.

Electronic Monitoring

SEAFA supports development of Electronic monitoring as an integrated part of the observer program and believes that track 1 is closer to being an implementable program for the vessels that are problematic for carrying a human observer. SEAFA supports the EMWG's efforts to develop the context for Track 1 and to advance integration as quickly as possible.

In conclusion, we support conditional releases for bunk space be given until EM is part of the program.

Sincerely,

Kathryn L Hansen
Executive Director

Subject: 2nd Set of Observer Comments:
From: "mwpstnk@ptialaska.net" <mwpstnk@ptialaska.net>
Date: 9/23/2014 11:43 AM
To: npfmc.comments@noaa.gov

September 22, 2014

North Pacific Fisheries Management Council Members:

Your new proposals for observer coverage on small boats make no more sense and are more stringent and unhelpful than your previous regulations.

My husband and I longline our 45-foot vessel out of Sitka. We have gotten releases for our vessel because of lack of bunk accommodation. You suggest the following to mitigate that circumstance:

1. Rearranging trips with IFQ riders. This is so much more easily said than done. There are many factors involved when making arrangements to go fishing, none of the least are weather, other fishery openings and arrangements for care of children, pets and houses. Not all quota share holders are single, childless men.

2. Leave behind one crew. When longlining, our vessel has a total of three persons on board - either my husband and myself (both quota share holders) and one other crew, or my husband and one other quota share holder and one crew, or my husband and two other quota share holders. All three persons are needed to make the operation work. Should one person be eliminated to accommodate an observer the two remaining persons on board would not he able to fish in a safe, efficient or timely manner.

3. Direct one crewmember to sleep on the floor so that an observer can have a bunk. This, too, would be an unsafe option as to deprive anyone working aboard our vessel of a good night's sleep would put the safety of all at risk due to sleep deprivation. If anyone should sleep on the floor (the only space available being a narrow companionway where that person would surely get stepped on and impede access in an emergency) it should be the intruding observer.

4. Build another bunk. This is just totally unreasonable. The boat has only three bunks because that is all that there is room for. You went to the great expense to send a person from Seattle to Sitka to inspect our boat (and only our boat I might add) the first season observer coverage was required. She did, indeed, agree that we had only room for our usual set of three persons on board.

As I stated in my comments to you last year in Juneau, observer deployment should be assigned by fishery or by gear type instead of by trip to ensure higher coverage in those fisheries with a larger impact on the resource.

Thank you for considering my comments.

Megan Pasternak
F/V Christi-Rob
PO Box 830
Sitka, AK 99835
907-738-2290

From: Gary Egerton <egertongary@yahoo.com>
Date: 9/26/2014 9:05 AM
To: "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>, ALFA Staff <alfa.staff@gmail.com>, "alfafish@acsalaska.net" <alfafish@acsalaska.net>

My name is Gary Egerton. I live in Sitka Alaska. I have been a commercial fisherman for 40 years. Alfa has asked for comments on the observer program so here I am. After being assigned an observer for March, April, July and August I can now comment that this program is a perfect example of government useless job creation. There is little information that these observers obtain at sea that could not be gained at the dock. Let's see, how many hooks do you set? What is the sex of that dogfish? How long is that rockfish? They even wrote down if we caught a rock or a starfish. In what way is this important to the management of the fishery. I would like to see some government proof that more than 10% of this data even gets used. I even asked one of them what happens to this information and he said "I don't have a clue. all I know is I get a paycheck." One of my observers weighed at least 280 pounds and ate as much food as the rest of my crew combined. How he fit in the bunk we gave him is beyond me. He was constantly in my way while setting gear as I was moving in and out of the wheelhouse. This is total government intrusion into our living quarters. Now they are proposing to either leave a CREW MEMBER behind or making a CREWMEMBER sleep on the floor so the observer can have his bunk? Are you kidding me? After working his butt off for who knows how many hours you want him or her to give up their bunk so some person pushing a pencil can sleep tight. At the minimum, small boats must have a bunk related release from the program. Leaving a crewmember behind is a serious safety hazard. As is making him sleep on the floor. This is no different than whoever is reading this being assigned an observer to move into your house for two months and keeping a log on how many steps it takes from your bedroom to your bathroom so the government can do a study on sewage disposal. Oh, and you must pay them and feed them. Gary Egerton F/V Valle.

Alaska Longline
FISHERMEN'S ASSOCIATION
Post Office Box 1229 / Sitka, Alaska 99835 907.747.3400 / FAX 907.747.3462

North Pacific Fishery Management Council
605 West 4th Avenue Ste 306
Anchorage, AK 99501

Sept 15, 2014

Re: C-1 Observer program

Dear Members of the Council,

During the past two fishing seasons, several small boat operators have commented that NMFS observers assigned to their vessels were very concerned about their safety on a vessel that is drifting. More than one skipper reported the observers were told that up to 80% of accidents on small boats occur when the boats are drifting for the night. This anxiety increased tensions in an already challenging work environment.

In June, the Alaska Longline Fishermen's Association (ALFA) reported this problem to the NMFS Fisheries Monitoring and Analysis division (FMA) and asked that the FMA review the observer training program to determine the basis of this accident statistic. ALFA also noticed FMA that we had requested NIOSH (the National Institute of Occupational Safety and Health) review casualty data for the small boat fixed gear fleet to determine the correct information.

In July, NIOSH reported: *"During 2000-2013, there were 52 vessel disasters (defined as a vessel emergency in which the crew abandoned ship) in the Gulf of Alaska fixed gear groundfish fleets. These fleets were defined in this data query as vessels using longline and pot gear to harvest halibut, sablefish and pacific cod in the Gulf of Alaska (NMFS regulatory areas 610, 620, 630, 640, 649, 650, 659).*

These are vessel emergencies that involve damage to the vessel that force the crews to abandon ship. In the data I sent you, I did not include MOB or other types of incidents to individual workers.....Below [see table] are the initiating events for the 52 vessel disasters. The initiating event is the first problem that occurred in the sequence of events leading to the disaster.

*The exact circumstance of a vessel drifting while the crew is asleep is not directly measured in the available data. However, there is information about the contribution of fatigue and sleeping at the helm to vessel disasters. Out of the 52 vessel disasters described above, seven (15%) were documented by USCG investigators as having been related to crewmember fatigue or sleeping while on watch.....**All 7 had the same initiating event: Struck rocks/bottom."***

The table below shows that collision, the likely problem to occur while drifting, accounted for only 4% of incidents in this fleet. The number one problem was vessel grounding of which seven (over 50%) were

attributed to crew fatigue. Many skippers report that when the observer takes one bunk and the crew is forced to keep watch all night, the crew members get less than 5 hours of sleep each night, and one crew will get a split night consisting of short two hour naps. The effect on crew fatigue is significant and, based on NIOSH data, the effect on vessel safety of that fatigue is also significant.

ALFA pursued this data request to ensure the observer training program has accurate data to share with observers about the most common cause of vessel disasters in the small boat fleet and the effect of crew fatigue on vessel safety. We continue to support development of an electronic monitoring (EM) alternative that allows at-sea data to be collected from vessels where carrying an observer is impractical and compromises safety.

Sincerely,

Dan Falvey

GOA Longline & Pot Vessel Disasters

Initiating Event	Number
Struck Rocks/Bottom	13
Flooding	11
Instability	8
Fire/Explosion	6
Struck by Large Wave	5
Prop Entanglement	2
Engine Failure	2
Collision	2
Struck by Wind Gust	1
Steering Failure	1
Unknown Events	1

FISHING VESSEL OWNERS' ASSOCIATION
INCORPORATED

4005 20TH AVE. W., ROOM 232
SEATTLE, WASHINGTON 98199-1290
PHONE (206) 284-4720 · FAX (206) 283-3341

SINCE 1914

September 26, 2014

Mr. John Henderschedt
Acting Chairman
North Pacific Fishery Management Council
605 W. 4th Ave., Ste 306
Anchorage, AK 99501-2252

RE: **Agenda Item C-1 Observer Deployment 2015**

Dear Mr. Henderschedt:

The following comments are on behalf of the members of the Fishing Vessel Owners' Association (FVOA). The FVOA is a trade association comprised of 95 family-owned vessels all participating in the halibut/sablefish IFQ fisheries from S.E. Alaska into the Bering Sea. All of our members will be subject to the trip selection rules for 2015. FVOA members are supportive of several changes to the Observer Deployment Plan for 2015, but are troubled with the Council decision not to pursue a correction to the observer exemption for vessels delivering to tenders. The recent justification from National Marine Fisheries Service (NMFS) not to pursue this correction presented to the Council at its June meeting is not supported by the evidence.

The members of FVOA support the Council endorsing the Observer Advisory Committee's recommendation to move the 57.5 foot to 40 foot class vessels from the "vessel selection group," into the "trip selection group." The Observer Advisory Committee (OAC) will also be endorsing that the vessels greater than 57.5 feet in length be covered at a 24% coverage rate while covering vessels in the 40 to 57.5 foot category at a lesser rate. FVOA members support this action as well.

FVOA members are supportive of the action to cover the larger vessels at 24%, as it will tend to cover vessels that are actually catching significant amounts of fish. Even though the NMFS fails to include poundage covered in their Annual Report, this should provide a high level of coverage for vessels catching significant amounts of fish, at least for fixed-gear vessels. The continuing exemption not to take an observer when making deliveries to a tender is not supported by our members. The following reflects our review of the bias created with the current observer exemption and June comments by NMFS.

The following conclusions were presented to you in Nome from a tendering discussion paper, Item C-3, dated June 2014. It was prepared by Council staff and NMFS.

LATITUDE: 47° 39' 36" NORTH
LONGITUDE: 120° 22' 58" WEST

WEB PAGE
WWW.FVOA.ORG

"Analysis of trip length for vessels in the trip selection pool delivering to tenders did not show a systematic difference in trip length between observed and unobserved vessels."

"The distribution of trip length was similar to both observed and unobserved trips, with a few longer trips occurring in both categories."

The data available does not support these conclusions. The 2013 Annual Observer Report below, figure 3-14, reveals the following:

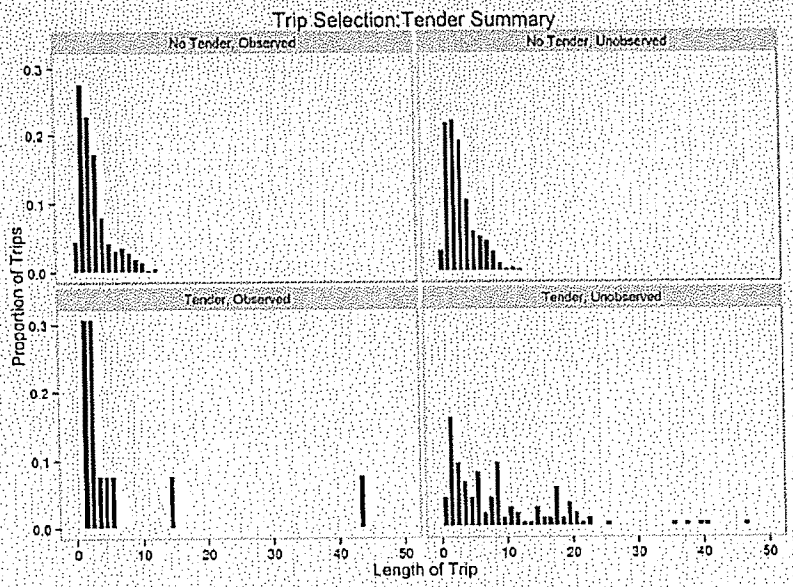


Figure 3-14: Distribution of trip length for vessels in the trip selection strata delivering their catch at-sea to tenders.

If you have a choice to deliver to a tender and or a shoreside plant and you get chosen for an observer:

86% of the time in 2013 the trip will be less than 6 days
16% of the time in 2013 the trip will be greater than 6 days

If you do not get chosen for an observer and you have the option to deliver to a tender:

45% of the time the trip will be less than 6 days
55% of the time the trip will be greater than 6 days, even up to 47 days in length

Another way to look at this is almost twice as many times the observed vessel will choose to fish less than a 6-day trip, and the unobserved vessel will choose to have a trip longer than 6-days –almost four times as many times as a vessel with an observer.

Using a 4-day trip based on the above assumptions:

70% of the time the trip will be less than 4 days if an observer is required;
37% of the time the trip will be less than 4 days if no observer is required.

The observer effect seems to be almost half or more the observed coverage looking at the length of a trip when being unobserved versus observed.

Thus, to reiterate, the conclusion made by the NMFS and Council staff that the data did not show a "systematic difference" is not supported by the numbers in the NMFS Annual Report. It is curious that the report also suggests the data is in question because only 13 trips were observed under the above assumptions. The obvious conclusions to FVOA members who have participated in both the Pacific and North Pacific Council's areas of authority is that there is a huge exemption incentive available and it is being taken advantage of creating a data quality issue in statistical areas 610 and 620 in the Gulf of Alaska. While trip limit coverage is random, the Pacific cod and Pollock fleets that deliver to tenders are not fishing in a random fashion. Fishing is being conducted with the purpose and effect of avoiding observer coverage.

The Council reviewed, the "GOA Tendering Report," dated February 2014. It was focused on certain Pollock catches and possible allocation concerns of GOA Pollock deliveries. It is significant as it confirms the following:

> "This discussion paper resulted in testimony at the April 2014 Council meeting, which reported an increase in tendering activity in the Central GOA Pollock and Pacific cod fisheries and a shift in processor delivery patterns of GOA Pollock and Pacific cod." ...page 3, Item C2

> "A dramatic shift in delivery patterns for Area 620 Pacific cod during A season. In the two years prior, 18% and 13% of area 620 A season Pacific cod was delivered to our Kodiak processors. In 2012 and 2013, 50% and 55% of 620 A season Pacific cod was delivered to non-Kodiak processors." ...page 5, Item C2

> "In Area 610, tendered Pacific cod ranged from 6307 Mt in 2012 to 10,607 Mt during 2013. Area 620 Pacific cod ranged from 5577 Mt in 2010 to 8157 Mt during 2013. Deliveries in Area 630 for Pacific cod to tender vessels ranged from 2811 Mt in 2010 to 6,668 Mt in 2012."

In Pacific cod fishery, the number of tenders in all three areas indicates their wide use throughout GOA. The number of tenders receiving area 610 Pacific cod has ranged from a low of eight in 2010 to a high of 23 in 2012. For area 620 Pacific cod, the number of tenders has ranged from a low of nine in 2010 to a high of 27 in 2013. Finally, the number of tenders receiving area 630 Pacific cod has ranged from eight in 2010 to a high of 18 in 2012.

Table 6 Annual counts of tenders, shoreside processors, and catcher vessels prosecuting tendered GOA Pacific cod by reporting area from 2010 through 2013

Year	Area 610			Area 620			Area 630			GOA Wide		
	Tender	Processor	Catcher Vessel	Tender	Processor	Catcher Vessel	Tender	Processor	Catcher Vessel	Tender	Processor	Catcher Vessel
2010	8	3	42	9	7	29	8	6	34	18	10	97
2011	15	6	54	11	8	31	16	7	76	30	14	153
2012	23	7	65	24	9	81	18	8	132	40	14	212
2013	21	6	55	27	10	80	13	6	57	38	12	156

Source: Fish tickets received from ADF&G

Table originates from GOA_Tendering(04-30) excel file and raw data from GOA_Tendering(01-13) and GOA_Tenders_CNT(01-21)

Council Report C-2 February 2014

"However, tendering actually for Area 620 Pacific cod has increased. In March 2013, 23 tender vessels received Area 620 Pacific cod from 55 catcher vessels, which is a substantial increase from previous months. The largest number of tender vessels active in any given month prior to March 2013 was in September 2012."

In the above table 6, it seems unbelievable that there were 156 catcher vessels making numerous deliveries to tenders, yet the 2013 observer program only observed 13 randomly picked official trips from this group of vessels. The increase in coverage to 24% will not improve the statistics with the current exemptions in place. There are just so many vessels not making themselves available for coverage that any increase in coverage percentage is still going to produce poor statistical results on this fleet. Additionally, the conclusion that 2013 saw significant increases in tender deliveries in Areas 610, 620, and 630 supports the argument that this is encouraged in part by the existing observer exemption.

In summary, FVOA supports the change to all vessels over 40 feet in length to be included in the trip selection category. We also support the increase in coverage for vessels greater than 57.5 feet to 24 percent. We are greatly troubled by the Council's staff and NMFS presenting conclusions at the Nome meeting suggesting that there is little difference between unobserved and observed vessels who have the option to deliver to tenders and get an exemption from coverage. Based on the tenders report in February, there was about 70 million pounds of Pollock and Pacific cod delivered to tenders. It should concern the Council that only 13 randomly picked official trips were observed of this fishery in 2013. FVOA members support removing the tender observer exemptions.

Sincerely,

Robert D. Alverson
Manager

RDA:cb

Alaska Longline
FISHERMEN'S ASSOCIATION

Post Office Box 1229 / Sitka, Alaska 99835 907.747.3400 / FAX 907.747.3462

North Pacific Fishery Management Council
605 West 4th Avenue Ste 306
Anchorage, AK 99510

September 27, 2014

Dear Members of the Council,

I am submitting these comments on behalf of the Alaska Longline Fishermen's Association (ALFA) on Agenda Item C-1: 2015 Annual Deployment Plan and C-2: Electronic Monitoring.

As the Council is aware, our membership is composed of vessel owners and deckhands who work on boats ranging in size from open skiffs to 70 foot halibut schooners. Some of our members have carried observers for years; most are new to the observer program. Some can accommodate observers and prefer observers to electronic monitoring; many do not have room for an observer and recognize that electronic monitoring is the only "observer" system that will work on their boat. We appreciate the ongoing effort to develop a workable EM system for the North Pacific and especially the Council's commitment to prioritizing development of an EM system for the Gulf of Alaska sablefish/halibut fleet. We had thought Alaska would lead the US in integrating EM, but note that the Pacific Council recently adopted an EM program for their fixed gear sablefish fishery. We are anxious for EM integration in Alaska. Every month observers are forced on small boats costs jobs and drives consolidation of QS, a trend harmful to Alaska's small boat fishing fleet and coastal communities.

2015 Annual Deployment Plan

Vessel Selection vs. Trip Selection--ALFA has reviewed the 2015 Annual Deployment Plan (ADP) and supports some proposed changes while strongly disagreeing with others. We support elimination of the two month vessel selection period. As we have stated in previous testimony, the two month period was intended for a program that provided EM as an alternative to observers. Until EM is available as an alternative, the two month selection imposes hardship on small boats. The trip selection for small vessels alleviates that hardship and is a change ALFA supports.

Bunk space releases--ALFA strongly disagree with NMFS' conclusion that replacing the two month vessel selection with trip selection eliminates the need for an observer release based on bunk space. Boats with insufficient bunks to accommodate an extra person will continue to have insufficient bunks, and forcing observers on these boats will create safety issues, eliminate crew jobs and force non-representative fishing.

The Council seems to have developed the impression that vessel owners requesting releases are "gaming" the system. We respectfully disagree. In our experience, requests for bunk space releases are legitimately based on the need to preserve a safe working environment and long-standing working relationships between skippers, crewmembers, and the families who depend on the associated jobs.

Longline boats generally operate with the minimum number of crew necessary for a safe and efficient operation. Longline trips are strenuous and fatiguing even with sufficient crew and with each crewmember making the most of precious rest time in a comfortable bunk. Forcing a vessel to leave a crewmember behind or to "bunk" a crewmember on the floor will increase fatigue and accidents. As the NIOSH report ALFA submitted to the Council last month identifies, fatigue related accidents, such as falling asleep at the wheel and hitting a rock, are the major cause of small vessel sinkings. Vessel owners who are unwilling to take these risks will be forced into non-representative fishing, which will generate misleading data.

In the 2015 ADP, NMFS asserts that observer releases are compromising data quality. Our membership asserts that the 2015 ADP does not contain sufficient information to evaluate the effect of the conditional releases on data quality, nor the social, economic and safety effects of eliminating bunk space releases. The ADP does not include the number of trips and pounds landed by vessels securing releases, nor the effect of sequential selections on an operator's ability to accommodate IFQ riders. Recent quota cuts in the halibut and sablefish fisheries have reduced the number of trips many small vessels take. If the owner of a vessel with bunk space limitations is selected for observer coverage, that vessel owner may not have the flexibility anticipated by NMFS to restructure their trip to accommodate IFQ holders and an observer. Likewise the number of vessels operating with two or three persons onboard and an equivalent number of bunks is not considered. Forcing a crew member to be left behind on these trips will have a significant effect on fishing behavior, fatigue and income to crew. Finally, no consideration is given to the impact on data quality and introduced bias if owners of bunk space limited boats are forced to fish in non-representative ways when an observer is present.

All of the above information is crucial to evaluating NMFS' assertion that a 12% selection rate on a trip by trip basis accommodates space constrained small vessels. The release mechanism for bunk space limitation was a fundamental assumption in the EA/RIR supporting the restructured observer program. The release and the availability of EM were identified as mitigating alternatives for vessels with bunk space limits. Since the metrics to evaluate data quality will not be available until 2016, let alone the effect of observer releases on data quality, the case for imposing additional risks and costs on the small boat fleet in the interim is not defensible. ALFA urges the Council to direct NMFS to continue to provide both bunk and life-raft releases to small boats. ALFA OPPOSES elimination of the bunk space observer release until EM is available as a monitoring alternative.

The non-selection size limit-- In June the Council requested NMFS provide information allowing evaluation of the 40' LOA split between non-selected and selected vessels. ALFA appreciates the Council's request and NMFS' work to comply, but believes the information provided to date is insufficient. To understand the association between vessel size and release requests the data should reflect unique vessels requesting and receiving releases. Some vessels have been repeatedly selected

and have repeatedly sought and been granted a release based on lack of observer accommodations. Inclusion of these vessels in the database multiple times confounds the Council's review. We urge further consideration of this issue, particularly in light of NMFS ongoing effort to eliminate observer releases.

Electronic Monitoring

ALFA remains committed to providing good quality data from the sablefish/halibut fleet and committed to developing an integrated EM alternative to secure good, representative data from that fleet. ALFA appreciates the opportunity to serve on the EM Work Group (EMWG) and we appreciate the Council resources dedicated to staffing that work group. Essential to our organization, and to other fixed gear organizations engaged in the EMWG, is a clear focus on integrating an EM alternative **that is compatible with the fixed gear fleet** on as expeditious a timeline as possible. The Track 1 EM approach, which relies on proven technology already operable on halibut/sablefish boats, is consistent with this focus. While we are willing to engage in development and testing of Tracks 2, 3 and 4, these Tracks are at a different stage of development, have a different focus or target population, and should proceed on different timelines. We urge the Council to support the EMWG efforts to develop the context for Track 1 and to advance integration as quickly as possible.

As we have stated above, the expansion of the observer program to the small boat fleet in the absence of an EM alternative has costs jobs and driven quota consolidation. Out of frustration with the program, a number of our members are no longer fishing their own small boats but have instead chosen to become IFQ "riders," laying off their crew and instead fishing with other IFQ holders on a larger boat. This trend is contrary to Council goals for the IFQ halibut/sablefish program and contrary to recent Council actions to maintain a diverse, owner-operator fishery. The trend is also contrary to National Standard 8, which directs regional councils to provide for the sustained participation of community-based fishermen. ALFA urges the Council to continue to prioritize EM and to rapidly advance integration of the EM Track 1 approach.

Thank you for the opportunity to comment.

Sincerely,

Linda Behnken

Linda Behnken
(Executive Director, ALFA)

OCEANA | Protecting The World's Oceans

175 South Franklin Street, Suite 418 +1.907.586.4050
Juneau, AK 99801 USA www.oceana.org

September 30, 2014

Mr. John Henderschedt, Acting Chair
North Pacific Fishery Management Council
605 W. Fourth Avenue, Suite 306
Anchorage, AK 99501-2252

Dr. Jim Balsiger, Regional Administrator
NOAA Fisheries, Alaska Region
709 West Ninth Street
Juneau, AK 99802-1668

Re: Agenda item C-1 Observer Deployment Plan

Dear Mr. Henderschedt, Dr. Balsiger, and Council Members:

The Alaska Groundfish Observer Program provides a cornerstone for effective management of North Pacific fisheries. The National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council (NPFMC) recognized long ago that the ability to quickly monitor fishery catches, bycatch, and interactions with other ecosystem components is key to a successful fishery management program. The best source of that information is data collected by observers onboard fishing vessels. As you review the Observer Program and Deployment Plan, we encourage you to explore options for increasing coverage on trawlers and large vessels and reducing bias in the observed data.

We appreciated the NPFMC's recommendation from June 2013 to increase observer coverage on the trawl, larger hook and line, and catcher processor vessels. We further appreciate NMFS's responsiveness in the 2015 observer deployment program, in which the agency proposes to increase the trip-selection probabilities for these vessels to 24%. We strongly support this proposal, which represents an increase of 50% over the 2013 observer coverage and is a step in the right direction. We also encourage the agency to ensure that increased coverage is sustainable and funded fully into the future.

As NMFS and the NPFMC prepare new analyses for the Observer program, we urge you to consider alternatives for increased coverage on trawl vessels, catcher processor vessels, and larger hook and line vessels. Further, we urge you to consider sector-specific fees for guaranteeing certain observer coverage levels. We also urge you to consider an alternative for 100% observer coverage on trawl vessels.

Finally, you should take this opportunity to remedy the loophole created by allowing vessels to deliver catches to offshore tenders which reduces the probability for trip selection of observer coverage. In the comments on the proposed rule, affected stakeholders asked NMFS to provide for staging observers off of tenders so vessels could pick up or drop off observers at the tender when making tender delivery fishing 'trips.' [1] NMFS responded by limiting the definition of a fishing 'trip' as the length of time from when a vessel leaves port with an empty hold to the time it returns to a port with a shoreside processor with a valid Federal Fisheries Permit. This definition coupled with the agency making 'trips' the unit of selection probability creates the

[1] https://www.federalregister.gov/articles/2012/11/21/2012-28255/groundfish-fisheries-of-the-exclusive-economic-zone-off-alaska-and-pacific-halibut-fisheries

potential for vessels to "game" the system by greatly extending unobserved trips and shortening observed trips. There are several ways vessels can reduce the amount of time an observer is onboard their vessel:

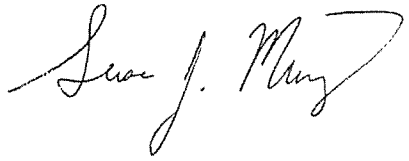
1. A vessel, if selected for observer coverage when declaring the intent to conduct a fishing 'trip', could simply take a short 'trip', catching a minimal amount of fish, and returning to port shortly after departure. Once that 'trip' is completed the vessel would have a new opportunity to play the odds and see if their next 'trip' would be selected for observer coverage.
2. A vessel, if not selected for observer coverage when declaring the intent to conduct a fishing 'trip', can prolong the period of time without an observer by delivering their catch to a tender. As long as the vessel does not return to a port with a shoreside processor, the 'trip' without observer coverage could last indefinitely.

These loopholes are worrisome since there has been an increasing trend in the number of vessels and volume of catch delivering to tenders in the Gulf of Alaska.[2] Whether the increased use of tenders is a result of the observer coverage loophole is unknown. However, as noted in the recent performance review of the observer program, there are records of unobserved 'trips' up to 47 days long.[3] We urge NMFS and the Council to consider observer deployment alternatives that would close this loophole.

Finally, despite the goal of increasing accuracy and precision of bycatch estimates through the randomization of observer deployment, we have yet to see how or whether the restructured observer program has resulted in improved estimates of catch and bycatch for all species. To our knowledge, NMFS has not reported confidence intervals for the estimates of catch and bycatch resulting from the restructured observer program. We urge NMFS and the Council to report those results. The data may help inform how observer deployment can be better tailored to management needs.

We look forward to working with you on these and other issues.

Sincerely,



Susan Murray
Deputy Vice President, Pacific
Oceana

[2] http://www.npfmc.org/wp-content/PDFdocuments/catch_shares/GOAtrawl/GOATenderingReport513.pdf
[3] NOAA Technical Memorandum NMFS-AFSC-281. Deployment Performance Review of the 2013 North Pacific Groundfish and Halibut Observer Program

Subject: comment for observer program
From: Marty Remund <remundmarty@yahoo.com>
Date: 9/30/2014 3:41 PM
To: "npfmc.comments@noaa.gov" <npfmc.comments@noaa.gov>

Observer deployment should be assigned by fishery or by gear type instead of by trip to ensure higher coverage in fisheries with a higher impact on the resource. Bunk space releases continue to be essential for small boats until EM is provided as a monitoring alternative. We have from 3 to 5 family members longlining each trip on our boat. We have 2 bunks, so some of us are sleeping on the floor already. Also observer costs should be assigned by gear type. The hook and line fleet should not pay for observer coverage on the trawl fleet. Sincerely, Marty Remund, Port Alexander, AK.

29 September 2014

WRITTEN COMMENT FOR: North Pacific Fisheries Management Council
Agenda item C-2 Electronic Monitoring Development - EM Workgroup Report

FROM: Malcolm Milne, North Pacific Fisheries Association, President
Stacey Buckelew, Saltwater Inc, Project Coordinator

SUBJECT: Progress report for pilot testing of electronic video monitoring (EM) on small fixed-gear vessels for the Pacific cod fishery in the Gulf of Alaska

Overview

The North Pacific Fishing Association (NPFA) partnered with Saltwater Inc., a fisheries monitoring company based in Anchorage, AK, to field-trial a new electronic monitoring system (EM) on fixed gear boats for Pacific cod in the Gulf of Alaska.

This project is the first attempt in Alaska to field-trial EM technology for the pot cod fishery. Specifically this project aims to:

i. Test the functionality of available EM technology on pot cod vessels;
ii. Consult with industry representatives to help refine EM compatibility with fishing operations; and
iii. Ensure that data collected meets the observer program's standards for management.

This project was funded by the National Fish and Wildlife Federation Fisheries Innovation Fund, and it will continue through December 2014.

Background

NMFS and the North Pacific Fishery Management Council (NPFMC) are beginning to explore the use of EM to obtain independent fishery data on board vessels where space is limited and/or safety of human observers is a concern. NPFMC has prioritized testing in the halibut and sablefish IFQ longline fleet. Fishermen have requested that the Council also consider EM for the pot cod fishery since the gear type, catch and handling operations, and reportedly low bycatch appear to make it a good candidate for EM.

Methods and Current Results

EM systems were deployed on three boats (one during 2013 B season and two 2014 A Season) for a total of 66 sea days, spanning 14 trips and 2,376 hauls. The on-board system included a sensor for hydraulic

pressure, a GPS for location data, an independent GPS data logger, and 2 cameras. Haul imagery data was reviewed for completeness and image quality (Table 1). Approximately 30% of the hauls were subsampled for catch composition, using data review protocols consistent with North Pacific Groundfish Observer Program (NGOP) procedures. Catch annotation for sampled hauls is described in Table 2.

Key Activities

- Prior to EM installation, industry representatives were consulted to define camera placement, appropriate sensor options, and power supply considerations. Consultation was also made with the NMFS to help guide the data capture and review processes.

- The field-trial in 2013 B Season was instrumental for identifying technology adaptations to improve compatibility with this fishery type. Technology updates were made for the 2014 A and B Season(s), including, operating system modification, switch integration, data storage, and control unit ruggedization.

- To date, project findings support NPFA's view that the Pacific cod pot fishery is an ideal fishery to monitor using EM. From sampled hauls, over 99% of the catch items, including Pacific cod, octopus, sunstar, crab, flatfish, and sculpin, were able to be enumerated and speciated. For installation with complete video data, only 2% (11hauls) were considered unusable for interpretation due to night lighting conditions.

- In assessing the compatibility of EM with operations for pot fishing, the inadvertent blocking of cameras by crew while working and clear imagery of discarded species was occasionally problematic. While most of these obstructions did not critically impact data collection, they did increase the difficulty and time required for data review. Improvements for the detection of discarded catch species could be overcome by working with industry to modify catch handling/discard procedures and "avoidance zones" to prevent camera obstructions.

- NPFA and Saltwater participate in the Electronic Monitoring Cooperative Research and Implementation Program Workgroup (CRP) to work with the small boat fixed gear fleet to implement a program design to test available EM systems for longline fisheries. The focus of this group may also expand to incorporate small vessel pot cod fisheries.

- Future activities for the remaining phase of the project include the integration of radio-frequency identification (RFID) scanner and tags to uniquely monitor the set, retrieval, and location of individual pots, and a cost comparison of EM to-human observers for this fishery.

Summary

The visibility and concentration of fishing operations on the vessel deck and the catch dominance of target species appear to make the Pacific cod pot fishery an ideal candidate for observation by EM. NPFA will continue to collaborate with Saltwater Inc through B Season of the 2014 pot cod fishery to improve the efficacy of EM as a reliable alternative. The success of EM in this fishery will depend on:

i. Continued development and refinement of EM technology that is adapted to this fishery;
ii. Continued development of industry support, which includes field-trialing EM system on a variety of vessel types;
iii. Vessel crew participation in EM system operations and maintenance (e.g. powered on, lenses clean, etc.) to ensure high-quality data collection; and
iv. Saltwater and vessel owners working collaboratively to identify modifications to fishing operations that will allow for complete imagery data while minimally impacting fishing activity.

Table 1. Summary of EM for the pot cod fishery deployments for the Pacific cod pot fishery including: number of vessels by season; number of trips; at-sea days; number of hauls; percentage of video imagery complete; and quality level of video imagery reviewed.

Season	Vessel	# Trips	Sea days	# Hauls	% Complete Video	Image quality			
						Excellent/Good	Fair	Low	Unusable
2013 B	1	2	7	60	100	*n/a initial field test*			
2013 A	2	5	29	2,009	100	48%	9%	41% (night lighting)	2% (water spots)
	3	7	30	307	25	64%	31%	5% (night lighting & dirty lense)	0%

Table 2.The enumeration and fate of catch items (by species) as determined from 30% subsample of video imagery collected onboard three Pacific cod pot vessels during 2013 B Season and 2014 A Season. Fate not assessed were species that were identified but not counted as retained or discarded during review.

Species	Fate			Catch total	Catch %
	Retained	Discarded	Not assessed		
Pacific cod	24,107	-	860	24,967	96.05%
Pacific halibut	-	1	4	5	0.02%
Flatfish					
Flatfish, unidentified	-	3	1	4	0.02%
Other Fish					
Fish, unidentified	-	187	49	236	0.94%
Sculpin, unidentified	-	562	8	570	2.27%
Mackrel, Atka	-	40		40	0.16%
Crab					
Crab, unidentified	-	50	1	51	0.20%
Invertebrate					
Invertebrate, unidentified	-	4	-	4	0.02%
Octupus, unidentified	68	-	8	76	0.29%
Starfish, unidentified	-	7	-	7	0.03%
Total	24,175	854	931	25,960	100%