



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, FL 33149

June 4, 2002

Ms. Kimberly S. Dietrich
Vice-President, Association for Professional Observers
P.O. Box 30167
Seattle, WA 98103

Dear Ms. Dietrich:

I received your letter dated May 25, 2002, regarding a lack of response to letters you sent to various observer program staff at the Southeast Fisheries Science Center in October 2001. This lack of response from these staff members was simply because no one received the initial request for information from your Association. However, I am pleased to provide you with the requested information, and I feel we have made great progress in addressing the recommendations outlined in the Management Control Review (MCR) on NMFS Observer Programs and Service Delivery Models. Below is a discussion of the status for each of the MCR recommendations that were tasked to the Southeast Fisheries Science Center.

Status of MCR Recommendations
Tasked to the Southeast Fisheries Science Center

The following is a summary of the tasks that have been completed to date to implement the recommendations tasked to the Southeast Fisheries Science Center in the MCR of NMFS Observer Programs.

A. Risk: Funds for the observer program may be unavailable for obligation consistently and on time.

Recommendation: No changes or actions necessary by the Southeast Fisheries Science Center for this risk.

B. Risk: The costs of providing observers may be excessive or misallocated within government and industry.

Recommendation: No changes or actions necessary by the Southeast Fisheries Science Center for this risk.



C. Risk: Qualified observers may not be recruited and/or retained.

Recommendation: GS-Level / Pay Scale needs to be standardized in the Southeast programs.

Status: Except for the Miami Laboratory Observer Program, all programs in the Southeast Region are hiring only observers employed by and secured through Johnson Control. The Miami Laboratory continues to utilize both Johnson Control observers, as well as retains some observers under Purchase of Service Agreement. Using mainly one company for observer hiring actions has helped to standardize the observer pay scale, and makes them comparable over all programs.

Completion Date: Summer 2001; no other action necessary.

Recommendation: Basic observer qualifications need to be standardized in the Southeast programs. These basic qualifications, along with some specific qualifications developed by fishery type, will allow an observer to be qualified to work in one, several, or all the observer programs.

Status: Except for the Miami Laboratory Observer Program, all programs in the Southeast Region are hiring only observers employed by and secured through Johnson Control. The Miami Laboratory continues to utilize both Johnson Control observers, as well as retains some observers under Purchase of Service Agreement. Using mainly one company for observer hiring actions has helped to standardize the basic observer qualifications, and makes them comparable over all programs.

Completion Date: Summer 2001; no other action necessary.

D. Risk: Observers may not be properly trained to perform their duties.

Recommendation: So that observers can be utilized in each of the programs, the basic elements (materials and length of coverage time) of the observer training courses need to be standardized in the Southeast programs. Experienced observers and individuals from other agencies (e.g., USCG) need to have involvement in the training. In water training needs to be part of all training courses.

Status: A standardized observer-training course has been developed for the Southeast observer programs, in which all the basic elements (materials and coverage time) are covered to the same degree in all programs. Experienced observers and individuals from other agencies (e.g., USCG) are involved in the training. In water training has become standard in some of training courses, while it is simulated for the others (e.g., survival suits are donned, but observers do not enter water). In water training, if deemed

necessary, will be developed for each of the individual training courses during this new fiscal year (FY02).

Completion Date: Summer 2001 (partial); some additional action outlined for Fiscal Year 2002.

Recommendation: An objective testing method needs to be developed for the training courses in the Southeast Region, even though the observers feel that they are adequately trained.

Status: Objective testing methods have been developed for all the training courses in the Southeast Region.

Completion Date: Summer 2001; no other action necessary.

Recommendation: A more comprehensive treatment of harassment needs to be developed and used during training courses in the Southeast Region.

Status: A harassment discussion element has been added to the training courses in the Southeast Region.

Completion Date: Summer 2001; no other action necessary.

E. Risk: The health and safety of observers may be impaired.

Recommendation: A written policy, defining that the observers have the right to refuse a vessel they feel is unsafe, needs to be developed for the Southeast Region.

Status: A written policy has not been developed for all observer programs in the Southeast Region. This issue is still under discussion, but should be resolved this fiscal year.

Completion Date: Fiscal Year 2002

Recommendation: A selected vessel in a mandatory observer program needs to be held in port and not be allowed to participate in the fishery, if that vessel will not accept an observer or if the vessel is considered unsafe for an observer to be deployed. A consistent written policy, outlining the procedures for documenting safety concerns, needs to be developed for the Southeast Region.

Status: A written policy and actions for this process has not been developed for the Southeast Region. This issue is still under discussion, but should be resolved this fiscal year.

Completion Date: Fiscal Year 2002

Recommendation: Harassment and intimidation does not appear to be a major problem in the Southeast Region. However, observers may be just not reporting these events. Several issues were identified by the observers that they thought would help with these problems. These included: better training, better outreach to the industry about why the observers are on the vessels, and better enforcement and follow-up about the observer's complaints.

Status: A harassment discussion element has been added to the training courses in the Southeast Region. Also, enforcement officers are willing to follow-up any observer complaints.

Completion Date: Summer 2001; no other action necessary.

Recommendation: A written policy, defining a standardized policy for how to handle an unsafe vessel, needs to be developed for the Southeast Region and communicated to the fishermen. This will help the observers when they report that a vessel is considered unsafe. Procedures for determining whom makes the final call regarding a vessel's safety need to be established and can not take an observer.

Status: A written policy and actions for this process has not been developed for the Southeast Region. This issue is still under discussion, but should be resolved this fiscal year.

Completion Date: Fiscal Year 2002

F. Risk: Insurance coverage and legal remedies for observers who are injured at sea may be inadequate.

Recommendation: A better and more consistent training for observers, on compensation issues, needs to be developed.

Status: Discussion about insurance coverage has been added as a basic element to all the training courses in the Southeast Region. Legal remedies for observers are not covered as part of training in any of the programs. Also more detailed guidance from NMFS will be coming out this next year following the risk assessment analysis.

Completion Date: Summer 2001 (partial); some additional action outlined for Fiscal Year 2002.

Recommendation: Liability insurance for the vessel owners needs to be addressed in the Southeast Region.

Status: A policy and actions for this process has not been developed for the Southeast Region. Development for this issue is waiting on getting materials from the liability insurance workshop and risk assessment analysis.

Completion Date: Fiscal Year 2002

G. Risk: Observer coverage, deployment, and data collection may not be well-coordinated within NMFS or with other Federal, state, or intergovernmental agencies.

Recommendation: Observer coverage issues and coordination of efforts need to be developed for the Southeast Region with input from NMFS, Fishery Management Councils, State Agencies, State Commissions, etc.

Status: Although the observer programs within the Southeast do not function within a vacuum, a written policy and action items for this issue has not been developed for the Southeast Region. Coordination does take place, but not within a structured framework. This issue is still under discussion, but should be resolved this fiscal year.

Completion Date: Fiscal Year 2002

H. Risk: The completeness and accuracy of observer data may be compromised.

Recommendation: Data editing and confidentiality issues need to be better addressed during the observer training courses.

Status: A data confidentiality discussion element has been added to the training courses in the Southeast Region.

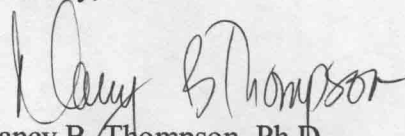
Completion Date: Summer 2001; no other action necessary.

As you can see from this summary information, we have developed and implemented numerous programs and training materials to address many of the recommendations in the MCR. Those few that have not been completed are actively being discussed, and many of the complex issues are in various states of resolution. However, our primary goal at the Southeast Fisheries Science Center remains to develop and maintain safe and effective observer programs in the Southeast Region.

I appreciate your letter requesting information about our progress to the various recommendations outlined in the MCR. To avoid potential problems with any future requests, please address any inquiries of this type of Dr. James Nance at the NMFS Galveston Laboratory, who acts as the program manager of observer programs in the Southeast. Our observer programs are diverse and housed at various facilities around the coast. Directing inquiries to one individual, Dr. Nance, with a cc to me, will help to facilitate any future requests for this type of information.

Please feel free to contact Dr. Nance (409-766-3507) if any additional information is required, or if you have any questions about the summary outlined above.

Sincerely,

A handwritten signature in cursive script that reads "Nancy B. Thompson".

Nancy B. Thompson, Ph.D.

Director, Southeast Fisheries Science Center

Cc: Joseph Powers
James Nance
Elizabeth Scott-Denton
Dennis Lee
Cheryl Brown
John Carlson