



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, MD 20910

THE DIRECTOR

RECEIVED
P. MINK DC OFFICE
00 NOV 22 PM 2:40

NOV 17 2000

The Honorable Patsy Mink
House of Representatives
Washington, D.C. 20515-1102

Dear Representative Mink:

Thank you for your letter regarding concerns raised by the Association for Professional Observers (APO) with respect to the administration of the Hawaii Longline Observer Program.

The decision to increase the amount of observers needed from the current number was the direct result of a Federal Court Order (Center for Marine Conservation v National Marine Fisheries Service (D. Haw.) Civ. No. 99-00152 DAE, filed August 4, 2000). The Court Order requires the National Marine Fisheries Service (NMFS) to increase observer coverage of the Hawaii-based longline fleet from the 4-5 percent levels that NMFS has maintained for the last several years to 10 percent by September 22, 2000, and then to 20 percent by November 7, 2000. In addition, the Court mandated observer coverage levels are only required until the Environmental Impact Statement for the Hawaii longline fishery is completed by NMFS on April 1, 2001. Observer coverage level requirements may remain at 20 percent or may be adjusted after that date.

Currently there are 11 Federal Hawaii longline observers. To achieve the 20 percent observer coverage that was required by November 7, NMFS determined that at least 40 or more additional observers were needed. NMFS concluded that this increase in observer coverage could be best accomplished by using a NMFS-approved contract company which could access a large number of potential observers in such a short time. NMFS needed to guarantee that the short-term, court-ordered observer coverages were met. The current contract, awarded on October 25, 2000, satisfies the recruitment and observer coverage needs in the short time frame imposed by the court order.

As noted in my letter to the APO, labor issues regarding the federal observers in Hawaii are being discussed between the representative of the federal observers, the Inland Boatman's Union, the NMFS Southwest Region, and the National Oceanic and Atmospheric Administration Labor Relations officer. Federal observers remain on staff and NMFS has no intention of removing

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



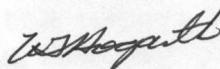
these federal employees, regardless of whether a NMFS-approved contract company is providing additional observer services in the short-term.

NMFS will also ensure that contractor-hired observers are compensated for their work at a level consistent with observer pay scales existing in other NMFS observer programs. NMFS requires permanent and stable funding for the Hawaii Longline Program in order to maintain it over the long term. Based on current projections, NMFS estimates that approximately \$3.0 million will be required in FY 2002 to maintain 20 percent coverage.

NMFS will not have detailed and accurate information on the cost of using contracted, as opposed to Federal, observers in this program until actual contract costs have been submitted and analyzed. The results of this analysis, coupled with the long-term requirements for observer coverage in the Hawaii-based longline fishery, will allow NMFS to determine the most cost-effective approach for this program.

Attached are copies of my responses to the two APO letters that you referenced. The first, dated August 28, 2000, responds to their letter of July 14, 2000. The second, dated October 25, 2000, responds to their letter of September 7, 2000.

Sincerely,



for Penelope D. Dalton
Assistant Administrator
for Fisheries

Enclosures

Sincerely,



Penelope D. Dalton

