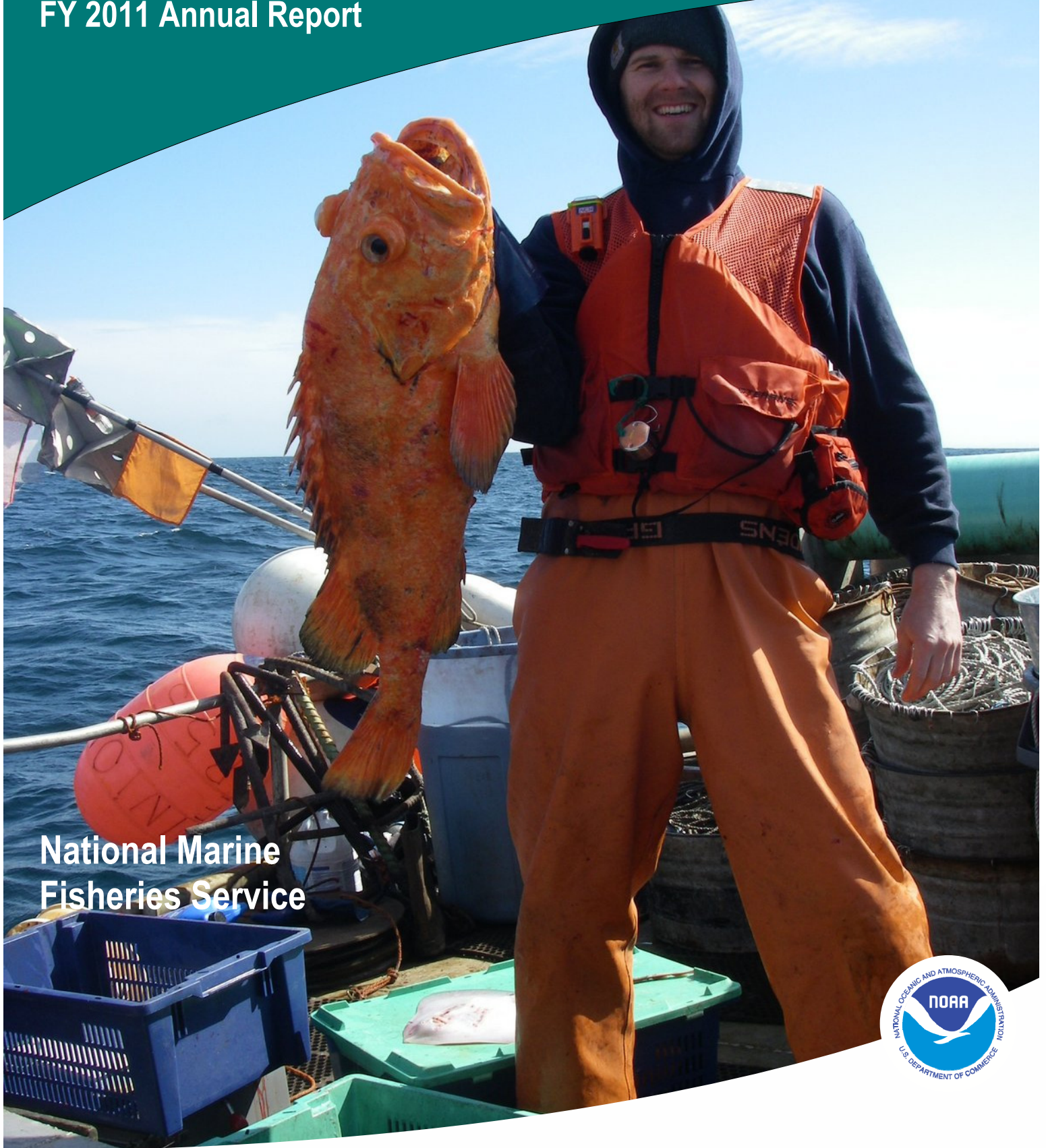


# National Observer Program FY 2011 Annual Report



National Marine  
Fisheries Service



NOAA Technical Memorandum NMFS-F/SPO-123



# **National Observer Program FY 2011 Annual Report**

National Marine Fisheries Service

**NOAA Technical Memorandum NMFS-F/SPO-123  
April 2012**



U.S. Department of Commerce  
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National Oceanic and Atmospheric Administration  
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National Marine Fisheries Service  
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Cover photo: Fisheries observer Scott Leach with the West Coast Groundfish Observer Program.

An online version of this report is available at:

<http://www.st.nmfs.noaa.gov/st4/nop/outreach.html>

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## Executive Summary

During FY 2011, the National Oceanic and Atmospheric Administration's (NOAA), National Marine Fisheries Service (NMFS) executed observer programs in each region with over 1,000 observers and 79,570 sea days observed in 47 fisheries nationwide. The NMFS increased observer coverage in the Northeast and Northwest regions to collect data used to monitor new catch and bycatch limits established under new catch share management measures in the Northeast multispecies groundfish fishery and the Northwest trawl rationalization program. Although NMFS did not receive its congressional appropriation until July 2011, nearly 10 months into the fiscal year, observer programs managed to set a record number of sea days observed in fiscal year (FY) 2011. Other accomplishments by region included the following:

- The Southeast Fisheries Observer Program observed 3,520 sea days in the pelagic longline, reef fish, shrimp trawl, coastal teleost gillnet, and shark fisheries. The Southeast pelagic longline observer program implemented enhanced observer coverage in the Gulf of Mexico from March through June 2011 to monitor landings and discards of bluefin tuna during the bluefin tuna spawning season. This is the only known spawning area for Western Atlantic bluefin tuna, a species of concern due to its overfished status. Concerns over bluefin tuna bycatch mortality and a critical need to collect biological samples led to enhanced observer coverage that continues in FY 2012. The program also provided observer coverage in the Gulf menhaden purse seine fishery for the first time.
- The Northeast Fisheries Observer Program observed 15,049 sea days through six monitoring programs, an increase of nearly 3,800 sea days over the previous year. The New England Fishery Management Council's Multispecies FMP (Amendment 16) was implemented on May 1, 2010 and included mandatory observer coverage requirements for 19 sectors, and Northeast observers and at-sea monitors provide this increased coverage to monitor catch and discards in addition to collecting data on gear performance and characteristics and monitoring experimental fisheries.
- The North Pacific Groundfish Observer Program observed a total of 40,308 sea days across the groundfish fisheries in Alaska, and an additional 4,880 observers days were achieved monitoring shoreside processing plants. This represents an overall increase of 9,773 observer days over the previous year, due, in part, to increasing requirements to monitor salmon bycatch in the pollock trawl fishery. The data provided by observers enabled the tracking of over 1,500 separate management quotas for Alaska groundfish. Currently, the North Pacific Observer Program has 100 percent coverage, or more, for vessels over 125 feet, which includes the Alaska pollock fishery (the largest U.S. fishery by volume), and 30 percent coverage on vessels 60 to 124 feet in length. The North Pacific Fishery Management Council unanimously voted to initiate a restructuring of the observer program to include new observer coverage on small boats less than 60 feet in length and in the Pacific halibut fishery, funded via industry fees. Implementation of the restructured program is scheduled for 2013.
- The West Coast Groundfish Observer Program observed a total of 9,305 sea days in eight fisheries in 2011, a significant increase of over 4,000 sea days from the previous year as a result of 100 percent observer coverage requirements in the trawl rationalization program.

Observers recorded haul information, determined the official total catch, sampled hauls for species composition, collected length and age structure data, completed projects related to salmon, and recorded marine mammal and seabird sighting and interaction data. In addition to supporting fisheries management, these data are being used for fish stock and protected species population assessments.

- The Southwest Observer Program provided 276 days of observer coverage in the California/swordfish drift gillnet fishery and the California-based swordfish pelagic longline fishery to document the incidental take of marine mammals, sea turtles, seabirds, target and non-target fish species, and to collect selected biological specimens. The data are being used to develop new bycatch reduction methodologies with the goal of reducing overall bycatch and bycatch mortality of these species.
- The Hawaii Fisheries Observer Program experienced a decrease in observer program funding of nearly \$3 million below FY 2010 funding levels but continued to implement 100 percent observer coverage in the shallow-set longline fishery and 20 percent coverage in the deep-set longline fishery. The program also observed 2,150 sea days in the American Samoa longline fishery. The data will be used to conduct an ESA Section 7 consultation for the American Samoa longline fishery with the goal of reducing overall sea turtle interaction. Overall, the program observed 7,719 sea days in FY 2011, a decline of 2,000 sea days from FY 2010 levels. Observers collected data on incidental sea turtle takes and fishing effort, documented interactions of all protected species and recorded species of fish kept and discarded. They also processed selected specimens for life history information.
- The National Observer Program released the first edition of the National Bycatch Report on September 22, 2011. The report provides the first national compilation by the NMFS of bycatch estimates for U.S. commercial fisheries.  
[http://www.nmfs.noaa.gov/by\\_catch/bycatch\\_nationalreport.htm](http://www.nmfs.noaa.gov/by_catch/bycatch_nationalreport.htm)



## 1. Introduction

Since 1972, observers have collected high quality data on board commercial fishing vessels in the U.S. Exclusive Economic Zone (EEZ) and on the high seas. The NMFS utilizes fishery observers to collect data from U.S. commercial fishing and processing vessels, as well as from some shore-side processing plants. Fisheries observers are trained biological technicians who collect data to support a wide range of conservation and management activities. Today, there are fisheries observer programs in all six NMFS fisheries management regions (Northeast, Southeast, Northwest, Southwest, Alaska, and Pacific Islands).

Regional offices and science centers in each NMFS region are responsible for administering observer programs in their area. Each observer program is authorized by one or more of the following federal mandates: the Magnuson-Stevens Act (MSA), the Marine Mammal Protection Act (MMPA), and the Endangered Species Act (ESA).

Under the MSA, Fisheries Management Plans (FMPs) are developed for each federal fishery that requires conservation and management. The MSA provides fishery management councils and the Secretary of Commerce with the authority to require that “one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery” (16 U.S.C. §1853 (b)(8)).

The MMPA also authorizes the placement of observers on board vessels engaged in Category I<sup>1</sup> and Category II<sup>2</sup> commercial fisheries that frequently or occasionally take<sup>3</sup> marine mammals (50 CFR 229.7(c)). NMFS uses observer data to quantify the impacts of fishing activities on marine mammal populations and to identify bycatch reduction measures.

In 2007, the NMFS Office of Protected Resources finalized a regulation under the ESA that provides NMFS with the authority to place fisheries observers aboard commercial and recreational vessels in state and federal fisheries operating in the territorial seas or EEZ where sea turtle interactions may occur. Observers will help determine whether existing measures to reduce sea turtle bycatch are working, or whether new or additional measures are needed. With this information, NMFS will be better positioned to address sea turtle bycatch problems. The first Annual Determination of fisheries eligible for observer coverage under this requirement was published in 2010.

Observer coverage may also be recommended or required for federal fisheries as part of an ESA Section 7 biological opinion. Section 7 prohibits federal agencies from carrying out programs (such as authorizing fishery operations) that jeopardize the continued existence of threatened and endangered species. Biological opinions may include terms and conditions that require observer

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<sup>1</sup> *Category I fishery* means a commercial fishery determined by the Assistant Administrator to have frequent incidental mortality and serious injury of marine mammals.

<sup>2</sup> *Category II fishery* means a commercial fishery determined by the Assistant Administrator to have occasional incidental mortality and serious injury of marine mammals.

<sup>3</sup> *Take* of a marine mammal is defined as: “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal” (16 U.S.C. 1362).

coverage in fisheries where interactions with threatened or endangered species are known to occur.

On a global scale, international agreements (such as the FAO Code of Conduct for Responsible Fisheries) identify the agency's stewardship role in leading collaborative efforts to conserve and protect marine resources. International provisions in the reauthorized MSA also strengthened the U.S. commitment to monitoring and reducing bycatch. These provisions require the Secretary of State to "include statistically reliable monitoring carried out by the United States through observers or dedicated platforms provided by foreign nations of all target and non target fish species, marine mammals, sea turtles, and seabirds entangled or killed by large-scale driftnets used by fishing vessels of foreign nations that are parties to the agreement." The provisions further specify that "the taking of non-target fish species, marine mammals, sea turtles, seabirds, and endangered species or other species protected by international agreements to which the U.S. is a party is minimized and does not pose a threat to existing fisheries or the long-term health of living marine resources."

## **1.1 Program Structure**

The NMFS' Office of Science and Technology coordinates observer programs at the national level through the National Observer Program (NOP). In addition to handling national program administration, budgeting, and planning, the NOP works with the regional observer programs to develop national policy and observer data quality standards. The NOP also provides regional observer programs with a forum to increase communication.

Representatives from all regional programs and most NMFS offices participate in the National Observer Program Advisory Team (NOPAT), which serves as an advisory board to the NOP. The NMFS Science Board (composed of the six NMFS science center directors and the director of the Office of Science and Technology, who serves as the Board's chair) reviews NOPAT recommendations, with final decisions made by the Director of the Office of Science and Technology, Chief Science Advisor, and Assistant Administrator for Fisheries, when necessary.

Regional programs are responsible for the day-to-day operation of fishery observer programs. Program scientists determine the appropriate sampling protocols and necessary observer coverage levels for each fishery. In general, regional programs work with private contracting companies to recruit and deploy observers. In some cases, the fishing industry contracts directly with a private contracting company to provide observer coverage. The North Pacific Groundfish Observer Program, for example, is funded primarily by the fishing industry which pays for observer's salaries, travel costs, and insurance. The NMFS Alaska Fisheries Science Center administers this program and receives the data for near real-time management of the groundfish fishery. These data are also made available by the program to industry members.

Regardless of an observer program's funding structure, all new observers are provided with training by NMFS in species identification, sampling methods, and safety. Following a fishing trip, observers are debriefed, and the trip's data are quality checked by NMFS before being entered into a database system and made available to regional fisheries biologists.

## **1.2 Use of Observer Data in Fisheries Management**

The information compiled by observer programs supports the management and conservation of fisheries, protected resources, and ecosystems throughout the U.S. Observer data are also increasingly relied upon to monitor compliance with fisheries regulations. Information collected by fisheries observers is used for a wide range of assessment and monitoring purposes, including the following examples.

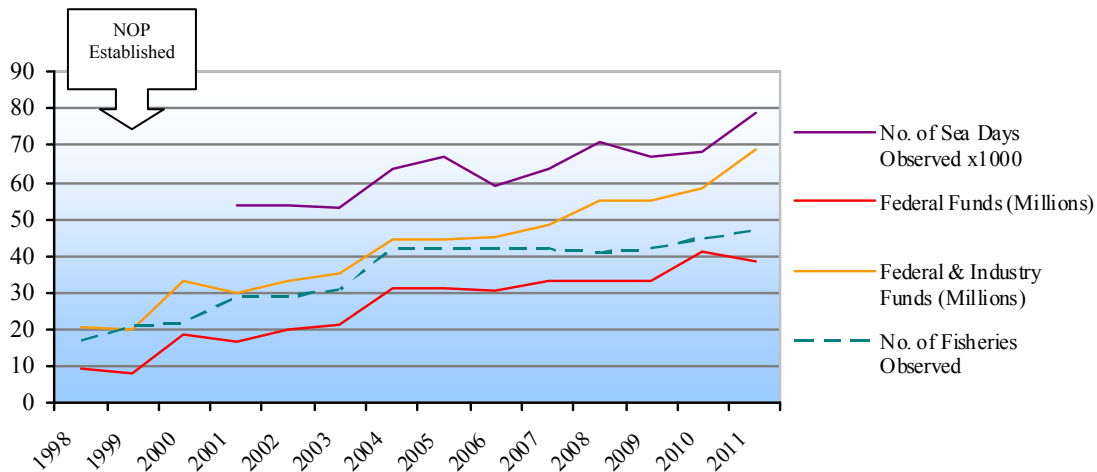
- In some fisheries, the amount of a specific fish species that can be caught is specified by a total allowable catch (TAC) level. Observer data are used to project total catches for these species and to monitor the level of fishing activity so that the TAC is not exceeded.
- For each managed fishery or stock, the 2007 reauthorization of the MSA requires development of an Annual Catch Limit (ACL). The ACL is an annual numerical catch target that is set below the overfishing level to ensure that overfishing will not occur. Setting an ACL for a stock requires scientific data on catch and bycatch which has resulted in increased observer program requirements across the country.
- For many fisheries, estimates of fishing mortality and/or protected species interaction rates based on observer data are used for monitoring fishery performance and developing stock assessments. Biological samples collected by observers are also essential inputs into the stock assessment processes.
- For stocks that are overfished and in a rebuilding plan, such as New England groundfish, preseason target catch numbers are provided to the management team. When the fishing season ends, observer data are evaluated to determine total mortality and correspondingly adjust the next season's targets.
- The MMPA requires that levels of fishery-related serious injury and mortalities of marine mammals be monitored by observers and reported in the annual stock assessment reports and used in assigning commercial fisheries to appropriate categories in the annual MMPA List of Fisheries (16 U.S.C. 1387).
- Observer data on marine mammal bycatch are used by NMFS Take Reduction Teams (TRTs) when developing Federally-mandated Take Reduction Plans (TRPs) to assist in the recovery or prevent the depletion of certain strategic marine mammal stocks.

## **1.3 Funding History for Observer Programs**

Although NMFS has utilized fishery observers to collect data since 1972 and several important regional programs were developed, there was limited inter-regional coordination. The NOP was formed in 1999 to better coordinate the respective programs. Prior to 1998, the majority of funding for regional observer programs was provided through indirect sources such as Congressional allocations supporting fisheries management and protected resource legislation, or were funded by industry. Beginning in 1990, industry funds were also used to support the

domestic observer program in Alaska; the amount of that industry funding has increased over time as mandatory coverage requirements have increased.

In 1999, the first Congressional funds were directly appropriated for observer program budget lines, and the NOP was established to coordinate U.S. observer program activities. The number of fisheries observed has increased as available funding provided the means to develop observer programs for new or experimental fisheries while maintaining established monitoring programs (Figure 1).



**Figure 1.** Overview of U.S. observer program funding (not adjusted for inflation), number of observed fisheries, and number of sea days observed from 1998-2011. Federal funds are from the Observer/Training line and do not include catch share funds or other sources of federal funding. For a more detailed budget see Appendix A.

## 2. FY 2011 Budget Summary

In FY 2011, total funding from all sources (including industry funding) for federal fisheries observer programs was \$69 million for observer coverage and program infrastructure (Table 1). This funding enabled regional observer programs to provide coverage for 77,392 days at sea in 47 fisheries (Appendix A provides a detailed breakdown of funding and observer coverage levels by program). The industry-provided portion of total funding in FY 2011 was \$18 million. Industry funds were used to support observer coverage of fishing vessels in the West Coast groundfish trawl rationalization program, Atlantic sea scallop, and Alaska groundfish fisheries.

The majority of funding for observer programs comes from congressional appropriations. In FY 2011, congressional funding from all funding lines including the \$38.9 million from the observer budget line, totaled \$51 million. In addition to direct budget lines, observer programs may receive funding from federal appropriations supporting programs under the MSA, MMPA, and ESA.

Regional and National observer program activities are funded through a number of dedicated Congressional budget lines. The Reducing Bycatch line is split between the Office of Science and Technology for observer activities and the Office of Sustainable Fisheries for bycatch technology research. The Office of Science and Technology portion of the Reducing Bycatch line, along with the National Observer Program line, are equally allocated to the regional programs and used for observer coverage, program infrastructure, and NBR development. The National Observer Program retains some funds from these lines to support national program activities. Other Federal funds may be used to support observer program activities, including monies appropriated by Congress to support development of catch share programs as well as implementation of the MSA, MMPA, and ESA.

**Table 1.** Congressional budget lines supporting observer programs, FY 2011

	<b>Observer Budget Line Items</b>	<b>Line Total</b>
A portion is allocated to the NOP and each regional program (See Appendix A).	National Observer Program*	\$9,141,511
	Reducing Bycatch	\$1,753,099
	West Coast Observers	\$5,052,806
	North Pacific Marine Resource Observers	\$5,804,546
	Hawaii Longline Observer Program	\$4,115,624
	New England Groundfish Court-Ordered Observers	\$8,741,713
	East Coast Observers	\$357,924
	Atlantic Coast Observers	\$3,522,408
	South Atlantic/ Gulf of Mexico Shrimp Observers	\$1,847,445
	Total Other Congressional Funding**	\$11,275,420
<hr/>		
	Total Congressional Funding (all sources)	\$51,911,597
	Total Industry Funding	\$18,562,316
	<b>TOTAL OBSERVER FUNDING</b>	<b>\$69,957,637</b>

\*does not include \$299,101 in HQ administrative funds

\*\*includes Catch Shares funding (\$8,380,000), MMPA (\$1,672,278), Fisheries Research (\$1,100,000), and Marine Fisheries Initiative (\$123,142).

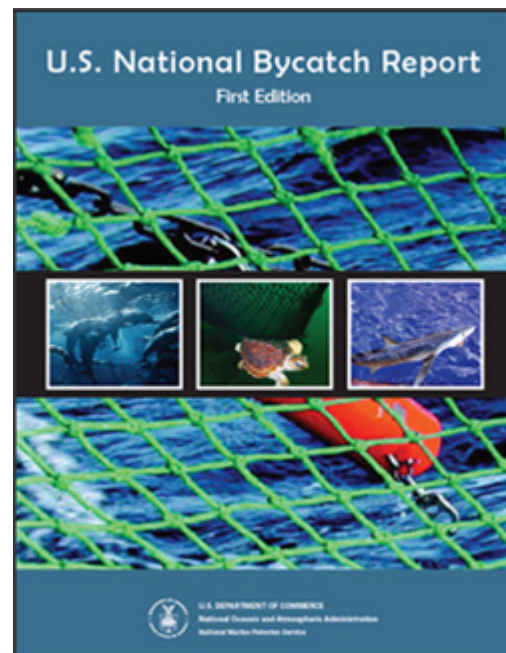
### 3. FY 2011 National Observer Program Activities

#### 3.1 National Highlights

##### *National Bycatch Report*

On September 22, 2011 NMFS released the first edition of the National Bycatch Report (NBR). The NBR provides the first nation-wide compilation of bycatch estimates in U.S. commercial fisheries by NMFS, using 2005 data to establish a baseline for future comparison. The NBR also provides information on sampling and estimation methods, provides a framework for evaluating the quality of bycatch estimates, and establishes performance measures for monitoring improvements to bycatch data quality and bycatch estimates over time. The NBR builds upon the conservation and management strategies articulated in previous NMFS publications such as *Managing the Nation's Bycatch* (NMFS, 1998) and *Evaluating Bycatch - A National Approach to Standardized Bycatch Monitoring Programs* (NMFS, 2004).

The NBR published in 2011 represents the first in a series of reports on bycatch that will be produced in the coming years. The NMFS plans to provide updated bycatch estimates for federal fisheries on a biennial basis beginning in 2013, with a comprehensive report produced every six years. Over time, the NBR will provide NMFS, other fisheries management organizations, and the public with reliable bycatch estimates for all living marine resources, which can be used to more effectively meet NMFS' stewardship mission. The report is available at [http://www.nmfs.noaa.gov/by\\_catch/bycatch\\_nationalreport.htm](http://www.nmfs.noaa.gov/by_catch/bycatch_nationalreport.htm)



##### *National Observer Program Advisory Committee Meetings*

The National Observer Program Advisory Team (NOPAT) met twice in 2011 to discuss observer program activities, priorities, and funding. The NOPAT comprises representatives from each regional observer program and headquarters office including General Counsel for Fisheries, Office of Sustainable Fisheries, Office of Science and Technology, Office of Protected Resources, Office of Law Enforcement, and the U.S. Coast Guard. The NOPAT identifies and addresses issues of national concern, establishes priorities for observer programs, resolves funding issues, and shares information and success stories aimed at improving observer data collection and program implementation nationwide.

Accomplishments in 2011 included:

- Development and approval of an "Important Things You Need to Know" memo for distribution to vessel captains prior to observer deployment (Appendix B). The memo highlights the roles and responsibilities of the observer, captain, and crew during an observer deployment in the form of frequently asked questions. The memo is designed to help avoid common misunderstandings about the role of an observer and minimize potential conflicts between the observer and crew during a deployment.
- Reviewed and approved a report and presentation by the NOP on data quality, retention rates, and cost of at-sea monitoring in the Northeast multispecies sector fishery that was presented to the NMFS Science Board. The report focused on the potential repercussions of lowering the educational requirement for at-sea monitors in the Northeast (see At-Sea-Monitoring update below).
- The NOP and NOPAT initiated planning work on the International Fisheries Observer and Monitoring Conference to be held in 2013.

#### *Freedom of Information Act Requests*

The NOP continued to work with the Department of Commerce (DOC) on an appeal by the Association for Professional Observers (APO) for information withheld by the NOP under the Freedom of Information Act (FOIA). The APO requested all documents from NMFS on meetings and workshops on data confidentiality of fisheries observer data and information that took place in April 2003 and January 2008. Specifically, APO requested e-mails, agendas, list of attendees, PowerPoint presentations, and handouts given to attendees. The NOP provided over 1,600 pages of documents to the APO in response to the FOIA, but withheld 1,380 pages. The APO appealed the decision to withhold documents and the DOC is reviewing the appeal.

Each regional program also responds to FOIA requests that are specific to their region. NMFS routinely processes numerous FOIA requests and we are only reporting on the one extensive request where records were denied and an appeal is pending.

#### *Electronic Monitoring Committee Meeting*

The Electronic Monitoring Committee, a standing committee of the NOPAT, convened its annual meeting on September 12-13, 2011, in Woods Hole, Massachusetts. The committee toured one of the groundfish trawl vessels involved in the EM pilot study in the Northeast multispecies fishery. The committee plans to develop a white paper on the current status of electronic monitoring projects in U.S. fisheries, including lessons learned from previous pilot projects, and an analysis of costs. Committee Chairman Dennis Hansford visited Victoria, British Columbia, Canada with Eric Schwaab, Assistant Administrator for Fisheries, and Richard Merrick, Director of Scientific Programs and Chief Science Advisor for Fisheries, to review an electronic monitoring program that has been mandatory in the BC hook and line fishery since 2006.

## *Northeast At-Sea-Monitoring Report*

Amendment 16 to the Northeast Multispecies Fishery Management Plan (implemented on May 1, 2010) waived the NMFS national minimum educational requirement for at-sea monitors in the Northeast. Developed and approved by the NOPAT in 2007, the national minimum eligibility standard requires a bachelor's degree in one of the natural sciences with a minimum of 30 semester hours of biology as well as at least one undergraduate course in math or statistics. The requirement was intended to ensure data quality, retention rate, and professionalism of observers, among other things. Amendment 16 required only a high school diploma for at-sea monitors. The Northeast Fishery Observer Program (NEFOP) observers were not affected by this requirement.



**Figure 2.** Video monitoring equipment (on stanchion above the crew member) is used to record the species caught.

The NOP conducted an analysis of the potential impacts of lowering the educational requirement on data quality, retention rates, and cost for at-sea-monitors in the Northeast sector managed fisheries. The NOP conducted a site visit to the NEFOP training facility in order to collect data, interview NEFOP staff, and review data collection and processing procedures for at-sea monitors versus observers. The report concluded that, while data currently collected by at-sea monitors is considered adequate for sector management purposes:

- The minimum educational requirement plays an important role in training success, data quality, and retention rate of at-sea monitors;
- The lower educational requirement does not necessarily result in lower program costs, and may in fact increase costs due to remedial training requirements;
- Although the cost for the at-sea monitoring program is lower than NEFOP, this is primarily due to shorter training, less equipment, and less travel required by at-sea monitors. At-sea monitors without a college degree may actually increase the cost to the program by requiring additional staff support to assist with debriefing and data quality control. Lower retention rates may also increase training costs in the long run.

### **3.2 International Activities**

#### *Capacity Building – West Africa*

In coordination with the U.S. Navy's African Partnership Station (APS), NOP staff member Teresa Turk provided a 3-day training (March 15-17, 2011) on fisheries management to 10



students at the Murray Town, Sierra Leone Armed Forces Maritime Wing. Six students were from the Sierra Leone Navy and four students were from the Maritime Security office. Many of the students had no previous experience with fishing, many had not been out to sea and none of the students had attended college. The course material was simplified and shifted from the regular course material toward a Monitor, Control, Surveillance (MCS)/enforcement focus with less emphasis on biology and data collection. The course included presentations on the status of global fisheries; international, national and regional governance; fish ecology; bycatch of protected and non-target species; bycatch reduction and gear technologies; and enforcement.



**Figure 3.** Observers receive safety training prior to deploying aboard commercial fishing vessels in Liberia.

The following week (March 21-24), Ms. Turk provided a 4-day fisheries management course in Monrovia, Liberia in collaboration with the World Bank's West African Regional Fisheries Program (WARFP) to 55 newly hired fisheries observers and fish inspectors. The course was considerably expanded to include survey information, data collection and stock assessment concepts.

In May 2011, NMFS, in coordination with the WARFP, the U.S. Navy's African Partnership Station, and the Liberian Bureau of National Fisheries provided training for 40 fisheries observers and inspectors in Monrovia, Liberia. Observers were trained in at-sea safety and collection of information on fish catch and bycatch, marine debris, and any interactions with sea turtles and marine mammals. Much of this information will be provided to the Fisheries Committee for the West Central Gulf of Guinea to improve take estimations of fish and bycatch of important marine species regionally. NMFS staff will assist Liberia in developing a database for management and storage of the information collected by observers.

Upon completion of the observer training on June 2, 2011, the first Liberian observer was deployed on June 16, 2011. By the end of October 2011, the Liberian observer program had completed approximately 572 days at sea, covering 7 different vessels fishing within Liberia's 200 mile EEZ. A Liberian fishery observer trained through the NMFS program was instrumental in helping Liberia apprehend an illegal fishing vessel:

[http://www.nmfs.noaa.gov/stories/2011/09/06\\_liberian\\_fishery\\_observer.html](http://www.nmfs.noaa.gov/stories/2011/09/06_liberian_fishery_observer.html).

## *7<sup>th</sup> International Fisheries Observer and Monitoring Conference (IFOMC)*

The NOP continued planning efforts for the next IFOMC to be held April 8-12, 2013 in Viña Del Mar, Chile. The IFOMC Steering Committee, led by Oscar Guzmán Fernández, Chairman of IFOMC Steering Committee, continued to meet monthly to discuss the agenda, special sessions and themes for the conference. The Instituto de Fomento Pesquero is the host agency in Chile helping to organize the Conference. The Conference mission is to improve fishery monitoring programs worldwide through sharing of practices and development of new methods of data collection and analysis. The Conference is also intended to provide a forum for dialog between observers, scientists, managers, and policy makers who rely upon the data collected by observers.

### Conference Goals:

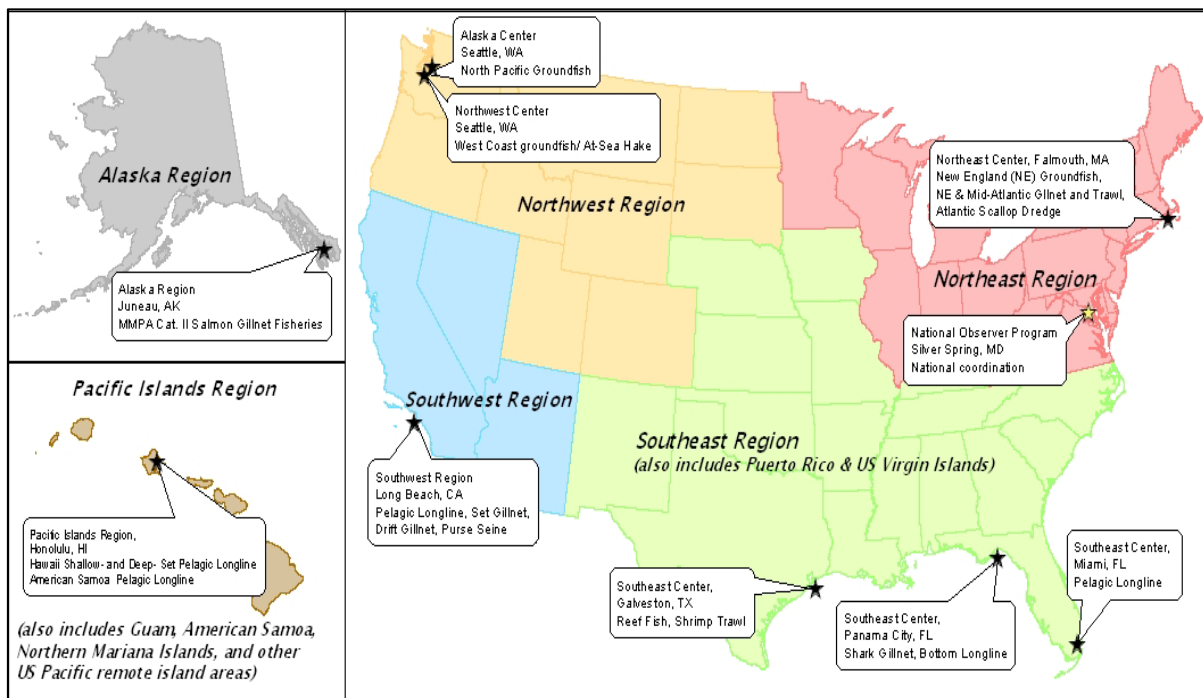
- Improve the quality of fishery monitoring data through sharing of best practices for collection and analysis of information.
- Improve the use of fishery monitoring data to support sustainable resource management.
- Promote the international exchange of ideas and best practices to fishery monitoring programs throughout the world.
- Improve accessibility to fishery monitoring data.
- Support the development of new innovative data collection methods.
- Improve the training and safety of at-sea fisheries observers.
- Advance the development of the observer profession.

The IFOMC webpage is: <http://www.ifomc.com/>

#### 4. Regional Observer Program Activities

Observer programs are administered by NMFS Regional Offices and Science Centers around the country (Figure 4). The funding received by each program is used to operate existing programs, develop observer programs for new or experimental fisheries, and to perform outreach to industry members and the public. Research priorities and observer coverage levels are determined by the regional programs. Coverage levels are influenced by available funding, the number of active participants in the fishery, fishing conditions, and program goals. For some fisheries, certain mandated coverage or FMP goals must be met. The following sections summarize the FY 2011 achievements of NMFS regional observer programs.

Visit the  
National Observer Program at:  
[www.st.nmfs.gov/st4/nop/index.html](http://www.st.nmfs.gov/st4/nop/index.html)  
for an interactive map of U.S. fisheries observer programs.



**Figure 4.** U.S. commercial fishery observer programs are located in each of six NMFS Regions (Northeast, Southeast, Alaska, Northwest, Southwest, and Pacific Islands) in either a NMFS Regional Office or Science Center.

## 4.1 Alaska

### *North Pacific Groundfish Observer Program (NPGOP)*

In FY 2011, the NMFS allocated \$7,130,406 in observer program funds to the Alaska Fisheries Science Center, whereas the fishing industry contributed approximately \$15.6 million to the overall program in payments to NMFS certified contractors for observer salaries, insurance, and travel expenses (see Appendix A for details). The North Pacific Groundfish Observer Program observed 40,308 days at sea and 4,880 in shoreside processing plants. This work was accomplished by approximately 450 individual observers and it represents a substantial workload increase from 2010. The 450 NPGOP observers were trained, briefed, and equipped for deployment to vessels and processing facilities operating in the Bering Sea and Gulf of Alaska groundfish fisheries and collected data onboard 264 vessels and at 20 processing facilities.

The data provided by NPGOP observers enabled the tracking of over 1,500 separate management quotas for Alaska groundfish. The program provides data to support real-time catch estimation for North Pacific groundfish fisheries and is supported through combined NMFS and industry funding.

### *Observer Program Restructuring*

On Oct 8, 2010, the North Pacific Fishery Management Council (Council) unanimously voted to initiate a restructuring of the North Pacific Groundfish Observer Program. Once the restructured program is implemented, all vessels and processors in the groundfish and halibut fisheries off Alaska will be placed into one of two observer coverage categories established in regulation: the “less than 100 percent” (<100%) coverage category and the “greater than or equal to 100%” ( $\geq$ 100%) coverage category. Observer coverage for vessels and processors in the <100% coverage category will be managed under an ex-vessel fee-based observer service delivery model. Vessels in this category will be assessed a 1.25% fee on the ex-vessel value of the landed catch weight of groundfish and halibut. The money generated by these fees will provide the funding available for deployment of observer coverage on this restructured portion of the fleet. The fee percentage, which will be set in regulation, will be reviewed annually by the Council after the second year of the program. Vessels and processors in the  $\geq$ 100% coverage category will continue to obtain observers by contracting directly with observer providers (“status quo”) and will not be included under the ex-vessel fee-based restructured program. For more information on restructuring, visit the website:

<http://www.afsc.noaa.gov/Quarterly/ond2010/tocFMA.htm>

### *Amendment 91- Salmon Bycatch Caps*

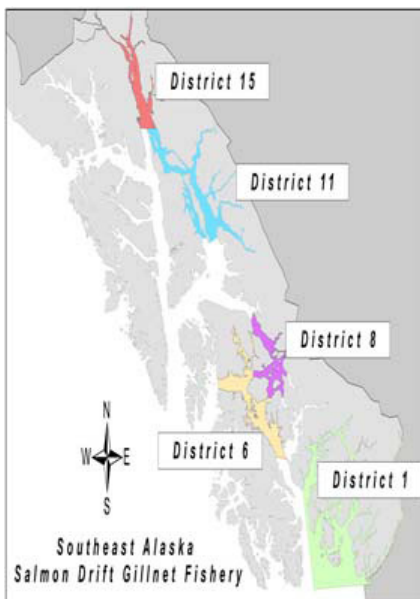
The implementation of Chinook salmon bycatch caps in the Bering Sea Aleutian Island (BSAI) pollock fishery under Amendment 91 required an innovative approach to monitoring this important bycatch species. Amendment 91 combined a limit on the amount of Chinook salmon that may be caught incidentally with incentive plan agreements and performance standards. The program was designed to minimize bycatch and prevent bycatch from reaching the limit in most years, while providing the pollock fleet with the flexibility to harvest the total allowable catch.

The NMFS implemented this program for the 2011 BSAI pollock fishery along with census reporting of all Chinook salmon caught in the Community Development Quota and American Fisheries Act pollock fisheries. Census approaches are challenging and expensive, but were necessary to meet the complex requirements of Amendment 91 for both industry and NMFS. Albeit challenging, NMFS successfully implemented a salmon census and systematic genetic tissue collection from salmon in this first year of management under salmon bycatch caps. The implementation was coordinated between the NPGOP, Alaska Region, and Alaska Enforcement staff and involved considerable outreach and coordination with industry.

#### *Alaska Marine Mammal Observer Program (AMMOP)*

Of the fourteen MMPA Category II fisheries managed by the State of Alaska, eight have been observed by the AMMOP since its establishment in 1990. These 8 fisheries include the Prince William Sound drift and set gillnet fisheries (1990-91), the Alaska Peninsula drift gillnet fishery (1990), the Cook Inlet drift and set gillnet fisheries (1999-2000), the Kodiak set gillnet fishery (2002 and 2005), and the Yakutat set gillnet fishery (2007 - 2009). Data collected during these rotational observation periods are used in marine mammal stock assessments to estimate annual serious injury and mortality and to categorize fisheries in the annual MMPA List of Fisheries.

In 2011, NMFS' AMMOP conducted industry outreach and logistics scoping to discuss program goals and industry concerns and to determine the best approach for placing observers throughout the fishery for data collection. Public meetings and workshops were held with fishermen to develop a dialog with permit holders regarding data collection methods. Public meetings will be held prior to each fishing season in which data collection occurs (initially 2012 - 2013) to ensure fishermen are well informed about the program and to provide a forum for discussion about program details and concerns.



#### *Observations of the Southeast Alaska Gillnet Fishery*

In 2011, preparatory work for 2012 observations of the Southeast Alaska drift gillnet fishery (approximately 480 active permits) was initiated. Because of the large geographic range of the fishery, its five management areas will be observed individually for two years, except for two adjacent management areas that will be observed together. The total time frame expected for observing this fishery will be eight years. A new sampling design has been developed to increase efficiency of data collection and reduce cost. Data collected from this fishery will be important relative to concerns over humpback whale and harbor porpoise takes.

Figure 5. Map of Southeast Alaska gillnet fishery areas scheduled for observation beginning in 2012-2013.

## 4.2. Northwest

In FY 2011, the Northwest Regional observer programs (West Coast Trawl Catch Shares, West Coast Groundfish (WCGOP) and At-Sea Hake (ASHOP)) received \$7,659,746 in funding (Appendix A gives details). A total of 9,305 days at sea was observed in Northwest Regional fisheries, an increase of over 4,000 sea days from FY 2010. Fisheries observed in FY 2011 included the West Coast trawl catch share fisheries (including at-sea hake), West Coast limited entry fixed gear groundfish fisheries, and state-managed and open-access fisheries. Yearly observer data reports and summary analyses for many of these fisheries are available on the Northwest Fisheries Science Center's webpage: [www.nwfsc.noaa.gov](http://www.nwfsc.noaa.gov).

### *West Coast Trawl Catch Share Program*

The Northwest region implemented the trawl rationalization program beginning January 11, 2011, which required significant new observer coverage. Under the trawl rationalization program, the total allowable catch in the fishery is divided into shares that are controlled by fishermen. These shares, which represent the number of pounds available to catch, can be caught at the vessel's convenience throughout the season. The catch share program is intended to increase the fishery's net economic benefits, create individual economic stability for participants, provide full utilization of the trawl sector groundfish allocation, consider environmental impacts, and achieve individual accountability of catch and bycatch.

The new trawl catch share program requires 100% at-sea observer coverage, as all catch of Individual Fishing Quota (IFQ) species must be accounted for. The observer data is used to account for any IFQ discards, including the mandatory discarding of Pacific halibut. The observer data, in combination with landings data, enables fishermen to track their individual quotas and allows managers to monitor the progress of the fishery. All catch (including both retained and discarded) was independently monitored from its catch at sea to its landing on shore, and tallied after each trip throughout the year. This enabled the fishery to be managed on an individual vessel basis, rather than solely via fleet-wide measures.

Catch Share observers are deployed on:

- All vessels participating in the Shore-based Individual Fishing Quota (IFQ) program, including hake and non-hake groundfish trawl and non-trawl vessels
- All motherships participating in the at-sea hake fishery
- All mothership catcher-vessels participating in the at-sea hake fishery
- All catcher-processors participating in the at-sea hake fishery

In FY 2011, federal funds accounted for approximately 90% of the vessel costs for observer coverage in the **West Coast Trawl Catch Share Fishery**. The industry share of costs for the catch share fisheries was expected to increase to 50% in FY 2012 and 90% in FY 2013. During a visit to the Pacific Fishery Management Council in November 2011, NMFS Assistant Administrator for Fisheries, Eric Schwaab, indicated that emerging economic data suggested that the industry was not yet ready to absorb monitoring costs, and that NMFS was proposing to maintain support for catch share monitoring costs at a level similar to FY 2011 in 2012. Future funding will

depend on Congressional funding which is expected to decrease. This is why NOAA, in cooperation of the industry is exploring the use of electronic monitoring as a means of reducing government and industry costs. During 2011, working with the Pacific States Marine Fisheries Commission, NMFS reimbursed the industry for 90 percent of its daily costs. Approximately, 7,500 observer days were invoiced leading to total federal reimbursements of about \$2.2 million. (These figures do not include the federal reimbursement costs of the compliance monitors in the processing plants who verify that the fish tickets for trawl catch share offloads are done accurately—2,530 catch monitor days at a federal cost of about \$340,000. Almost all of the catch monitors are observers who follow the fish off the boat into the plant. These funds are in addition to the funds described in Appendix A.)

### *West Coast Non-Trawl Catch Share Fisheries*

Non-Catch Share observers are deployed in fisheries/sectors:

- Limited Entry Sablefish Endorsed Fixed Gear
- Limited Entry Non-Sablefish Endorsed Fixed Gear
- Open Access Nearshore Fixed Gear (Oregon and California)
- Open Access Fixed Gear (Washington, Oregon, California)
- Open Access California Halibut Trawl (California)
- Open Access Pink Shrimp Trawl (Washington, Oregon, and California)

In FY11, federal funds accounted for 100% of the cost of observer coverage in the non-catch share fisheries. Coverage rates and total species catch for all sectors and years can be found at: [http://www.nwfsc.noaa.gov/research/divisions/fram/observer/sector\\_products.cfm](http://www.nwfsc.noaa.gov/research/divisions/fram/observer/sector_products.cfm)

### **4.3. Southwest**

The Southwest Region receives the majority of its observer program funds through the National Observer Program and Reducing Bycatch budget lines. In FY 2011, the Southwest Observer Program received \$1,132,356 in federal funding and observed a total of 276 sea days with 6 observers in the California large mesh drift gillnet, the Southern California set gillnet, the Southern California small-mesh drift gillnet, and the California pelagic longline fisheries. Observer coverage rates ranged from 10 to 100% depending on the fishery. Trips in these fisheries typically last from six to 20 days. The Southwest Fisheries Science Center uses observer data to estimate incidental take of marine mammals in preparation of the annual Stock Assessment Reports.

A summary of observer program reports for the drift gillnet fishery are posted online at: <http://swr.nmfs.noaa.gov/psd/codgftac.htm>.

### *Coastal Pelagic Species*

The Coastal Pelagic Species FMP authorizes observers in this fishery when requested, however to date no observers have been placed in the fishery largely due to a lack of regulations

specifying accommodations. The program is beginning the necessary rule making process in order to establish these requirements.

### *Highly Migratory Species*

In April 2011, NMFS initiated rulemaking to propose modifications to the HMS FMP pre-trip notification regulations codified at 50 CFR 660.712(f). The regulations currently require longline vessel operators to notify NMFS 24 hours prior to departing on a fishing trip. This notification requirement is in place to give NMFS time to place observers on longline vessels. NMFS will propose to modify this requirement to a 72 hour notice in order to have adequate time for observer placement. The rulemaking will also propose to modify the HMS FMP observer regulations codified at 660.719. Currently, only longline vessel operators have a pre-trip notification requirement. NMFS will propose to require pre-trip notifications for all other gear types covered by the HMS FMP. This would allow for adequate time to place observers on HMS vessels and help NMFS attain observer coverage level goals. Adequate pre-trip notification would also help vessel operators avoid the inconvenience of having to remain in port for an extended period while waiting for an observer to arrive at the vessel. Pre-trip notifications would be required for each gear upon annual notice by the agency, so only observed fisheries would be required to give pre-trip notification to NMFS or its designated observer service provider each year.

<http://www.pcouncil.org/coastal-pelagic-species/fishery-management-plan-and-amendments/>

## **4.4 Pacific Islands**

The Pacific Islands Regional Observer Program (PIROP) received \$5,523,117 in funding to support observer coverage, a decrease of \$3 million from 2010 funding levels. Regulations require 20% observer coverage in the Hawaii pelagic longline deep set tuna fishery and 100% coverage in the Hawaii pelagic longline shallow set swordfish fishery. Observer coverage was also provided in the American Samoa pelagic longline fishery. The program observed a total of 7,719 sea days across all three fisheries in FY 2011, a decline of 2,000 sea days from FY 2010 levels. The program observed 1,043 sea days in the American Samoa longline fishery.

Reports from the Pacific Islands Region Observer Program are available online at:

[http://www.fpir.noaa.gov/OBS/obs\\_qtrly\\_annual\\_rprts.html](http://www.fpir.noaa.gov/OBS/obs_qtrly_annual_rprts.html).

### *Sea Turtle Interactions*

Regulations governing the Hawaii-based shallow-set pelagic longline fishery include annual limits on the numbers of interactions that occur between fishing vessels and sea turtles. There are two calendar-year limits: 16 leatherback sea turtles, and 17 loggerhead sea turtles. If either limit is determined to have been reached, the Hawaii-based shallow-set longline fishery is immediately closed. When closed, Hawaii longline vessels are prohibited from shallow-set fishing north of the Equator for the remainder of the calendar year. Sea turtle interactions are monitored by observers, placed aboard every shallow-set longline fishing trip.



On November 18, 2011, the shallow-set longline fishery reached the 2011 limit of 16 interactions with leatherback sea turtles. As a result, shallow-set fishing was prohibited north of the Equator from November 18, 2011, through the end of 2011.

#### *American Samoa Longline Fishery*

The NMFS proposed gear modifications to reduce sea turtle interactions in the American Samoa longline fishery. The proposed rule would require a specific gear configuration for pelagic longline fishing for vessels based in American Samoa, as well as other U.S. longline vessels longer than 40 ft (12.2 m), while fishing south of the Equator in the Pacific Ocean. The requirements include minimum float line and branch line lengths, number of hooks between floats, and distances between floats and adjacent hooks. The rule would also limit the number of swordfish taken. The proposed action is intended to ensure that longline hooks are set at depths of 100 meters or deeper to reduce interactions between longline fishing and Pacific green sea turtles. One of the primary responsibilities of the observer program is to document protected species interactions. Observers will therefore be vital in determining the effectiveness of the new regulations once they are implemented. The public comment period on the proposed rule closed on July 22, 2011.

#### *False Killer Whale Take Reduction*

In January 2010, NMFS established a Take Reduction Team to address the incidental mortality and serious injury of false killer whales in the Hawaii-based deep-set and shallow-set longline fisheries. The Team was charged with drafting a Take Reduction Plan (TRP) for reducing mortality and serious injury, as required by the MMPA. The Team utilized observer data to identify possible trends and solutions and analyzed observer data to uncover potential links to depredation and take events – from fishing methods and vessel characteristics, to seasonality, location and gear type. The draft TRP was submitted to NMFS on July 19, 2010 and included specific recommendations for changes to observer protocols to be implemented immediately. The recommendations included having the observer tell the deck boss not to cut the line in the event of an interaction, to notify the captain of any interaction, and to use observer program video of interactions with false killer whales to train observers. NMFS published the proposed rule to implement the plan on July 18, 2011.

#### *NOAA-Republic of Korea Joint Project Agreement*

Researchers from the Korean National Fisheries Research and Development Institute (NFRDI), Drs. In Ja Yeon and Jae Bong Lee, visited the PIROP offices. During the visits, the observer manual was outlined, data elements for forms were shared, and some suggestions for data base development were addressed.

#### *Coral Triangle Initiative*

PIROP assisted USAID on a project in the Coral Triangle Initiative (CTI) with the development and training of an Indonesian observer program. The PIROP was asked to help layout a plan for training development and provide guidance on program policies and procedures.

### *Regional Observer Program Support and Capacity Building*

The program helped develop the agenda for the 2011 Forum Fisheries Agency, Secretariat of the Pacific Communities (FFA/SPC) 11th Regional Observer Coordinators'/Managers Workshop. The workshop was held at FFA headquarters in Honiara, Solomon Islands from June 20 to June 24, 2011 and was chaired by John Kelly the Pacific Islands observer program manager.

In 2011, PIROP staff participated in four observer trainings in the western and central Pacific. These trainings produced 73 observers for several different national and regional observer programs. PIROP focused on field identification of sea turtles and small marine mammals of the central and western Pacific. The countries served with these trainings were: Solomon Islands, Republic of Marshall Islands, Vanuatu, Republic of Kiribati, and Tonga. The PIROP developed and fielded a form for collecting and recording WCPFC required data elements. The form helps the PIROP meet WCPFC observer program requirements.

### *Transshipment Observer Program*

During 2011, PIROP started the debriefing process from 12 tuna transshipment observer trips. The observers on these transshipment trips work MRAG Americas, contracted to the Inter-American Tropical Tuna Commission.

## **4.5 Northeast**

In FY 2011, the Northeast Fisheries Observer Program (NEFOP) received a total of approximately \$19,441,895 in program funding, including \$2,196,150 in industry funding for the Atlantic sea scallop industry-funded observer program. A total of 14,879 sea days were observed through six monitoring programs, an increase of 2,470 sea days over FY 2010 observer coverage levels. Fisheries observed included the New England groundfish trawl and sink gillnet fisheries, Mid Atlantic coastal gillnet fisheries, New England and Mid-Atlantic small mesh trawl fisheries, Mid Atlantic *Illex* squid trawl, New England and Mid-Atlantic large mesh trawl fisheries, and the Atlantic sea scallop dredge fishery (Appendix A provides details). The New England Fishery Management Council's Multispecies FMP includes mandatory observer coverage requirements for several fisheries; the NEFOP provides this coverage in addition to collecting data on gear performance and characteristics and monitoring experimental fisheries. Reports from the NEFOP are posted at: [www.nefsc.noaa.gov/femad/fishsamp/fsb/](http://www.nefsc.noaa.gov/femad/fishsamp/fsb/).

### *Northeast Multispecies Groundfish Monitoring*

The Northeast entered the second year of sector management in the Northeast multispecies groundfish fishery. Observer coverage rates in the sector managed fisheries remained at approximately 38%, achieved through a combination of at-sea monitoring (30%) and NEFOP observer coverage (8%). The industry was scheduled to begin paying for monitoring costs beginning in 2012, however recent economic information indicated that fishermen are not yet able to assume at-sea monitoring costs. As a result, during a visit to the Northeast on October 19, 2011, the NOAA Administrator, Dr. Jane Lubchenco, announced that NMFS would continue

to fund the cost of at-sea monitoring for New England groundfish fisheries through April 30, 2013, the end of the 2012 fishing year.

### *Electronic Monitoring System Study*

The NEFOP also continued with the second year of a pilot Electronic Monitoring System (EMS) study to test the applicability of video technology to collect catch and fishing effort data aboard commercial fishing vessels. The goal of the study is to evaluate the utility of EMS as a means to monitor catch on a real-time basis in the Northeast groundfish sector fleet. The project documented the 2010 groundfish fishing year with the option of two additional sampling periods. Participating vessels were located in a variety of ports in New England to account for differences in fishing activity in multiple geographic ranges and effectively assess the applicability of EMS in sector-based management.

The Northeast recently released the annual summary from the first year of this pilot study and is continuing to evaluate the use of EMS as a cost-saving measure as the industry prepares to fund at-sea monitoring in 2013. In its current use, EMS could not be used as an alternative to at-sea monitoring in 2012, because the system could not yet provide weights of fish by species and could not effectively distinguish species of flounder and hake (nearly 70% of the Annual Catch Entitlement species). NEFOP is proceeding with the second year of the project in the hopes of rectifying the issues of species identification and weights prior to the 2013 fishing year.

The latest reports on the EMS study can be obtained from the NEFOP webpage:

[http://www.nefsc.noaa.gov/femad/fsb/Electronic%20Monitoring%20Pilot%20Study/Electronic\\_Monitoring\\_Pilot\\_Study.html](http://www.nefsc.noaa.gov/femad/fsb/Electronic%20Monitoring%20Pilot%20Study/Electronic_Monitoring_Pilot_Study.html).

## **4.6. Southeast**

In FY 2011 Southeast Regional observer programs were allocated \$8,404,320. Even though much of the funding will be used to enhance coverage levels in FY2012, in FY 2011 a total of 3,520 sea days was observed by the South Atlantic and Gulf of Mexico shrimp otter trawl; Atlantic, Gulf of Mexico and Caribbean pelagic longline; Gulf of Mexico reef fish; shark gillnet and shark bottom longline observer programs (Appendix A provides details).

### *Observer Coverage in the Gulf Menhaden Fishery*

In May 2011, the Southeast observer program began placing observers in the Gulf of Mexico menhaden purse seine fishery to document potential bycatch of sea turtles and marine mammals. With such a large fishery playing such a vital role in the Gulf of Mexico, NMFS was interested in determining how the menhaden fishery may impact other marine life, particularly dolphins and sea turtles. The fishery has not been observed in recent years, and the general perception was that purse seine fishing for menhaden in the Gulf resulted in low levels of bycatch of other species. The information collected by the observers is designed to address these and other questions related to sea turtle and marine mammal mortality estimates in the menhaden fishery. Observer coverage in the fishery was expected to last through the fall of 2011. Depending on the

outcome of this pilot observer program, the Southeast observer program may seek to continue observer coverage in 2012.

### *Bluefin Tuna Bycatch Reduction*

The NMFS implemented a rule requiring the use of weak hooks in the Gulf of Mexico pelagic longline fishery to reduce bluefin tuna bycatch and bycatch mortality. The final rule published on April 5, 2011 and became effective on May 5, 2011. The rule was implemented after several years of enhanced observer coverage in the Gulf of Mexico pelagic longline fishery as part of a study to examine the effectiveness of weak hooks. Weak hooks have a reduced tensile strength and are designed to release larger fish such as bluefin tuna while retaining targeted species like yellowfin tuna, swordfish, and dolphin fish. Bluefin tuna population levels are at historically low levels and the Gulf of Mexico is the only known bluefin tuna spawning area for the western Atlantic stock of bluefin tuna. The final rule documents are available on the Highly Migratory Species Management Division website. Enhanced observer coverage is planned to continue to monitor the effectiveness of the new requirements.

[www.nmfs.noaa.gov/sfa/hms/breaking\\_news.htm](http://www.nmfs.noaa.gov/sfa/hms/breaking_news.htm)

Reports from the shark gillnet and shark bottom longline observer program are posted on NMFS Panama City Laboratory's webpage:

Southeast Gillnet: <http://www.sefsc.noaa.gov/labs/panama/ob/gillnet.htm>

Bottom Longline: <http://www.sefsc.noaa.gov/labs/panama/ob/bottomlineobserver.htm>

Reports from the Pelagic Observer Program are posted on: <http://www.sefsc.noaa.gov/pop.jsp>.

The Galveston laboratory's publications (shrimp trawl and reef fish observer programs) can be found at [www.galveston.ssp.nmfs.gov/publications/index.asp](http://www.galveston.ssp.nmfs.gov/publications/index.asp)

## **5. Looking Ahead: NMFS Observer Programs' 2012 Goals and Priorities**

Observer program priorities in FY 2012 include monitoring fisheries in each of the regions to meet statutory and regulatory requirements under the MSA, MMPA, and ESA for observer coverage in U.S. commercial fisheries, while also addressing critical science and management needs for catch and discard estimates as well as stock assessments. A secondary priority is to expand observer coverage into fisheries with bycatch concerns, as identified in the National Bycatch Report (NBR), and in fisheries with little or no observer coverage. Given the likelihood of further reductions in funding in FY 2012, NMFS' highest priority will be addressing existing mandatory requirements.

Funding for observer programs reached a peak of \$41 million in FY 2010 but declined to \$38.9 million in FY 2011. The FY 2012 budget had yet to be finalized at the time of this report's publication. The President's FY 2013 budget includes a proposed increase of \$4.2 million for observer programs, primarily directed at providing observer coverage in existing and emerging catch share fisheries. Catch share programs will continue to require significant effort on the part of observer programs, particularly in the Northwest, Northeast, Southeast, and Alaska. Observer programs will continue to seek ways to lower costs for observers and at-sea monitors, including alternatives such as electronic monitoring.

The first edition of the NBR, published in September 2011, identified many opportunities, challenges, and gaps that need to be addressed by observer programs. Chief among these were maintenance and expansion of existing observer programs and implementation of new observer programs in fisheries with bycatch concerns. The NBR estimated the total number of additional sea days needed to address these gaps at 66,653, nearly double the current number of sea days observed annually. Closing this gap is a high priority for NOAA, with benefits including improved stock assessments and improved collection of catch and bycatch information. Increasing the number of fisheries observed and the total number of observed days at sea would decrease the gaps in knowledge where bycatch may be occurring, but is not documented, and would enable NOAA to better manage many of the economically valuable fisheries in the United States while minimizing risks to protected and non-target species.

## APPENDIX A: NMFS Fisheries Observer Programs Funded in FY 2011

Fisheries Observed	Fleet Size	Authority to Place Observers	Season of Operation	Funding Amount	Funding Source	Program Duration	Target % Coverage	Actual % Coverage	Target Sea Days	Actual Sea Days	Number of Observers
<b>North Pacific Groundfish Observer Program, Alaska Fisheries Science Center, 7600 Sand Point Way NE, Seattle, WA 98115-0070</b>											
<b>Program Manager: Martin Loefflad, 206-526-4195, martin.loefflad@noaa.gov, website: <a href="http://www.afsc.noaa.gov/refm/observers/">http://www.afsc.noaa.gov/refm/observers/</a></b>											
Bering Sea, Aleutian Islands and Gulf of Alaska Groundfish Trawl, Longline and Pot Fisheries	264 vessels / 20 shore plants	MSFCMA (50 CFR 679.50)	year-round	\$912,333	National Observer Program	1973 - present	100% vessels >125 ft.; 30% vessels 60-124 ft.; 30% or 100% shore plants	100% vessels >125 ft.; 30% vessels 60-124 ft.; 30% or 100% shore plants	Defined by regulation (35,000)	40,308*	450
				\$440,327	Reducing Bycatch						
				\$5,774,810	Obs/Trn-North Pacific Marine Resource Observers/ North Pacific Observer Program <sup>1</sup>						
				\$16,166,166	Industry Funding						
Data to assess the current actual coverage in the 30% fleet are not available, and compliance with the requirement has been an enforcement function. The North Pacific Groundfish Observer Program uses observer days rather than observer sea days, because the coverage regulations require observers to be stationed at shoreside plants as well as on vessels. <sup>1</sup> Portion of budget line used to support management activities. *Does not include 4,880 shore plant coverage days, bringing the total number of coverage days to 45,188											
<b>Alaska Marine Mammal Observer Program, Alaska Regional Office, P. O. Box 21668, Juneau, AK 99802-1668</b>											
<b>Program Manager: Bridget Mansfield, 907-586-7642, bridget.mansfield@noaa.gov, website: <a href="http://www.fakr.noaa.gov/protectedresources/observers/mmop.htm">http://www.fakr.noaa.gov/protectedresources/observers/mmop.htm</a></b>											
Southeast Alaska drift gillnet fishery	480 permits	MMPA Cat. II (50 CFR 229)	May - Oct	\$2,936	Reducing Bycatch	0	0	0	0	0	0
				\$448,650	MMP/NMFS						
<b>TOTAL ALASKA REGION OBSERVER PROGRAM FUNDING (CONGRESSIONAL): \$7,579,056</b>											
<b>TOTAL ALASKA REGION OBSERVER PROGRAM FUNDING (INDUSTRY): \$16,166,166</b>											
<b>TOTAL ALASKA REGION OBSERVER PROGRAM FUNDING (ALL SOURCES): \$23,228,946</b>											

Fisheries Observed	Fleet Size	Authority to Place Observers	Season of Operation	Funding Amount	Funding Source	Program Duration	Target % Coverage	Actual % Coverage	Target Sea Days	Actual Sea Days	Number of Observers
<b>West Coast Groundfish Observer Program, Northwest Fisheries Science Center, 2725 Montlake Blvd East, Seattle, WA 98112-2097</b>											
<b>Program Manager: Janell Majewski, 206-860-3293, janell.majewski@noaa.gov website: <a href="http://www.nwfsc.noaa.gov/research/divisions/fram/observer/">http://www.nwfsc.noaa.gov/research/divisions/fram/observer/</a></b>											
West Coast Trawl Catch Shares (does not include catch monitors or mothership catcher vessels)	139	MSFCMA (50 CFR 660)	year-round	\$2,200,000	National Catch Share Program	Jan - Sept 2011	100%	100%	Defined by regulation (100% coverage, 1 observer)	7,500	84
				\$1,219,107	Obs/Trn-West Coast Observers						
				\$200,000	Industry Funding						
West Coast Groundfish Limited Entry Fleets (trawl (Oct-Dec 10 only and fixed gear)	179 trawl, 190 longline, 30 trap permits	MSFCMA (50 CFR 660)	year-round	\$686,969	National Observer Program	2001 - present	10-20%	15-25%	800	995	40
				\$3,800,000	Obs/Trn-West Coast Observers						
State Managed and Open Access Fisheries (includes California halibut trawl, nearshore rockfish, pink shrimp, prawn and open access fixed gear fisheries)	approx. 1,000	MSFCMA (50 CFR 660)	year-round	--	Included in groundfish	2001 - present	<1 - 10%	3 - 8%	700	1,271	included in groundfish
At-Sea Hake Mid-Water Trawl Fishery (includes mothership catcher-vessels)	15 vessels	MSFCMA (50 CFR 660)	May - Dec	\$223,670	Reducing Bycatch	1975 - present	100%	100%	Defined by regulation (100% coverage, 2 observers)	1,547	35
				\$200,000	National Observer Program						
<b>TOTAL NORTHWEST REGION OBSERVER PROGRAM FUNDING (CONGRESSIONAL): \$8,329,746</b>											
<b>TOTAL NORTHWEST REGION OBSERVER PROGRAM FUNDING (INDUSTRY): \$200,000</b>											
<b>TOTAL NORTHWEST REGION OBSERVER PROGRAM FUNDING (ALL SOURCES): \$8,529,746</b>											

Fisheries Observed	Fleet Size	Authority to Place Observers	Season of Operation	Funding Amount	Funding Source	Program Duration	Target % Coverage	Actual % Coverage	Target Sea Days	Actual Sea Days	Number of Observers
<b>Southwest Region Observer Program, Southwest Regional Office, 501 West Ocean Blvd, Long Beach, CA 90802-4213</b>											
<b>Program Manager: Lyle Enriquez, 562-980-4025, lyle.enriquez@noaa.gov, website: <a href="http://swr.ucsd.edu/hcd/fishobs.htm">http://swr.ucsd.edu/hcd/fishobs.htm</a></b>											
California Drift Gillnet Fishery	35 vessels	MMPA Cat. I (50 CFR 229), MSFCMA (50 CFR 660)	Aug - Jan	\$244,160	National Observer Program	1990 - present	20%	16%	224	73	6
California Pelagic Longline Fishery	1 vessel	MSFCMA (50 CFR 660)	Nov - May	\$132,000	Reducing Bycatch	2001 - present	100%	100%	150	120	3
Southern California Set Gillnet	40 vessels	MMPA Cat. II (50 CFR 229)	Jan - Dec	\$84,000	National Observer Program	1990 - 1994, 2007, 2010 - 2011	10%	Fishing Effort TBD	100	72	6
Southern California Small-Mesh Drift Gillnet	20 vessels	MMPA Cat. II (50 CFR 229)	Jun - Sep	\$32,700	National Observer Program	2002 - 2005, 2010 - 2011	20%	Fishing Effort TBD	30	11	1
Coastal Pelagic Species Purse Seine Fishery	60 vessels	MSFCMA (50 CFR 660)	Jan - Dec	\$50,325	National Observer Program	2004 - 2008	-	-	116	0	0
				\$24,495	Reducing Bycatch						
Observer Travel and Equipment	NA	NA	year-round	\$50,142	National Observer Program	NA	NA	NA	NA	NA	NA
SWR Observer Program Management	NA	NA	year-round	\$232,941	National Observer Program	NA	NA	NA	NA	NA	NA
				\$33,817	Reducing Bycatch						



SWC Data Management and Bycatch Estimates	NA	NA	year-round	\$47,776	Reducing Bycatch	NA	NA	NA	NA	NA	NA
				\$200,000	National Observer Program						
<b>TOTAL SOUTHWEST REGION OBSERVER PROGRAM FUNDING (CONGRESSIONAL): \$1,132,356</b>											
<b>TOTAL SOUTHWEST REGION OBSERVER PROGRAM FUNDING (INDUSTRY): NA</b>											
<b>TOTAL SOUTHWEST REGION OBSERVER PROGRAM FUNDING (ALL SOURCES): \$1,132,356</b>											

Fisheries Observed	Fleet Size	Authority to Place Observers	Season of Operation	Funding Amount	Funding Source	Program Duration	Target % Coverage	Actual % Coverage	Target Sea Days	Actual Sea Days	Number of Observers
<b>Hawaii Fisheries Observer Program, Pacific Islands Regional Office, 1601 Kapiolani Blvd, Honolulu, HI 96814-4700</b>											
<b>Program Manager: John Kelly, 808-973-2935, john.d.kelly@noaa.gov, website: <a href="http://swr.nmfs.noaa.gov/pir/index.htm">http://swr.nmfs.noaa.gov/pir/index.htm</a></b>											
Hawaii Pelagic Longline Fishery	164 vessels with permits (112 active)	MSFCMA (50 CFR 665)	year-round	\$4,078,364	Obs/Trn-Hawaii Longline Observers	1994 - present	20% Tuna	20%	6,010	4,463	50
							100% swordfish	100%	2,871	2,213	50
American Samoa Pelagic Longline fishery	30	MSFCMA (50 CFR 665) in Jan. 2005	year-round	\$854,274	National Observer Program	2005-present	40%	40%	2,150	1,043	50
Program support for the Western and Central Pacific Fisheries Commission	NA	NA	year-round	\$221,045	Reducing Bycatch	2008	NA	NA	NA	NA	NA
Support for PIRO Observer Data Dissemination/Access Activities	NA	NA	year-round	\$368,872	National Observer Program	2007 - present	NA	NA	NA	NA	NA
<b>TOTAL PACIFIC ISLANDS REGION OBSERVER PROGRAM FUNDING (CONGRESSIONAL): \$5,522,555</b>											
<b>TOTAL PACIFIC ISLANDS REGION OBSERVER PROGRAM FUNDING (INDUSTRY): NA</b>											
<b>TOTAL PACIFIC ISLANDS REGION OBSERVER PROGRAM FUNDING (ALL SOURCES): \$5,552,555</b>											

Fisheries Observed	Fleet Size	Authority to Place Observers	Season of Operation	Funding Amount	Funding Source	Program Duration	Target % Coverage	Actual % Coverage	Target Sea Days	Actual Sea Days	Number of Observers
<b>Northeast Fisheries Observer Program, Northeast Fisheries Science Center, 166 Water Street, Woods Hole, MA 02543-1097</b>											
<b>Program Manager: Amy Van Atten, 508-495-2266, amy.van.atten@noaa.gov, website: <a href="http://www.nefsc.noaa.gov/femad/fsb/">http://www.nefsc.noaa.gov/femad/fsb/</a></b>											
New England Groundfish Trawl and Sink Gillnet Fisheries (also shrimp trawl, bottom longline/tub, herring mid-water pair trawl, whiting trawl)	1,052 trawl vessels and 474 gillnet vessels and 46 longline	MSFCMA (50 CFR 648); MMPA Cat. I, II, III (50 CFR 229)	year-round	\$8,602,082	Obs/Trn-New England Groundfish	1990 - present	30% coefficient of variation on bycatch species; 30% for groundfish common pool; 38% for groundfish sectors; 20% herring	Coverage targets are close	Targets are set by SBRM (April through March), based on CV and adjusted for funding availability and/or resource set-aside	5,960	201
				\$3,878,104	National Observer Program					6,257	
				\$4,350,000	National Catch Share Program						
Mid-Atlantic Coastal Gillnet Fishery (includes monkfish, dogfish, and several state fisheries)	>670 vessels	MMPA Cat. I (50 CFR 229)	year-round	\$1,033,628	Marine Mammal Observers	1994 - present	30% coefficient of variation on bycatch species (SBRM)	<8%	see above	included in groundfish (1547)	included in groundfish
NE and Mid-Atlantic Small Mesh Trawl Fisheries (squid, mackerel, butterfish)	719 permits	MMPA Cat. II (50 CFR 229.7); MSFCMA (50 CFR 648)	year-round	\$1,518,585	Atlantic Coast Observers	2001 - present	30% coefficient of variation on bycatch species (SBRM)	<8%	see above	included in groundfish (1118)	included in groundfish
Mid-Atlantic Illex Squid Trawl Fishery	76 permits	MSFCMA (50 CFR 648); MMPA Cat. II (50 CFR 229)	year-round			2004 - present	30% coefficient of variation on bycatch species (SBRM)	<5%	see above	included in groundfish (134)	included in groundfish

Atlantic Sea Scallop Dredge Fishery	233 vessels	MSFCMA (50 CFR 648)	year-round	\$2,196,150	Industry Funding	1999 - present	2-13% depending on permit type, area fished, and turtle takes	Coverage targets are close	see above	2,662	included in groundfish
				\$221,046	Reducing Bycatch						
NE and Mid-Atlantic Large Mesh Trawl Fisheries (summer flounder, bluefish, monkfish, dogfish)	>1,000	MSFCMA (50 CFR 648)	year-round	--	Included in Atl. Coast Observers and Groundfish	1998 - present	30% coefficient of variation on bycatch species (SBRM)	<5%	see above	included in groundfish (1148)	included in groundfish
<b>TOTAL NORTHEAST REGION OBSERVER PROGRAM FUNDING (CONGRESSIONAL): \$19,603,445</b>											
<b>TOTAL NORTHEAST REGION OBSERVER PROGRAM FUNDING (INDUSTRY): \$2,196,150</b>											
<b>TOTAL NORTHEAST REGION OBSERVER PROGRAM FUNDING (ALL SOURCES): \$21,638,045</b>											

Fisheries Observed	Fleet Size	Authority to Place Observers	Season of Operation	Funding Amount	Funding Source	Program Duration	Target % Coverage	Actual % Coverage	Target Sea Days	Actual Sea Days	Number of Observers
<b>Southeast Fisheries Observer Programs - Programs are managed in separate laboratories as indicated below.</b>											
<b>Southeast Shrimp Trawl Observer Program, Southeast Fisheries Science Center, Galveston Laboratory, 4700 Avenue U, Galveston, TX 77551-5997</b>											
<b>Program Manager: Elizabeth Scott-Denton, 409-766-3571, elizabeth.scott-denton@noaa.gov, website: <a href="http://galveston.ssp.nmfs.gov/galv/research/management.htm#observer_program">http://galveston.ssp.nmfs.gov/galv/research/management.htm#observer_program</a></b>											
Southeastern Atlantic and Gulf of Mexico Shrimp Otter Trawl Fisheries (including rock shrimp)	approx. 1,467 (GOM) and 534 (SA) USCG federally permitted vessels, unknown number of state vessels, ~106 rock shrimp vessels	Voluntary through July 2007; Mandatory - July 2007 MSFCMA (50 CFR 622)	year-round	\$1,818,265	Obs/Trn-South Atlantic and Gulf Shrimp Observers	1992 - present	2%	~2%	1,572	1,330	32
				\$225,733	Obs/Trn-Atlantic Coast Observers						
<b>Atlantic Pelagic Longline Observer Program, Southeast Fisheries Science Center, 75 Virginia Beach Dr, Miami, FL 33149-1003</b>											
<b>Program Manager: Kenneth Keene, 305-361-4275, kenneth.keene@noaa.gov, website: <a href="http://www.sefsc.noaa.gov/">http://www.sefsc.noaa.gov/</a></b>											
Atlantic, Gulf of Mexico, Caribbean Pelagic Longline Fishery	70-80 active vessels	MSFCMA (50 CFR 635); MMPA Cat. 1 (50 CFR 229); ATCA	year-round	\$1,317,060	Obs/Trn-Atlantic Coast Observers	1992 - present	8% by vessel sets	~10%	620 sets	796 sets	10-20
				\$352,939	Obs/Trn - East Coast Observers						
				\$1,100,000	Atlantic Bluefin Tuna						

Southeast Shark Driftnet Observer Program & Shark Bottom Longline Observer Program, Southeast Fisheries Science Center, Panama City Laboratory, 3500 Delwood Beach Rd, Panama City, FL 32408											
Program Manager: Dr. John Carlson, 850-234-6541, john.carlson@noaa.gov, website: http://www.sefsc.noaa.gov/labs/panama/shark/											
Southeast Shark and Coastal Teleost Gillnet Fishery	Directed Shark Permits: 216 Indirect Shark Permits: 262	MMPA Cat. II (50 CFR 229); MSFCMA (50 CFR 635)	year-round	\$325,000	Obs/Tm-Atlantic Coast Observers	1998 - present	100% shark strike, 38% shark drift, 5% shark and teleost sink net	100% shark strike, 38% shark drift, 5% shark and teleost sink net	100% shark strike, 38% shark drift, 5% shark and teleost sink net	194	6
Atlantic and Gulf of Mexico Directed Large Coastal Shark Bottom Longline Fishery	Directed Shark Permits: 216 Indirect Shark Permits: 262 Reeffish Longline Exemption Permits: 65	MSFCMA (50 CFR 635)	Year-round-Open until quota is filled	\$140,000	National Observer Program	1994 - present	100% sandbar shark research fishery; 4-6% non-sandbar shark fishery	100% sandbar shark research fishery; 4-6% non-sandbar shark fishery	100% sandbar shark research fishery; 4-6% non-sandbar shark fishery; 8-10% Reefish Longline	shark research fishery: 273; non research fishery: 16; reefish: 83 (total 372)	17
				\$190,000	Sustainable Fisheries						
				\$531,500	National Catch Share Program						
Gulf of Mexico Reef Fish Fishery Observer Program, Southeast Fisheries Science Center, Galveston Laboratory, 4700 Avenue U, Galveston, TX 77551											
Program Manager: Elizabeth Scott-Denton, 409-766-3507, elizabeth.scott-denton@noaa.gov											
Gulf of Mexico Reef Fish Fishery - All gear types	Approx. 831 permitted USCG documented vessels	mandatory	year-round	\$238,624	Reducing Bycatch	2006 - present	~4%	~6%	912	1,460	32
				\$743,557	National Observer Program						
				\$63,142	Marine Fisheries Initiative						
Gulf of Mexico Reef Fish Fishery - Vertical Line	Approx. 831 permitted USCG documented vessels	mandatory	year-round	\$1,298,500	National Catch Share Program	August 2011 - present	~4%	<1%	999	110	9

**Gulf of Mexico Purse Seine (Menhaden) Observer Program, Southeast Fisheries Science Center, Galveston Laboratory, 4700 Avenue U, Galveston, TX 77551**

**Program Manager: Elizabeth Scott-Denton, 409-766-3507, elizabeth.scott-denton@noaa.gov**

Gulf of Mexico Menhaden Fishery	Approx. 41 permitted USCG documented vessels	MMPA/ESA	April - November	\$60,000	SERO	2011	~1%	~1%	50	54	2
<b>TOTAL SOUTHEAST REGION OBSERVER PROGRAM FUNDING (CONGRESSIONAL): \$8,404,320</b>											
<b>TOTAL SOUTHEAST REGION OBSERVER PROGRAM FUNDING (INDUSTRY): NA</b>											
<b>TOTAL SOUTHEAST REGION OBSERVER PROGRAM FUNDING (ALL SOURCES): \$8,404,320</b>											

<b>National Observer Program, Office of Science and Technology, 1315 East West Highway, Silver Spring, MD 20910</b>											
<b>Manager: Chris Rilling, 301-713-2363, chris.rilling@noaa.gov, website: http://www.st.nmfs.gov/st1/nop</b>											
Science & Technology	NA	NA	NA	\$167,363	Reducing Bycatch	1999-Present	NA	NA	NA	NA	NA
Science & Technology	NA	NA	NA	\$301,092	National Observer Program	1999-Present	NA	NA	NA	NA	NA
HQ Observers	NA	NA	NA	\$871,664	HQ Observers	1999-Present	NA	NA	NA	NA	NA

<b>TOTAL OBSERVER PROGRAM FUNDING*</b>	<b>\$38,883,078</b>
<b>Total Reducing Bycatch</b>	<b>\$1,753,099</b>
<b>Total National Observer Program**</b>	<b>\$9,141,511</b>
<b>TOTAL OTHER CONGRESSIONAL FUNDING</b>	<b>\$11,275,420</b>
<b>TOTAL INDUSTRY FUNDING</b>	<b>\$18,562,316</b>
<b>TOTAL CONGRESSIONAL FUNDING***</b>	<b>\$51,911,597</b>
<b>TOTAL OBSERVER FUNDING - ALL FUNDING SOURCES</b>	<b>\$69,957,637</b>
<b>Totals may not sum due to rounding</b>	

<b>ESTIMATED NUMBER OF SEA DAYS TARGETED - Does not include programs that target permits, sets, or trips instead of sea days</b>	<b>65,000</b>
<b>ACTUAL NUMBER OF SEA DAYS OBSERVED - Includes days deployed for electronic monitoring, does not include programs that target permits, sets, or trips instead of sea days.</b>	<b>79,570</b>

<b>TOTAL NUMBER OF OBSERVERS - Does not include deployments for electronic monitoring</b>	<b>1,042</b>
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\*Total observer program funding under the Observers/Training line includes National Observer Program funds

\*\* shown here separately for clarity and consistency with previous reports

\*\*\*Sum of total observer program funding, reducing bycatch, and other congressional funding





## Appendix B

# IMPORTANT THINGS YOU NEED TO KNOW

### About Carrying an Observer on Your Vessel

This material is for informational purposes only. Regulations published in the Code of Federal Regulations (CFRs) contain the specific requirements that vessels must comply with when carrying observers. If you have any questions regarding observer requirements applicable to your vessel, please contact the National Fisheries Management Service (NMFS) observer program listed at the end of page 3.

**Regulations:** *Am I required to carry an observer?*

Fishermen who are required by regulation to carry an observer, or who are notified by NMFS that their vessel has been selected to carry an observer, must do so unless notified otherwise by NMFS. If carrying an observer, fishermen must comply with all U.S. Coast Guard (USCG) and NMFS safety regulations as set out at 50 CFR 600.746. Fishermen that fail to carry an observer on their vessel when required are subject to significant penalties and sanctions.

**Safety:** *If I carry an observer aboard my boat, will I have to purchase a lot of safety equipment that I would not normally carry?*

The safety and security of observers is one of the highest priorities for NMFS. In order to insure the safety of deployed observers, a list of safety items is required to be aboard all vessels that carry a NMFS observer. Those requirements are set out at 50 CFR 600.746; a copy of that regulation is attached for your convenience. The items required include a valid Commercial Fishing Safety Decal, which is issued at no cost by the USCG after inspection of the vessel. (If you need to contact the USCG about scheduling a safety inspection of your commercial fishing vessel, the following web site may be of assistance in contacting the USCG District Office in your area: [http://www.uscg.mil/top/units/.](http://www.uscg.mil/top/units/))

Other required safety items are ring buoys, distress signals; fire extinguishing equipment; personal floatation devices for all persons, including the observer(s) that will embark on the voyage; and an emergency position indicating radio beacon (EPIRB), when required, that is registered to the vessel at its documented homeport. A pretrip meeting in which the skipper and observer jointly inspect the vessel's living and working spaces for safety and other issues is usually required by most observer programs prior to deployment of the observer; even if not required, an informal inspection by the skipper and observer jointly is strongly recommended.

Without the required safety gear you may not carry an observer aboard your vessel. A failure to meet the safety requirements is not a defense to failing to carry an observer when required. If you are required to carry an observer and proceed to fish without one, significant penalties will result. However, the most important consideration regarding this safety equipment is that it is equally important to the safety and survival of you and your crew in the event of an emergency. Compliance with these regulations is an investment in the safety of your vessel and all who are aboard your vessel.

**Life Rafts:** *What if my life raft isn't big enough to hold the observer?*

Vessels are required to have a USCG applicable survival craft, with sufficient capacity to accommodate the total number of persons aboard the vessel, including any observer that deploys on the vessel.

**Accommodations:** *Do I have to give the observer a bunk and feed them during the trip?*

An owner or operator of a vessel must provide accommodations and food that are equivalent to those provided to those of the officers aboard the vessel. If there is no distinction between accommodations provided to persons aboard the vessel, then the observer must be given accommodations consistent with all other persons aboard.

**Treatment of Observer:** *If I carry an observer aboard my vessel, will I be charged with harassment if I make the observer upset?*

As the lawyers like to say, harassment is a “facts and circumstances” kind of thing. Without context, it is generally difficult to say exactly what facts and circumstances might “cross the line” into harassment. However, the key to avoiding such circumstances is to not allow any situation to degenerate into a possible harassment situation. As skipper, we ask you to be alert for these situations and to take the initiative to resolve or defuse them. Open and professional communication between the skipper and the observer is the best tool for insuring that no situation borders on or perhaps even constitutes harassment. NMFS encourages the observer and the skipper to start this communication and rapport process prior to deployment through a formal or informal pretrip meeting.

While use of common sense and good communication is usually all that is required to insure appropriate treatment of the observer, there should be no doubt as to NMFS’s commitment to protecting the observer. NMFS will not tolerate conduct by anyone that amounts to harassment, intimidation, or abuse of an observer. Any inappropriate treatment of an observer may not only be a civil violation, it may be a criminal violation. Intimidation or harassment of an observer will prosecuted to the full extent of the law; at a minimum, significant monetary penalties and sanctions will result.

**Regulations and Laws:** *If I carry an observer aboard my vessel can I ask the observer for guidance about fishery regulations?*

You should not ask the observer for guidance about fishery regulations. First, the observer is a scientist, not someone who has training or experience in interpreting or applying specific fishery regulations. Second, rendering advice on fishery regulations is not a part of the observer’s duties. Therefore, you cannot legally rely on such advice. If the observer’s opinion is wrong, the fact that the skipper relies on an observer’s opinion is not a defense to any unlawful act. Third, and most importantly, the skipper of a vessel is responsible for knowing the laws and regulations that are applicable to a fishing trip.

**Sharing Observer Data With the Skipper:** *Can I ask the observer about the data that is being collected? Can I ask the observer for copies of collected data?*

Yes, you can ask about the data being collected and for copies of the collected data. But the data recorded by the observer is only preliminary data and, after review, some entries could change due to recording errors. Therefore, NMFS recommends that the better practice is for the vessel permit holder to request a copy of the verified data after the trip.

**Answering the Observer's Questions Regarding Fishing Activities:** *Do I have to answer an observer when they ask me questions about my catch?*

An observer is acting on behalf of NMFS. As such, it is unlawful for any person to fail to provide required information or submit false or inaccurate data or statements to an observer when responding to a question directly related to the observer's official data collection duties.

**Observer's Conduct While On Board:** *What can I do if the observer acts inappropriately while on board my vessel?*

Observers must conduct themselves in a courteous and professional manner. If the observer does not comport themselves in this fashion, you should contact the observer provider and the NMFS office listed below. Observers may not consume alcohol or any illegal substance while on board a vessel.

**Assisting the Observer:** *To what extent do I and the crew have to assist the observer in carrying out the observer's duties?*

Observers may sometimes request assistance from the skipper or crew in collecting specimens or in other ways such as setting up sampling stations. It is a requirement for the skipper or crew to render such assistance when the request is reasonable and in connection with the observer's official duties. Observers are expected to make any such requests in a clear and professional manner. As safety permits, the skipper or crew should make good faith efforts to comply with all reasonable requests for such assistance.

If there are concerns or issues about complying with an observer's request for assistance, then the skipper should communicate those concerns or issues to the observer in a professional manner. If a disagreement persists, NMFS encourages the skipper to contact the observer program listed at the end of this handout. Failure to render assistance to the observer when the request is reasonable and when no extenuating circumstance prevents the rendering of such assistance could potentially subject the captain or crew to penalties or sanctions for such failure.

**Suspected Violations of Laws or Regulations:** *Is the observer a NMFS enforcement officer?*

Observers are not NMFS enforcement personnel. However, if a suspected violation is observed, it is one of the observer's required duties to document the facts for later investigation by authorized NMFS enforcement personnel. Because any suspected violation remains unproven

until investigated, observers are not required or expected to report suspected violations to the captain or crew.





U.S. Secretary of Commerce  
John Bryson

Administrator of National Oceanic and Atmospheric Administration  
and Undersecretary of Commerce for Oceans and Atmosphere  
Dr. Jane Lubchenco

Acting Assistant Administrator for Fisheries  
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