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the
Mail Buoy

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NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL UPDATE

October Council Meeting Update

by Erika Acuna, Advisory Panel- Observer Representative

The Advisory Panel of the Council met in Seattle on October 11-14. Topics on the agenda at this session included: P-cod Allocation between the fixed gear sector; License Limitation Program for fixed gear P-cod; American Fisheries Act issues; Groundfish amendments; crab management and *C. bairdi* rebuilding plan; and MS-CDQ/ Observer Program updates.

Due to the overwhelming amount of discussion and deliberation on AFA issues (such as: processor sideboards and caps, excessive shares, inshore co-op structures, etc.) the MS-CDQ topic of discussion and the Observer Program Update were deleted from the agenda. However, the topics were brought up briefly in an informal roundtable discussion which was instigated by an anonymously circulated letter of testimony (later divulged as AOI origin). The discussion centered around the apparent "shortage" of MS-CDQ observers felt this year and the repercussions that might be felt by next year if the problem worsens.

Currently the industry has been misinformed that if NMFS doesn't modify it's current requirements for MS-CDQ observers it will spell doom and gloom on next years fisheries for those unable to acquire observers. Though this summer's fishery did feel the effect of qualified observer availability, the problem can be remedied in the future with better planning by the contractors, the industry, and the observers. This is the first year of the program, and never before have observers been in such demand during the summer months when observer demand has usually been low. The current requirements for MS-CDQ observers are stringent for a reason: the need for accurate and verifiable catch accounting. It is the agreement that was made with the native communities on how their fishery would be monitored. To lessen the requirements introduces inconsistencies and compromises data integrity.

Comments were also made regarding observers taking the opportunity to seek a wage increase for being MS-CDQ trained. If observers and their data are in such high demand, and held at a higher standard of integrity, then those that successfully accomplish the training, the requirements, and prove themselves out at sea should be rewarded with a higher salary. In any other job environment if a worker receives additional training and responsibility, a wage or benefit increase comes with it. It is the typical manner in which appreciation and incentive are expressed. Were this 'typical' practice with our employment, perhaps it would also help alleviate the shortage of MS-CDQ observers.

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**Observer Topics:**

The American Fisheries Act issues took the majority of the 4 day meeting. We heard reports from NMFS on the current planning for 1999 inshore sector co-ops. Relevant to Observers, the proposed monitoring requirement changes for the co-ops are as follows:

| <b>Vessel or Processor</b>             | <b>Year 2000</b>                                                                                                                              | <b>2001 and beyond</b>                                                                                                             |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Unrestricted AFA C/P and motherships : | 1 Lead "Level 2" obs.<br>1 NMFS certified obs. At all times. Additional observers may be required depending on volume of hauls or deliveries. | 1 Lead "Level 2" obs.<br>1 "Level 2" obs. At all times. Additional obs may be required depending on Volume of hauls or deliveries. |
| Restricted AFA C/P :                   | 1 Lead "Level 2" obs.*<br>1 NMFS certified obs. during any fishing in the directed pollock fishery.                                           | 1 Lead "Level 2" obs.*<br>1 "Level 2" obs. during any fishing in the directed pollock fishery.                                     |
| AFA inshore Processors:                | 1 NMFS certified obs. for each 12 hr period that the processor receives BSAI pollock.                                                         | 1 "Level 2" obs. for each 12 hr period that the processor receives BSAI pollock.                                                   |
| AFA C/V :                              | No proposed changes.                                                                                                                          | No proposed changes.                                                                                                               |

- \*Level 2 Lead Observer = MS-CDQ Lead Observer
- Level 2 Observer = MS-CDQ Observer

In addition to these proposed changes, NMFS is implementing regulations for all AFA co-op catcher vessels in the Bering Sea to have the ATLAS data reporting system on board. Software for the year 2000 is currently being updated and will be available for industry in November of this year. The purpose for this requirement is for "real time" monitoring of fishing activities within the Critical Habitat/ Catcher Vessel Operating Areas (CH/CVOA) since no additional monitoring of the 30% boats were proposed. Discussion was also made regarding the proposed requirement for the Electronic Vessel Monitoring system.

Catch reporting for AFA vessel co-ops will be based on fish ticket data (for unobserved hauls) and observer data for motherships and C/P deliveries in the offshore sectors. Shoreside processors will have electronic delivery reports which will be made on a weekly basis. These reports will include reports of landings for pollock and can be "web based" for Internet capable processors.

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Other Agenda Items:

- A) Final Action was taken on the P-cod Allocation between the fixed gear (longliners and long line catcher vessels) and pot vessels. The non-CDQ Pacific cod TAC in the BSAI is currently allocated 51 % to fixed gear, 47% to trawl gear, and 2% to jig. Only the portion of the BSAI P-cod allocated to fixed gear vessels were being considered as part of this

amendment which split the 51% TAC to: 80% for freezer longliners/ .3% to catcher longliners/ 1.4% to pot or longliners under 60ft/ and 18.3% to pot vessels over 60ft.

- B) Discussion of License Limitation Program for fixed gear P-cod in the BSAI.
- C) Report on status of litigation :emergency rules for 1999; amendments for 2000; and status of RPA and court ordered decisions which are all due out by the court this week.
- D) Groundfish amendments: which would prohibit the use of non-pelagic trawl gear in Cook Inlet; and analysis to manage sharks and skates in the BSAI and GOA.
- E) Crab management: final action on C. bairdi rebuilding plan which is a 10 year plan to look at harvest strategies, bycatch controls, and habitat protection. With the recent “crash” of C. Opilios and St. Matthew Blue King Crab it was discussed to move forward on rebuilding plans for those species as well.

Editor's Note: The APO is supporting Erika Acuna's reappointment to the APO. We would like to collect as many signatures as possible. The letter is available on the web and also in Seattle. Call Kim for details.

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### **APO's Position Regarding MS-CDQ Observing** by Kim Dietrich

I feel I must respond to the negative feedback from industry regarding my July 23 email to MS-CDQ observers. At that time I stated that 11 vessels were asking for observer coverage waivers for their MS-CDQ fishing time and that (for a change) observers had the opportunity to improve their situation. I called for observers who were MS-CDQ qualified to contact all the contractors with their availability and suggested they were a valuable commodity and should take advantage of this fact. I find it ironic that fishers routinely strike for better prices (hence better wages for crew) and move to non-historic fisheries when prices are better, but when observers think about taking action to improve their economic position, they are treated with contempt.

The AK Region has not granted any waivers to date. Granting of waivers undermines the intent of the MS-CDQ program and is unfair to all vessels and contractors who have already incurred the costs of observer coverage and the extra training. The APO maintains that the alleged observer shortage is the fault of all parties -- poor planning by the vessels, poor forecasting by the contractors, the contractors/industry's lack of incentives to get MS-CDQ observers out to the field and potentially the Region's ambitious qualifications for becoming MS-CDQ certified. The solution isn't to fault the observers for wanting additional benefits to go out in a fishery that requires additional training and increased potential for harassment. Part of the solution is to plan better next time. If I were a member of industry and had even the slightest inkling of becoming involved with the MS-CDQ fisheries, I would contact my contractor before the year even began and inform them of my potential plans. Contractors are frequently put in an awkward position because industry doesn't provide them with realistic time lines.

Another part of the solution may be to review the qualifications for becoming a MS-CDQ observer. The APO believes that observers with prior experience collect higher quality data and if the goals of the MS-CDQ program are to have increased accountability placed upon the observers, then priors are necessary. We are not concerned with the contractor's proposal of the following:

- Remove the requirement that AFA listed c/p's carry CDQ observers;
- Decrease the number of sampling days from 60 to 45 to become eligible for a certain vessel type;
- Allow observers to attend MS-CDQ training before they debrief with the caveat that if debriefing goes poorly, they are not deployed as MS-CDQ observers;
- Or train all observers to be 2<sup>nd</sup> observers for CDQ.

However, we are strongly opposed to any change in the gear specific requirements. If one hasn't observed on a certain vessel type, the likelihood of errors is increased. NMFS has a long record of examples to prove this.

The APO concurs with the contractors comments regarding the 90 day/4 vessel limit. Observers would become eligible for MS-CDQ training quicker if the rules were more flexible. The APO's position has been that we agree the 90-day/4 vessel limit rules should exist. However, recent policy at NMFS has been a wholesale denial of extensions. Again, in theory the rules are great but in practice they force observers who want to continue working to debrief and lose opportunities to work while potentially forcing observers who want to return from the field to continue working. Logic would dictate that people who want to continue working collect better data and those who want to go home might not be as diligent. A possible solution is to ease the radical enforcement of the 90-day/4 vessel rules. If NMFS is concerned that observers are being taken advantage of and are being forced to work longer than they want, NMFS could require that the observer check in with NMFS in Seattle by telephone. The observers should also be required to submit all forms and do a thorough mid-cruise review in the field before the extension is approved. Data quality and timeliness concerns are then taken care of, as are any concerns that the observer is being held hostage.

In the email I also suggested incentives which may entice some observers to come back to work before they had planned. Contractors and industry need to work together to come up with a plan of action for the future. There are other options available to maintain a trained corps of observers which benefits not only the MS-CDQ Program but the Observer Program in general.

### **Judge Says Fishery Not Protecting Steller Sea Lions** (from Sea Web Ocean Update 9/99)

Current pollock fishing regulations issued by the National Marine Fisheries Service (NMFS) do not protect the endangered Steller sea lion and violate national environmental laws, concluded a ruling issued by a federal judge in July.

The ruling was in response to a lawsuit filed against NMFS last year by environmental groups, who claimed that the agency had not adequately considered possible impacts of pollock fisheries in the Bering Sea and western Gulf of Alaska on Steller populations. The suit contended that NMFS had not followed the National Environmental Protection Act and the Endangered Species Act when drafting regulations for the fishery.

Agreeing with the main thrust of the environmentalists' case, U.S. District Court judge Thomas Zilly wrote that "NMFS approved changes in management measures based solely on an attempt to minimize the impact on the fishing industry, without explicitly considering what effect the changes would have on Steller sea lions... the court cannot excuse NMFS' total failure to analyze or explain this critical point."

The judge's decision marks the second victory in the space of weeks for environmentalists. A peer-review panel appointed by the North Pacific Fishery Management Council noted in June that commercial fishing in the Bering Sea and Gulf of Alaska "is likely the most significant human activity affecting ecosystem structure and function" and is potentially depleting food for the endangered Steller sea-lion (Ocean Update, August).

Steller sea lion populations in the Bering Sea and western Gulf of Alaska have fallen from an estimated 230,000 in 1965 to fewer than 34,000 today. In 1990, the species was listed as "threatened" under the Endangered Species Act; in 1997, its listing was upgraded to "endangered." Although few claim that pollock fishing is directly responsible for the sea lions' decline, many environmentalists and researchers argue that fishing near sea-lion rookeries at particular times of the year may be impeding their recovery.

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### **NORTH PACIFIC OBSERVER PROGRAM UPDATE**

## **DR. DANIEL ITO NAMED NEW TASK LEADER**

Dr. Dan Ito, from the Stock Assessment group of RACE, has been selected to take over the position of Groundfish Observer Program Director at the Seattle office of NMFS. Dr. Ito will be replacing Dr. Bill Karp who has moved on to head the Hydroacoustic Program of RACE.

Dr. Ito has an extensive background in fisheries science, research, and data collecting, coming from the Stock Assessment group of RACE where he worked mainly on shorttraker and rougheye rockfish.

APO met with Dan to discuss both the positive and negative aspects of the Observer Program from an observer's perspective and to provide him with an outline of "wish list" items that we would like to see changed in the program and provided him with suggestions to current problems such as the procurement system, NMFS' inability to place observers on vessels based on a scientific sampling design, MS-CDQ observer requirements and the 90 day/4 vessel limit.

Dan's primary focus is with data quality and data integrity. He mentioned several interesting ideas he has for the program, but any big changes that are made need to take into account any effects on data. Dan has an "open-door" policy and is available for any further discussion and comments from Observers. I urge all of you to introduce yourselves and welcome him to the program, he would love to hear from the field biologists!

## **Change in Dutch Harbor Field Office Personnel**

Chris Bill has left the Observer Program and taken a new position with the NMFS office of Protected Resources in Portland, Oregon. His last day was October 8, 1999. Troy Martin is being reassigned to take over management of the Dutch Harbor field office sometime in mid-November. During the interim, Sandi Neidetcher will remain in Dutch Harbor to cover the needs of that office.

## **OBSERVER PROGRAM EVALUATION IN PROGRESS** (Modified from Council announcement)

The NMFS has contracted Marine Reserves Assessment Group (MRAG) to conduct an independent review of the North Pacific Groundfish Observer Program. The purpose of this review is to provide recommendations for changes in program operations and organization that will improve the program's ability to meet its mission and goals. In particular, this review should provide information essential for management of sustainable fisheries in the North Pacific.

As part of this review, MRAG is gathering information from the various stakeholders involved in the Observer Program through personal interviews, telephone interviews, written questionnaires, and open workshops. These stakeholders include the fishing companies and organizations; observer contractors, Council, AK Regional office, Alaska Fisheries Science Center, Enforcement, Coast Guard, OTC, AFU, APO, observers and other non-governmental organizations active in the North Pacific groundfish fisheries.

In an effort to collect more information a workshop was held on Oct. 11 during the Council meeting in Seattle. If you were unable to attend and have comments, feel free to contact MRAG at 813-639-9519 (EST). Observers will also be queried through the enclosed survey.

Final analysis is due to be completed by April, 2000. Recommendations will hopefully lead to NMFS and Council action.

### **Observer Workshop Meeting** by Erika Acuna

On Monday Oct. 11 representatives of MRAG Americas Inc., the consulting firm hired by NMFS to prepare an in-depth look at the Groundfish Observer Program, met with industry representatives at the Doubletree Hotel. MRAG's purpose was to get a perspective from the fishing community as to their interpretation of the observer program, their frustrations, and to get general input.

It was interesting to get their perspective on the Observer Program's objectives. As many of us have heard before, comments ranged from the constructive and valid frustrations to the completely absurd and uninformed. Sentiments that ran in common were: "observers objectives have changed from data collecting to enforcement"; "fisheries management has gone from fleetwide monitoring to individual vessel management"; "the observer program is strained by increased pressure for more data and increased difficulties in management". My personal favorites were: "my boat has had 5 years of observed data collected from it, I don't need to be observed any more", "if we need more data then average it in", and my #1 favorite comment "before observers we didn't have a by-catch problem"!

Hopefully M-RAG took the “earful” of comments with them and will balance them out with the actual accounts from observers, NMFS, and enforcement to complete their analysis. The project has a due date of next spring, and it is hoped that the final report will be presented to the Council for some direction and approval for changes to the current Observer Program.

Following Monday night’s meeting, APO had a more informal with Heidi Lovett, an MRAG representative. Several longtime observers came to the meeting and gave Heidi 3 hours of stories, suggestions, comments, and very good information on what it’s like to be an Observer.

**Personal Note:** A big “thank you” goes out to those motivated observers that chose to forgo an evening of their time to come to the APO/MRAG meeting on 10/14. Your input and ideas were well received and greatly appreciated. It was important, in my opinion, for Heidi to get an accurate and first hand account from the people who have spent many days at sea as observers and who have various situations and diverse experiences to share. I feel optimistic that the MRAG report will initiate major changes to the Observer Program next year. A round of applause go out to: Janelle Zimmerman, Victor Simon, Nicole Caputo, Julie Kellicutt, Brendan Scannell, Andreas Winter, Tom Wilson, and Nathan Lagerway. A big debt of gratitude is also owed to Kim Dietrich, Teresa Turk and Mark Coles, our union president, who also attended and gave input as well as suffered through the 3 hour workshop on Monday night along with Mandy Merklin and myself! Thanks to all, “United we stand”!

The contact person for MRAG is Heidi B. Lovett and her email is: *HeidiLovett@compuserve.com* for any of you who may have comments of your own and could not make the meeting.

As always I invite any of you returning observers who are debriefing at the Seattle office to stop by my office and chit chat about any of the Council agenda items, observer issues, or general burning questions. I love sea stories and since I am not currently observing I am interested in keeping in touch with Observer situations out at sea (good or bad). Please feel free to stop by (Office #1175), call (526-4606) or e-mail (*Erika.Acuna@NOAA.gov*).

#### **OBSERVER CADRE UPDATE** (from NMFS Report to Council, 10/99)

NMFS is committed to having a functional Observer Cadre by the end of 2000. The NPGOP is taking steps necessary to implement the Cadre, given the current staffing and budgetary uncertainties. The Observer Cadre will focus primarily on communication and outreach to industry and observers. NMFS anticipates that the enhanced education and information exchange that will occur as a result of Cadre activities will facilitate industry compliance with regulations associated with observer safety, working conditions, and sampling. NMFS also anticipates that these outreach initiatives will improve communications with contractors and NPGOP’s ability to support observers and resolve problems in the field. Cadre members will also provide assistance to NMFS Enforcement personnel with documentation of compliance concerns. Cadre staff will be located in Anchorage but will travel frequently among Alaska fishing ports, Anchorage, and Seattle in the conduct of their duties.

NMFS believes that the ability to place staff on board fishing vessels at sea is essential to the effectiveness of the Cadre. A number of issues, however, must be resolved before they can develop the regulatory infrastructure that would be required to support this function. Even under the least complex scenario, which would provide for placement of staff to collect data on otherwise unobserved vessels, or to gain field experience by substituting for contract observers under the mandatory coverage requirements, concerns regarding authority, compensation and competition with contracting companies must be resolved. Issues associated with placing staff in compliance monitoring roles on board vessels or at shoreside plants are much more complex. Significant interaction with fishing companies, observer contractors, NMFS Enforcement and General Counsel will be required before proceeding. NMFS does not believe they can implement these types of Cadre functions before 2001. Early in 2000, NMFS plans to initiate discussions with industry, observer contractors, Enforcement and GC to identify appropriate at-sea operations for the Cadre. NMFS will then initiate the necessary program development and rulemaking activities.

#### **APO’s CADRE SUGGESTIONS (kd)**

There has been a lot of confusion and speculation regarding the potential uses for the new Observer Cadre once it is established. The Cadre has tremendous mentorship potential and provides a unique opportunity for morale building. The APO feels that the existence of the Cadre can have both positive and negative effects on the program. Some thoughts from observers and the fishing industry on how to utilize the Cadre to positively improve the program include:

- Build a bridge between observers and the Observer Program. NMFS currently has a serious problem with relations between staff and observers. Diplomacy among the Cadre is going to be paramount to its success.

- Ground-truthing of observer methods. Send Cadre out with current observers to work as a team, sample concurrently or independently and make comparisons.
- Performance of a pre-season review on each vessel by a member of the Cadre and the assigned observer to review specific vessel sampling possibilities and NMFS' preferences.
- Mid-cruise reviews on board the actual vessel.
- Build a bridge between RACE and the Observer Program. There is so much valuable information that isn't shared between the groups. Observers would be more excited about the data collected if they understood who was using it and to what extent.
- Industry outreach. Pre-season meetings with the actual fishers in the major ports discussing the Observer Program, it's goals & expectations from the crew, etc. The crew could also be involved with pre-season review on each vessel. Vessel personnel frequently have useful suggestions but do not always have the motivation to pass the information along or are simply never asked.
- Perform a post-cruise interview with vessel captains similar to ADF&G.
- Supplemental coverage on 30% vessel or vessels which do not currently carry observers.

#### **TDR'S RECOVERED FROM SABLEFISH (kd)**

During the 1998 sablefish stock assessment survey of the Aleutian Islands and Gulf of Alaska, 195 time-depth recorders (TDR) were implanted in sablefish and deployed by release of the fish. Nine have been recovered to date; five were recovered by observers, 1 by fishermen, 2 on NMFS surveys, and 1 by an IPHC port sampler.

NMFS scientists hope to learn about the daily, seasonal, and age-related depth movements of sablefish from recovery of these tags. Knowledge of these movements will help them understand what part of the population is susceptible to the fishery, how this changes through the life of the fish, and in turn will help scientists better recommend sustainable harvests. More TDR's will be deployed during the 2000 longline survey. Sablefish are marked externally with a pink and green external tag which reads "Reward for depth sensor inside fish". There are instructions on the TDR regarding where it should be sent. If you're an observer, turn it in to the field office or during your debriefing. Downloaded information is available upon request. Make requests to Mike Sigler, Auke Bay Labs, Juneau (Mike.Sigler@noaa.gov).

#### **NATIONAL OBSERVER PROGRAM ADVISORY TEAM Discusses Mission (kd)**

The National Observer Program Advisory Team (NOPAT) met July 7-8, 1999, to clarify the mission and objectives of the National Observer Program. The NOPAT recommended that the NOP provide support and guidance to the regions, without directing them. They see the role of the NOP as creating consistency across the regions in the various elements of data collection so that data is of high quality, comparable across regions, and independently verifiable. The NOP must also ensure that NMFS is effectively communicating the purpose and scope of NMFS observer programs and the role of observers to fishermen, the public, and Congress.

With this in mind, the following mission statement was drafted:

*NMFS observer programs provide for data collection on the catch and bycatch of marine species. The National Observer Program's mission is to provide a formalized mechanism for NMFS to address observer issues of national importance and to develop policies and procedures to ensure that NMFS observers and observer programs are fully supported. The policies must reflect the diverse needs of regional observer programs while enhancing data quality and achieving consistency in key areas of national importance.*

The NOPAT then developed the following objectives of the NOP:

*Recognizing that each region and each observer program may have its own unique mission and objectives, the objectives of the National Observer Program within the Office of Science and Technology are to:*

- 1) *Coordinate the National Observer Program Advisory Team;*
- 2) *Communicate and advocate the mission of the National Observer Program and each regional observer program;*
- 3) *Develop and support national standards & policies to create high quality, cost effective, efficient, and productive observer programs;*
- 4) *Characterize and quantify the activities and resources of NMFS observer programs and advocate for full support.*

NMFS has recently opened 3 NOP staff positions. The NOPAT will meet again in November. For more information contact Vicki Cornish, NMFS Office of Protected Resources, 301/713-2322, x125.

## **2<sup>nd</sup> US/Canada Workshop Scheduled**

The US and Canada are planning to hold another joint workshop on Fisheries Observer Programs on June 26-29, 2000, in St. John's Newfoundland, Canada. Workshop themes will include observer-specific issues, compliance/enforcement, service delivery and science issues. The formal announcement of the workshop will probably go out by early November from the Canada Dept. of Fisheries and Oceans, the hosts for the workshop.

The APO has recommended more observer participation for the next workshop. If you're interested in attending, please contact Erika Acuna or Kim Dietrich.

## **ADF&G UPDATE**

**Summary of March BOF Changes to Shellfish Observer Program** (excerpts from July 21, 1999 letter to contractors from Larry Boyle)

Most of the changes made by the Alaska Board of Fisheries (BOF) at their March meeting are now in effect. The following is intended as a brief summary of the regulation changes pertinent to the crab and scallop observer programs.

The State funded crab observer program will be implemented but on a reduced scale; it will only pay for some of the crab observer coverage. The status quo will remain until the fall of 2000 when the new regulations will go into effect. The specifics of what the new program will look like will be fleshed out over the next 12 months. However, the department will harvest and sell crab this fall to fund a portion of the observer deployments that will begin the fall of 2000.

The department will be able to place crab observers on any vessel in any of the Bering Sea and Aleutian Island crab fisheries beginning in the fall of 2000.

This will require vessels to pre-register prior to each fishery so that observer coverage levels can be determined and vessels that will carry observers can be selected and notified.

The BOF established an Observer Oversight Committee to work with the ADF&G on issues such as funding, observer coverage levels, etc. and will also report to the BOF. The initial committee is composed of fishermen and industry representatives. The initial committee will make recommendations on the size and composition of the permanent committee, which the BOF will act on this October.

Regulations for 1999 were strengthened on interfering with observer sampling, harassment and intimidation of observers.

There are separate trainee permits, certifications and decertification for crab and scallop observers. As you are aware, this has been the policy since February of 1998 and now the regulations reflect that change. This was considered a 'housekeeping' measure.

The Bachelor degree requirement for shellfish observers was clarified and the requirement for observers to possess a FCC radiotelephone license was dropped in other housekeeping measures.

Catcher-processor vessels will not be required to carry a crab observer when transporting processed product out of Alaskan waters after the close of a fishery IF they meet specific criteria. These changes appear in the king and Tanner crab landing requirements section of the shellfish regulations.

Overall, we do not envision an increase in the annual number of observer days of coverage when the new program is initiated next fall. Conservation or biological issues could obviously require increased coverage in specific fisheries or from season to season. The determination by NMFS and ADF&G that the Bering Sea C bairdi stocks meet the definition of 'over fished' will also be a factor in observer coverage in many of the Bering Sea crab fisheries.

**Alaska snow crab stocks collapse; fishery quota slashed** (from SeaWeb Ocean Update: October 1999)

The Bering Sea snow crab fishery quota for this winter has been slashed, and fishery managers are predicting that next winter the fishery will be closed completely. The move has been made in response to a collapse in crab stocks, including a "troubling paucity" of young snow crabs, according to biologists with ADF&G.

The quota for this winter's fishery, which begins January 15, was set at 28.5 million pounds, down from 196 million pounds this past winter.

According to Rance Morrison, ADF&G's shellfish manager for the Bering Sea and the Aleutian Islands, analysis of this summer's research trawls showed that small crabs have dropped by half since last year, female crabs by 60 percent, and adult males by 63 percent. The reason for the snow crab collapse is largely a mystery, although stocks do fluctuate regularly.

The snow crab fishery had ranked as the third most valuable fishery in the Bering Sea region, which provides 90 per cent of the fish for U.S. markets. It is the latest blow for crabbers in Alaska: fishermen had hoped that the rich Bristol Bay red king crab fishery, to open October 15, was on the rebound, but managers set a quota of about 10 million pounds, half of what was expected. Meanwhile, this year's king crab fisheries around the Pribilof Islands and St. Matthew Island were canceled because of low crab stocks. Also, commercial fishing for Bairdi Tanner crabs has been closed since 1997 because of overfishing.

Arni Thomson, executive director of the Alaska Crab Coalition, which represents about 60 crab vessels, described the move as "just catastrophic." "This is the fishery that sustains the fleet," he said. "This is an industry in crisis." However, he acknowledged the need for the slash in quotas. "You have to preserve the brood stock even in the face of a shutdown for the industry," he said.

Source: Loy, Wesley. 1999. State slashes snow-crab quota. Anchorage Daily News September 9: A1  
Contact: Arni Thomson, Alaska Crab Coalition. Tel: (206) 547-7560. E-mail: [acc-crabak@email.msn.com](mailto:acc-crabak@email.msn.com)

### **Letter From George Pappas...**

I recently accepted a position in Kodiak working with salmon management. I chose to take the lateral transfer to diversify. Since 92, I have been with the shellfish observer program starting on my hands and knees on deck as an observer and have worked my way into an upright position. I have held every position within the observer program and have pretty much completed every duty involved with the program. After 7 years, 2,000+ briefings, millions of reviewed forms (literally), and 300 observers, it is time for me to pass the torch.

I will be living and working out of Chignik AK for 5 months each summer and the remaining 7 months will be spent working in the Kodiak office.

I hate to leave the program but I believe I have contributed to the best of my ability and it is time to move on.  
Take care, George Pappas

*Editor's Note: Ted Spencer has replaced George in the Dutch Harbor office.*

### **LETTERS TO EDITOR:**

Dear readers and fellow observers,

I am writing to you for the first time as a long time prior observer about the issue of continuing to support the union. I've been working as an observer since 1991 in both domestic and drift net program run by NMFS. I've seen many changes both good and bad that have affected observers during this period. For those also that are long time priors, who have been through the wars, this letter is nothing new, but for those who have just entered the observer field, hopefully I can persuade you to continue to support the union.

Recently, one NMFS contractor (Data) has become non-union. After talking to a few Data observers, it seems that they're under the impression that Data will continue to match wages with the current union contractors. Maybe, but they are under no obligation to do so. If they wanted to they could lower observer salaries if they so choose. One advantage to them is they can lower their fee to the fishing industry to try to increase their business (i.e. market share, number of accounts). This is entirely possible. The fishing industry would like nothing better. With continued lower fish prices, they will continue to look for ways to cut costs, and there's no better place to start than with observer costs.

With Data being small in number of accounts, compared to other contractors, you say “why worry”. Do you think Data is going to turn down business, or not try to increase its business? What better ad campaign could a company run then to advertise itself publicly as non-union, with lower fees?

I know you don't like paying union dues of 120 dollars a year. Look at it this way, without the union you would have made around 80 dollars a day to start as a first time observer. Now you make around 100 a day. That's a 25 percent increase, with the union. If you take the difference (100-80/day) and apply that towards your dues, it only takes 6 days to pay for your dues. Or would you like to go back to making 80 dollars a day, it can be arranged?

I see the union not as a union but as an agent, much like sports agents of today. They take a fee based on percentages, to negotiate for their clients. Who do you think can better negotiate for you, the contractors or the union? It's all up to you. Think about it!

Ken Orwig  
Yakima WA  
(received 6/6/99)

**Dear Observers,**

In Appendix A- Hiring Statement that Saltwater observers sign the wording is as follows:

*“This contract shall take full force and effect on or about \_\_\_\_\_ and includes three parts: 1) a briefing or training 2) assignments of approximately \_\_\_\_\_ days, and 3) debriefing(s) following Observer's return from assignments.”* I am not sure if other Contractors have the same Hiring Statement, but I am told that all SWI observers have the same Appendix A Hiring Statement.

Consider the possible scenario:

You sign a 90 day contract. You work for 70 days on four boats. You go to debrief. You complete debriefing in three days. You are told that you still have 17 days left on your contract and you will be going back to sea. Under typical circumstances, the observer and NMFS considers the “end” and “completion” of your contract to be debriefing...however, the wording in the Hiring Statement is open to interpretation. Because of the presence of the “(s)” in debriefing, it is possible and probable to debrief people multiple times under “one” contract. To my understanding, the original intention of the plural debriefing was to incorporate mid-cruise debriefings, not multiple debriefings under one contract. The only stipulation the observer has in recourse is to point out that the Hiring Statement (Appendix A) only provides for a singular briefing. So, you can debrief, but you are only required under contract to attend one briefing. To get around this problem, a Contractor requests briefing waivers. Due to the “Observer shortage”, NMFS is under increased pressure to grant briefing waivers in order to re-circulate employees into the field. Obviously, there is a gray area that Contractors can/are using to keep Observers under contract. The Union and NMFS have been notified of this practice, but it is really up to the Observer to be aware of the contractual agreements we sign.

Another scenario that has been occurring in regard to the gray area of Appendix A:

Debriefing before the four boat limit and 90 day constraint in order to avoid paying the full daily wage or partial daily wage while you are waiting for your next assignment. Section 7.05, third paragraph of the Saltwater contract reads: *“If an Observer has been unassigned for four days the Company {not the Observer} may give the Observer the choice to debrief or to receive pay at one/half the daily rate for their grade.”* NOTE: “May” give the option, but are not required to offer the option.

Again consider the following scenario:

You sign a 90 day contract. You are deployed on one boat for 60 days. Your next assignment is not for 10 days. It is the Contractor's option to either pay you full pay for 4 days and then half pay for the remainder of your wait time...or the Contractor decides to debrief you. Financially, it is in their best interest to debrief you because you are not paid while “waiting for debriefing”. You debrief for three days. You brief. You are still under your original contract, for 27 days. Since you have not “left the briefing location” you remain unpaid and not receiving food expenses while you wait for the vessel to come in...but technically under contract. Had you not debriefed, you would have gotten full and then half pay for your time. Instead, because you debriefed and briefed, you get only debriefing and rebriefing pay and wait around with no “real” pay.

Another issue that needs to be addressed by NMFS, AFU, and Observers is the issue of the four boats maximum under one contract. It is my understanding that the four-boat rule was implemented to prevent observer burnout and preserve quality data. If you can debrief and rebrief several times under one contract the possibility exists that you could be on eight boats in

90 days!! (do the math, it is actually possible to be on more boats, but the conservative reality is eight boats) It is my opinion that working on eight boats in 90 days would cause burnout and result in poor quality data.

The intention of this letter to APO is to remind Observers that it is in their best interest to read and understand the contract and hiring statement and be prepared for the possible scenarios discussed above. It is acceptable to alter your Hiring Statement – Appendix A (including asking for higher wages). However, both parties must agree to the alterations. Make sure if you have altered the Hiring Statement to make copies of your revised version and inform the AFU of the changes.

I have recently dealt with some of the issues mentioned in this letter and was unaware of the variety of situations and gray areas that exist in our contract. I contacted AFU and received full support. I would like to thank Mark Coles for all his assistance. Thank you for your time.

Kelly L. Van Wormer  
(received 10/16/99)

#### **ALASKA FISHERMAN'S UNION NEWS** (Submitted by Mark Coles, AFU President)

In the past few weeks the Union has been contacted by observers and contractors alike concerning the Union's position on rates of pay for MS-CDQ observing. MS-CDQ certified observers have asked the union if it is allowable to ask for rates of pay above the contract for MS-CDQ observing. Contractors requested the Union tell MS-CDQ certified observers not to ask for rates above the contract for MS-CDQ observing. Which was an interesting request from contractors, since, at the time they sent the letter, some contractors were already paying higher rates of their own accord without consultation with the Union. Apparently, in some minds, it was okay for contractors to offer more money for MS-CDQ observing, but not okay for observers to ask. At any rate, I will try to articulate the AFU's position in as unambiguous a way as possible.

The Union negotiated an agreement with contractors that along with other important language sets **minimum** rates of pay. We obviously thought the rates were acceptable and a vast improvement over pre-union norms. It could be argued that MS-CDQ observer has requirements exceeding those considered in the negotiations and thus should have a separate rate, however, currently it does not. Ultimately you must decide whether the pay rates in the contract are attractive enough for you to go to work as an MS-CDQ observer.

The Union is not going to tell an observer what they can and cannot discuss with an employer prior to becoming an employee. When one contractor is publicly advertising to pay MS-CDQ observers \$250 per day it would be ridiculous of the Union to tell observers they are prohibited from discussing MS-CDQ pay with a prospective employer. The Union feels strongly, however, that once a hiring statement has been signed an observer is bound to fulfill their contract.

Do not forget the existing contracts expire at the end of 2000. Start thinking about areas that need to be addressed. The Union is always seeking input from observers. We want to hear from you. You can call me collect at any time at (206) 441-3425, fax to (206) 728-9698 or write. Please note we have moved our office. The new address is:

ALASKA FISHERMEN'S UNION  
2620 THIRD AVENUE #400  
SEATTLE, WA. 98121

#### **PACIFIC FISHERY MANAGEMENT COUNCIL UPDATE** (From 9/99 Pac. Council News)

The Council discussed progress in development of a West Coast observer program. The immediate need for an observer program is to estimate total groundfish bycatch (discards) and to provide better estimates of total fishing mortality. This information is important for stock assessments and rebuilding plans. The Ad-hoc Observer Program Implementation Committee presented their report to the Council detailing the major components of a comprehensive observer program. The NW Fisheries Science Center and the NW Regional office of NMFS presented a draft proposed rule for the regulatory framework to place observers onboard vessels, this draft proposed rule was made available for public review. NMFS continues to develop the structure and regulatory framework for a coastwide observer program. In November, NMFS will present alternatives for the program structure and draft proposed regulatory package for Council consideration. At that time, the Council is expected to take preliminary action. Final action is scheduled for March 2000.

#### **CMC/NRDC Sue NMFS** (WASHINGTON, Oct. 13 /U.S. Newswire)

On Oct. 12, the Center for Marine Conservation (CMC) and the Natural Resources Defense Council (NRDC) filed suit against the National Marine Fisheries Service for failing to protect depleted groundfish stocks as required by the Sustainable Fisheries Act.

The Pacific Coast groundfish fishery management plan contains a loophole which allows overfishing of depleted species under certain conditions.

"This loophole gives fishery managers an easy out from doing their job," said Warner Chabot, Pacific Region Director for the CMC in San Francisco. "Overfishing should not be allowed -- period. We need to look beyond the immediate economic benefits and realize that down the road overfishing will hurt us both ecologically and economically."

The Sustainable Fisheries Act requires that fishery management plans include measures to prevent overfishing and to rebuild depleted stocks. But the current Pacific groundfish management plan violates that law to end overfishing by allowing an exception for "mixed stock" fisheries. "Mixed stock" fisheries are those in which several species of fish found in the same habitat are managed as a single unit, and allows fishers to use non-selective gear to catch the different species of fish, without taking into consideration the individual species' vulnerability.

"A history of allowing over-exploitation of vulnerable species to keep catch rates high on others is one of the reasons many West Coast groundfish populations are going belly-up today," said Karen Garrison, Senior Policy Analyst for the NRDC in San Francisco. "The mixed stock exception gives a green light to wasteful fishing practices."

Through this exception, NMFS has allowed managers to make flexibility and profit a priority over conservation by continuing to exploit depleted stocks, resulting in drastic declines in Pacific ocean perch, bocaccio, and lingcod. If this management plan complied with the law and took the steps needed to halt overfishing and rebuild depleted groundfish stocks, the ecological and economical benefits to the fishery could be significant.

Pacific groundfish are an integral part of the Pacific marine ecosystem and play a role both as predator and prey for many species. Pacific groundfish are known to be prey for many marine mammals, including threatened Steller sea lions, harbor seals, and dolphins. They are also prey for many fish and birds.

CMC and NRDC are represented in this case by the Ocean Law Project of Earthjustice Legal Defense Fund. The Ocean Law Project is an initiative of the Pew Charitable Trusts.

## JOB OPPORTUNITIES

Closes October 25th, or until filled. Suggest you apply ASAP. All positions salaried at \$31-36,000/yr.; benefits. **Shellfish Biologist** requires B.S./major in shellfish science; two years experience shellfish management; scuba certified. **Biologist-Hatchery Management**: two positions available. Requires B.S./major fisheries; two years professional experience. **Salmon Restoration Volunteer Coordinator** requires BA/BS in fisheries science or closely related field. Experience in volunteer coordination; knowledge of salmon, restoration tech. All positions require reliable transportation, insurance, and driver's license. Submit cover letter and resume to David Troutt, 12501 Yelm Highway S.E., Olympia, WA 98513. Direct inquiries regarding shellfish biologist and volunteer coordinator to David Troutt at 360-438-8687. Direct inquiries regarding biologists for hatchery to Bill St. Jean at 360-664-3772.

NWO, Inc., **MS-CDQ certified Groundfish Observers**. \$250/day. Call Charlotte at 541-549-4020 for more details.

## MISC. NOTES & TIDBITS

**NEW MEMBERSHIP**: if you want to become a member of the APO, please write, email or call Kim Dietrich. An annual donation of \$10 is required. Donations are used to publish and distribute the *Mail Buoy* and to pay for costs of testifying at Council meetings out of state. Also, if you are not an observer but would like to receive your own copy of the *Mail Buoy*, there is an annual charge of \$15.

**APO T-SHIRTS** are available. Size options: L or XL. Color options: Black, Purple (L only), Teal . The price is \$15 (sales tax included).

## **Publications**

She Captains: heroines and hellions of the sea by Joan Druett, is a sequel to Hen Frigates. Joan writes, "It is dedicated to the women who played a decisive role in maritime history, both at sea and on shore - the female maritime heroes. Nowadays, 'hero' is an unequivocally masculine noun. It means, 'a man distinguished for bold enterprise' - and yet there is a long line of women distinguished for bold enterprise in the history of the sea." Beginning with Queen Hatshepsut and Princess Sanghamitta, the list trails through the centuries to the last woman who had to defy dinosaur thinking to take the helm under sail.

Eighteenth-Century Canada, The Remarkable World of Francis Barkley: 1769-1845 by Beth Hill (published in 1978). Frances Barkley, the wife of Captain Charles Barkley (after whom the Barkley Sound is named), is famous in Canadian women's maritime history for being allegedly the first European woman to set foot in British Columbia. She sailed on trading and exploration voyages for eight years. This book contains not only the first publication of her written reminiscences but much supplementary data expertly researched by the late Beth Hill.

Discussing the decision to set sail, Barkley wrote that Charles' brother tried to persuade him not to take Frances and two young children. 'Young and inexperienced as I was... I resolutely insisted on declining.' Her husband wanted her with him but believed he should not have that luxury. 'I relieved him of his anxieties by making it appear to be my whim...I made up my mind to brave every danger rather than separate (sic)...but we both embarked with heavy hearts, two infants to share all risks, the youngest at the breast. She, poor little creature, became the Victim of our folly.'

Baby Patty died aged twelve months and was buried in Celebes but Frances kept on sailing. This is an important history written in an accessible style, and donated to the National Maritime Museum library by the author's widower, Ray Hill.

## **THINGS TO DO (if you're a Fishhead):**

Attend the UW School of Fisheries Quantitative Seminar every Friday, 12:30-1:20pm, Rm. 288, Fisheries Center. Visit <http://weber.u.washington.edu/~calvarez/qua~nti.html> for more information.

Attend UW School of Fisheries Department Seminars (Fish 520) every Thursday, 3:30-4:20pm, Rm. 201, Fisheries Center. Contact School of Fisheries for an itinerary. <http://www.fish.washington.edu/seminars>

The Joint School of Marine Affairs/Industry/NMFS Seminar Series meets monthly during the school year. Contact Edmund Enomoto at SMA for more info [(206) 543-7004 or [eenomoto@u.washington.edu](mailto:eenomoto@u.washington.edu)]. November 17<sup>th</sup>'s discussion will focus on the World Trade Organization and potential impacts on North Pacific fisheries.

Fisheries-Oceanography Coordinated Investigations (FOCI) Lunchtime Seminar Series. Thursdays, Noon, Bldg 4, Rm. 2039. For topics see [www.pmel.noaa.gov/foci/seminar.html](http://www.pmel.noaa.gov/foci/seminar.html)

Oct 19, 5:30-8 pm. Women's Fisheries Network General Meeting at RC's Sports Bar and Grill, 10 Broad Street. FMI call WFN at 789-1987. (Join the **Women's Fisheries Network**. WFN's Northwest Chapter sponsors monthly dinner meetings on various fisheries related topics. The NW chapter of WFN generally meets the 3rd Tues. of each month at Ray's Boathouse. Non-members are welcome. Attendance and membership is not limited to women. )

Oct 27-30 Lowell Wakefield Fisheries 17<sup>th</sup> Annual Symposium titled "Spatial Processes & Management of Fish Populations." FMI call 907-474-6701 or email [FNBRB@uaf.edu](mailto:FNBRB@uaf.edu) or visit [www.uaf.edu/seagrant/conferences/symposia.html](http://www.uaf.edu/seagrant/conferences/symposia.html).

Nov 18-20. **FISH EXPO** at the WA State Convention Center. FMI call 800-454-3005 or [www.fishexposeattle.com](http://www.fishexposeattle.com).

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## **IMPORTANT PHONE NUMBERS/email**

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Mark Coles, AFU 206-441-3425/*mtcoleser@aol.com*

NMFS staff (email format *first.last@noaa.gov*):  
Shannon Fitzgerald 206-526-4553  
Martin Loefflad 206-526-4194

OTC 907-257-2770  
NPFMC (Council) 907-271-2809

## **OPENERS & MEETINGS**

Nov 1-5 Pacific Fisheries Management Council, Sacramento, CA.

Dec 6-10 North Pacific Fisheries Mgt. Council, Anchorage, AK

## **Briefing/Training Schedule**

Current schedule is unavailable at this time. Visit <http://www.refm.noaa.gov/observers/briefing.html> for more up to date information.

**INTERESTED IN WRITING/PUBLISHING THE MAIL BUOY?** Volunteers needed--talk to Kim or Erika. We're still looking for extra help with some insurance research, grant writing, taxes.

The APO continues to be interested in your ideas - if you have an idea for an article or story, would like to respond to a previous article, or think the APO has overlooked some issues, drop us a letter or call any time. Contributions from all sectors are welcome. Thanks to Mark Coles, Erika Acuna, Janelle Zimmerman, Heidi Lovett, Larry Boyle, George Pappas, Kelly Van Wormer, Ken Orwig, Mike Sigler, Vicki Cornish, Victor Simon, Kim Rand, Ben Ronco and Wendy Borkhuis for your articles, your prompt answers to questions and/or your editing contribution. Your efforts are greatly appreciated. (KD)

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**The following are included in email version only.**

## **INTERNATIONAL FISHERIES ISSUES & NEWS**

(c) ANCHORAGE DAILY NEWS

## **LOCAL OBSERVERS TO MONITOR FISHING TEAM WILL TRACK CATCH WHILE AT SEA**

Published Saturday, July 3, 1999

By Wesley Loy  
Daily News Reporter

The federal government plans to form an Anchorage-based team of fishing observers to better monitor what fishing vessels catch off Alaska and to smooth relations between the commercial fishing industry and the existing observer corps. The 12-member team, the North Pacific Groundfish Observer Cadre, will spend much time at sea and in shore-based seafood-processing houses, and could be operating by the first of next year, said officials with the National Marine Fisheries Service. The

larger fishing vessels sweeping seafood out of the Bering Sea and Gulf of Alaska are required to have one or more observers on board at least part of the time to document the catch. These observers constitute the front lines in efforts to keep track of how much pollock, cod, rockfish and many other species are caught. Their reports can have powerful consequences, even shutting down fishing if, for example, a fleet targeting one specific kind of fish catches too many of a prohibited or off-target species, known in the industry as "bycatch." TX: The cadre will supplement the existing corps of observers, whose difficult job of working long and cold weeks at sea counting and sampling fish is sometimes complicated by harassment or other mistreatment from fishing crews resentful of their presence on their vessels. These observers -- up to 400 are deployed yearly -- are not federal employees. Rather, they are typically young biology graduates or former Peace Corps volunteers and their services are paid for by fishing vessels, who arrange for observers through one of five independent contractors who hire them. The National Marine Fisheries Service, a branch of the U.S. Department of

Commerce that conducts fisheries research and helps manage commercial fishing, runs observer training programs in Seattle and at the University of Alaska Anchorage. Steve Pennoyer, regional administrator for NMFS in Alaska, said the cadre program is expected to cost close to \$1 million. The cadre members will be seasoned people who will give the federal agency a stronger presence at sea and in packing

houses, and who, to some extent, can act as troubleshooters in situations where conflicts arise. Pennoyer said no particular incident or incidents precipitated the cadre idea. Rather, the federal fisheries agency wants to do more than simply train and then debrief observers after a tour at sea. It's little wonder that the observer's job -- to watch and report -- clashes at times with fishing crews, whose job is to hunt and catch, said Bill Karp, observer program leader with NMFS in Seattle. "Some boats are extremely respectful of observers and work well with them, and other boats less well," he said. "The observers need to know that we're there to back them up, and the industry needs to know that as well."

Kim Dietrich, an observer living in Seattle and editor of an observer newsletter called the Mail Buoy, applauded the cadre idea. She said most fishing crews are "pretty accommodating" and know that observers are helping preserve fish stocks that sustain the fishing industry from year to year. But sometimes observers face obstruction. Dietrich said a typical abuse is when a boat captain orders his crew not to talk to the observer for weeks on end. Another observer, Daryl Binney, wrote in a recent Alaska Geographic book on Alaska's commercial fishing industry that she occasionally saw trawler crews attempt to hide bycatch from her after "dirty" net tows. As federal employees, cadre members probably will command more respect than contract observers, and that's good, Dietrich said. Chris Blackburn, a Kodiak fisheries consultant to many commercial fishermen, said she also favors the cadre idea. She said contract observers, who are often young and work only one fishing trip or season, could benefit from the "mentoring" of seasoned fisheries people to be hired for the cadre. "It's a wonderful thing," Blackburn said.

Reporter Wesley Loy can be reached at [wloy@adn.com](mailto:wloy@adn.com) or 257-4590.

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