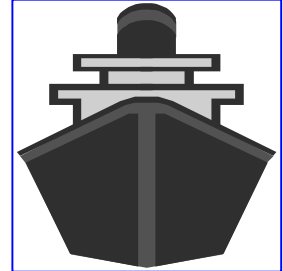




*the*  
**Mail Buoy**

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**NORTH PACIFIC COUNCIL NEWS**

**NPFMC December Meeting Update**

By Tracey Mayhew

The December Advisory Panel meeting was my third. I am surprised at how often the term ‘observer’ gets used. It is mentioned in every topic discussed, from Steller sea lion issues, to TAC setting, to CDQ program issues. I think you will all be pleased to know that our data is utilized in virtually every decision made in the Council process. If anyone ever tells you that observer data sits in a closet and never gets looked at...well I assure you it is not true.

One of the issues discussed was Seabird Avoidance Measures. We will all be learning much more about this in our upcoming briefings and trainings. A Washington Sea Grant study, by Ed Melvin and our own Kim Dietrich, was the basis for Seabird Avoidance measures that will be implemented on longline vessels sometime next year. One of the main concerns from industry was the monitoring (by observers) and enforcement (by NMFS) of these measures. Shannon Fitzgerald gave a great report to the AP and Council about the observers’ role in the monitoring of these measures. Essentially, observers will be asked to spot-check for the use of seabird deterrence measures, not unlike what we do now. It should be expected that we will learn more about the use of deterrence measures in our trainings and briefings, but it does not look like our monitoring duties will be increased. This will allow us to remain focused on our primary duty of collecting quality unbiased catch data.

Other agenda items included reports about ongoing issues such as the Draft Programmatic Supplemental Environmental Impact Statement and Essential Fish Habitat. None of the decisions regarding CDQ and halibut subsistence issues will directly affect observers’ duties, although observer data is used. The Council also set the 2002 TACs. If you would like more information about the Council decisions I recommend visiting the Council’s website at [www.fakr.noaa.gov/npfmc/](http://www.fakr.noaa.gov/npfmc/); it is a great source of information. You can also contact me directly and I will either get you the information or point you in the right direction.

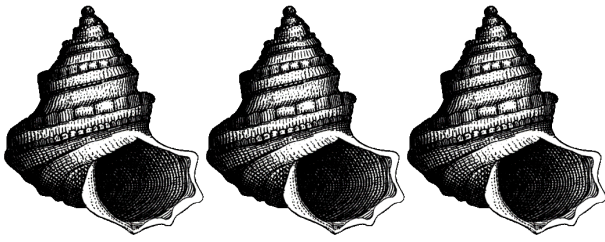
As I learn more and become better informed, I will continue to pass this information on to you. Please bear with me during the learning curve stage. More to come...and by the way, if you are stopping through Anchorage, give me a call, I’d like to hear from you.

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## ADF&G UPDATE

### New Faces in the Dutch Harbor Office

The Alaska Department of Fish and Game shellfish observer office in Dutch Harbor has experienced a 100% turnover in program personnel during the last year and a half. Replacing Larry Boyle as the shellfish observer program coordinator is Mary Schwenzfeier who served as assistant coordinator for a year. She has worked for ADF&G shellfish management and research in Dutch Harbor since 1992. Assisting her is Shari Coleman who was a groundfish observer in the mid '90's and has recently worked four seasons for the International Pacific Halibut Commission in the port of Dutch Harbor. Robert Reif is temporarily filling in as a brief/debriefer to fill out the three person staff. He is an experienced groundfish observer and has worked for ADF&G in the past.



### Crab Observer Data Used Widely by Fish and Game

**This article was also published in the OTC newsletter one year ago. A couple of minor changes have been made to it. It is a summary of a paper that will be published by the University of Alaska Sea Grant program in "Crab 2001" with other papers presented during the Lowell Wakefield Fisheries Symposium in held in Anchorage last January.**

For well over a decade, observers have been working on crab catcher processors and floating processors in the Bering Sea on behalf of the Alaska Department of Fish and Game. The data they collect is critical in monitoring fishing performance in-season, analyzing the fishery post-season, and developing management strategies and regulations for the future.

In April 1988 the Alaska Board of Fisheries adopted regulations requiring observer coverage onboard vessels processing king and Tanner crabs in the Bering Sea. This was in response to reports that C/Ps were retaining undersized and

female crab, evidenced by harvest rates that were more than double of catcher-only (F/V) vessels.

Catcher-processor and F/V catch rates became more consistent after observers were placed on processors. In 1990, observer coverage was expanded to include vessels processing snow crab due to reports of undersized Tanner crabs being processed as snow crab. In 1999, the shellfish observer program again expanded, this time to include catcher-only vessels at a 10% coverage level.

Observer deployments are coordinated out of the ADF&G office in Dutch Harbor. Likewise, observer data are entered, edited and managed by shellfish research personnel in Dutch Harbor. Once entered and edited, observer data is dispersed to Bering Sea shellfish research scientists in State and Federal governments as well as University systems and private organizations.

The primary goals of the program are to **determine the legality of retained crabs, collect catch composition data from sampled crab pots, and collect shell size, age, and condition information.**

#### *Using the Data*

##### *In-season Management*

In-season, ADF&G relies on catch reports from the fishing fleet and observers to monitor harvest. Critical data needed include catch per pot lift (CPUE), number of pot lifts per reporting period, and average weight of harvested crabs. This data was critical, for example, in January 2000 when sea ice progressed south to St. Paul Island prior to the opening of the snow crab fishery. Historic snow crab catch and effort data from observer and dockside interviews showed that a significant percentage of snow crab harvest grounds were covered in ice. As a result, the January 15 opening was delayed until April.

Bycatch of sub-legal and female crabs, reported by observers are helpful in identifying stock distribution, structure, and biology. In 1998 observers reported high bycatch of females and sub-legal males during the St. Matthew blue king crab fishery. Based on this information and the poor fishing performance for the season, ADF&G decided to close the high effort/low performance season.

##### *Post-season Data Analysis*

Observer data is used after the fishing season to analyze the fishing behavior of the fleet. Daily pot pulls, gear soak time, CPUE, areas fished, and average weights are used.

##### *Fishing regulations*

Pot limits, escape mechanisms, legal gear definitions and gear storage/conflict issues, have all been developed using bycatch data, lost pot statistics, gear performance and fishing activity

## NORTH PACIFIC OBSERVER PROGRAM UPDATE

documented by observers. Observer collected data provides Fish and Game with a scientific foundation to use in evaluating regulatory proposals.

### Bycatch Control

The incidence of red king crab caught in Tanner crab pots was examined during the 1993 BOF meeting using observer data collected from 1990 through 1995 during Bering Sea Tanner crab fisheries. The data were useful in determining that 3-inch tunnel eye openings would allow for the entrance of legal-sized Tanner crab into pots while restricting the entrance of larger red king crab.

### Species Identification

After the opening of the snow crab fishery in 1992, ADF&G received complaints from industry attempting to use eye color alone to distinguish Tanner from snow crabs. Due to difficulty of determining eye color in varying light conditions many court cases involving the retention of sub-legal Tanner crabs were dismissed. Observers were asked to document retention of Tanner crab during snow crab fisheries. This data demonstrated that using only eye color was not sufficient to distinguish undersized Tanner from Tanner x snow crab hybrids. A new emergency regulation was issued employing both eye color and mouth shape to discriminate Tanner from Tanner x snow crab hybrids and snow crabs.

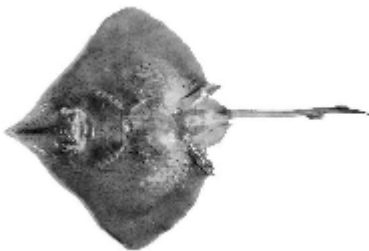
### Biology/Life History

Knowledge of the life cycle and general biology of shellfish has been greatly enhanced by the work of onboard shellfish observers. During bycatch sampling, shellfish observers collect data on parasites and pathogens that infect crabs. Observers have also been instrumental in collecting specimens for genetic stock identification.

### Conclusion

Between 1988 and 1992 the ADF&G Westward Region shellfish observer database had accumulated enough data points to become a reliable source of objective information for fisheries managers.

Authors Mary Schwenzfeier, Holly Moore, Ryan Burt, and Rachel Alinsunurin presently work for the Alaska Department of Fish and Game.



On 11/05/01 NMFS released a *working draft* of proposed new performance standards and changes to existing regulations regarding observer contractors, and several days later held separate meetings with industry, observer and contractor representatives to discuss the draft. APO representatives Kim Dietrich and Irene Dorang met on 11/07/01 with Dan Ito, Martin Loefflad and Joe Terry of NMFS, and Duke Bryan of the Alaska Fisherman's Union to discuss the draft. The main points and the APO's responses are summarized below:

### APO Comments on NMFS Working Draft:

#### 1) Applicant interview/screening policy

NMFS suggested asking contractors to identify in detail how they interview and screen applicants, and agree to adhere to a specific format approved by NMFS. The intent is to provide consistency in the selection of potential observer candidates and in the information provided to them.

**APO comments:** The APO agreed with this change, and suggested that the best features of each contractor's policy be compiled to establish a format that is standard for all of the companies. The APO also suggested that NMFS design and supply an information pamphlet describing the hardships an observer may encounter, to be distributed by contractors to potential hires.

#### 2) Drug and alcohol use

NMFS suggested that each of the contractors develop and enforce written drug and alcohol policies.

**APO comments:** From what was discussed at the meeting, it sounds as though NMFS is considering stepping away from its current policy, in which case the contractor drug and alcohol policies would come into play. The APO suggested that NMFS policy remain in effect, but that if it does not, the policy should be consistent among all contractors.

#### 3) Written contracts

NMFS suggested requiring all observer contractors to have signed contracts with each observer prior to training or briefing. The reason for this is that occasionally a newly hired observer will pay their way to the training site and start class without ever having seen a contract.

**APO comments:** Technically all observers whose contractors are affiliated with the union work under a signed union contract, but the APO agrees that trainees should have proof of a signed written contract before beginning the training class. The APO pointed out that priors have a much better idea of what they're getting into, and should be given a day or two before having to show proof of a signed contract addendum - the reason being that they sometimes arrive at the training city late the night before the first day of class.

4) **30-day limit for first contract**

NMFS suggested limiting first-time observers to a 30-day contract with no more than two assignments, and classifying them as trainees until they successfully complete at least 20 days of at-sea species composition sampling. NMFS also suggested requiring all mid-cruise debriefings to be conducted in person (rather than by phone or fax). The intent is to eliminate situations in which new observers are deployed for long periods of time with little oversight or feedback, which can result in time-consuming data quality problems. This would also keep first-time observers from signing multi-cruise agreements (i.e., 143 deployed days within a 210-day period), with the intent of keeping people who find themselves unsuited for the job from feeling obligated to return.

**APO comments:** The APO disagreed with most of these options, and suggested instead that first-time observers have an evaluation that ranks somewhere between a mid-cruise and a full debriefing, within their first 40 days in the field. This should take place at a field office, and be designed so that if satisfactory, the observer could continue their assignment. If unsatisfactory, NMFS could have the discretion of requiring the observer to attend additional briefing and/or a second mid-deployment data review. The APO's point was that it would be very useful to have an in-depth evaluation at some point during the deployment, but that requiring trainee observers to return to Seattle or Anchorage after 30 days would be economically and psychologically counter-productive, especially since they would probably be replaced by 90+-day-contract priors and would very likely find that there was no work for them when they were done debriefing. It also seems appropriate to make the time limit for the evaluation 40 rather than 30 days, since so many boats can do 30-day trips. Finally, the APO suggested that a more realistic definition of post-trainee status would be 40 days of deployment or 20 days of species composition sampling, since 20 days of sampling could translate into either 23 days on a flatfish factory trawler or 70 days on a shoreside pollock boat. Regarding the multi-cruise contracts, few observers have been penalized for not returning for subsequent cruises. One contractor, however, is known for keeping observers 'on call', unpaid, for periods of up to a month, waiting for re-deployment. The APO asked NMFS to take an active role in eliminating this practice.

5) **Safety decal verification**

NMFS suggested making contractors responsible for verifying that a vessel has a valid USCG safety decal before placing an observer on board, rather than placing the burden on the observer.

**APO comments:** The APO agreed, and discussion focused on the best way to verify. The Coast Guard keeps a record of boats with current safety decals, but the web-based database apparently is often not up to date. For now, it sounds like the best option is for the contractors to ask the vessels to provide a copy of the USCG

documentation they received at the time of their safety check. The APO agreed with NMFS that each boat's contract should stipulate that there be lifeboat capacity for all aboard including the observer, and also suggested that observers be required to attend a full safety training every two years.

6) **Shoreside pollock plant sampling**

NMFS suggested requiring contractors to allow observers on shoreside pollock vessels the time necessary to complete their sampling at the plants. At some plants, especially in Kodiak, problems arise when observers on shoreside boats are transferred to other boats without being given enough time to finish sampling.

**APO comments:** The APO agreed.

7) **No first-time observers on bottom-trawl C/P's**

NMFS suggested requiring that no trainee observers be assigned to bottom-trawl catcher processors, since that type of fishing operation is considered one of the most difficult and can be overwhelming for a new observer.

**APO comments:** The APO withheld giving an opinion at that time, but asked NMFS to provide data on a) how many first-time observers and how many priors were stationed alone on bottom-trawl factory boats in 2001, and b) how many of each group received a zero rating for the vessel at debriefing.

8) **Medical clearance for sick observers**

NMFS suggested that contractors obtain a "fitness for duty" medical clearance for observers who report illnesses before or during employment, in order to prevent contractors from deploying sick observers in order to get vessel coverage days.

**APO comments:** While the intent is good, the APO felt that the regulation would have to be written in much greater detail. For example, 'reporting an illness' needs to be defined - as it stands it could be interpreted that an observer who mentioned having a slight cold would need to obtain medical clearance. Also, NMFS would have to determine just who could give medical clearance during a deployment (Vessel medical personnel? That brings up a host of other questions) and what the vessel's responsibility is if an observer reports an illness during a trip and no one on board is qualified to give a medical clearance.

9) **Linking employers to employee performance**

NMFS suggested requiring each contractor to deploy no less than a certain percentage (to be determined) of priors who had received a "1" or better on their previous cruise. The intent is to involve contractors more closely with issues of work quality.

**APO comments:** The APO asked NMFS to provide data as to what the current percentage is for each contractor, and pointed out that this would be a hard rule to enforce fairly; since observers get separate ratings for each vessel, someone who was on three boats during a 90-day contract has had more chances to obtain a satisfactory rating during a cruise than an observer who spent all 90 days on one boat.

#### 10) No non-groundfish observing before debriefing

NMFS suggested making contractors ensure that their observers debrief with NMFS before performing other duties unrelated to NMFS groundfish requirements. The reasoning was that a few observers also observe on shellfish vessels during the course of their groundfish deployment and NMFS feels that it detracts from the groundfish debriefings.

**APO comments:** The APO asked NMFS to provide data quantifying how jobs such as crab observing detract from groundfish debriefing. For example, how often the situation arises, and of these cases how often data is discarded or the observer receives a zero rating? The APO pointed out that observers often work on several boats during a contract, and whether or not one of them was a crab boat should not make a difference as far as being able to remember what happened on the first vessel.

#### **Problem areas identified without proposed performance standards:**

Other issues identified by NMFS as problem areas: Contractor practices that sometimes result in poor caliber recruits and the fact that contractors are not directly accountable to NMFS for their employees' performances; the fact that NMFS cannot ensure the fiscal well-being of the contractors; characteristics in the current system seen as providing incentives for contractors to hire new recruits; the fact that observers who report data accurately may put themselves out of a job by helping to close a fishery; the possibility of observers being penalized contractually for quitting their job; and the still unresolved question of whether or not the Services Contract Act is applicable to the existing service delivery model.

#### **Coming up:**

NMFS discussed plans to replace the existing contractor certification process with a permitting process, and also brought up various ideas on how to alleviate coverage shortages, including the possibility of allowing more flexibility on 30% coverage time frames.

#### **What do you think?**

The North Pacific Fisheries Management Council (NPFMC) will conduct the initial review of the amendments at the 02/04/02 meeting in Anchorage, and will take final action at the 04/08/02 Anchorage meeting. APO representatives Kim Dietrich and Irene Dorang had two days to review the draft and come up with responses meant to best represent observers' interests, but the APO needs to hear your opinions about these issues. Please write to the APO at P.O. Box 30167, Seattle, WA 98103, or send e-mail to [apo\\_obs@hotmail.com](mailto:apo_obs@hotmail.com).



### **Brown Bag Lunch Seminar Series**

By Jason Anderson

With the conditions that surface in the North Pacific, it's difficult to remember that the Bering Sea/Gulf of Alaska is one of the most fertile marine ecosystems on earth and is managed, in a large majority, with data collected by biologists in the North Pacific Groundfish Observer Program (NPGOP). While we are asked to collect unbiased, statistically valid biological and catch data in the most trying of circumstances, the credit received is not always apparent.

Listening to the observer community and recognizing a need for outreach, the NPGOP decided to organize a series of brown bag seminars. The brown bag seminars were to be a series of informal presentations made during the lunch hour and held in the NPGOP training room in Seattle. There were several goals behind the inception of the idea. First, the NPGOP wanted to facilitate communication between the data end-users and managers and the people who actually collected the data. The NPGOP wanted observers to be able to sit down, eat their lunch without the trials of mealtime at sea, and participate in informational sessions about how their data are being used in the management of the fishery. Past brown bag seminars included Doug DeMaster presenting on Stellar sea lions, Betty Goetz on otolith data and how it is used, Grant Thompson on stock assessments of Pacific cod, Jim Ianelli on the importance of observer data for pollock stock assessment, Geoff Lang on observer data and the stomach project, and Brian Fadely on the Cook Inlet Marine Mammal Observer Program.

A second objective of the brown bag seminar series is to provide observers the opportunity to see for themselves what's going on in the world of fisheries biology, fisheries management, and issues related to observing life. Due to its location in Seattle and proximity to the University of Washington, the International Pacific Halibut Commission, the Pacific States Marine Fisheries Commission, all of the different branches of the National Marine Fisheries Service (NMFS) located in Seattle, the U.S. Coast Guard, and the large number of commercial fishing industry companies, the NPGOP believed that there was a tremendous wealth of information and experience that could be brought to observers. In realizing this goal, the brown bag seminar series also hosted Lowell Fritz who spoke about the mackerel fishery and Essential Fish Habitat, Mark Buckley about the digital observer project, Dan Hardin concerning vessel stability, Ed Melvin on solutions to seabird bycatch in the Alaska sablefish and Pacific halibut fishery, Craig Rose spoke on halibut excluders for groundfish



trawls, and recently Don Peterson presented on the California Drift Gillnet Program.

The goal of the series is to expose observers to different career options and contacts. Many of us come from a freshwater background and will not have had the opportunity to explore the many career arenas available to a marine biologist. Others may have come from a more temperate climate and have not had the opportunity to research a career path studying the multitude of species that are specific to Alaskan or Northwest waters. The NPGOP wanted to provide an opportunity for observers to further their professional life by meeting others who have a common interest and are working within specialized areas of fisheries biology.

The brown bag seminars were initiated by Carrie Nordeen, who has moved on in her career. Since the first seminar in late 2000, there have been 13 seminar presentations. Anyone interested can access streaming video of recent presentations on the NPGOP website at <http://www.refm.noaa.gov/observers/> then click on "info". Along with other useful program information, a schedule of upcoming seminars is posted. Some probable future topics include the melding of observer data with NMFS research cruise data to manage Alaskan fisheries, the council process, and the use of observer data collected in the pot fishery.

Due to the transitory nature of observing, it has been difficult in the past to reach observers with these seminars. Different approaches were attempted, including holding presentation ideas once a month and during times most likely for observers to be in Seattle such as trainings or debriefings. Any suggestions regarding presentations and times most likely to gain the attention of observers are welcome. For further information or suggestions on what you would like to see, contact Jason Anderson via email at [Jason.Anderson@noaa.gov](mailto:Jason.Anderson@noaa.gov).



## **National Observer Program UPDATE**

### **NOAA Workshop on Fisheries Observer Insurance, Liability and Labor**

There was general consensus that the goal of insurance coverage should be to meet the desired remedy for an injured observer in a manner that is efficient, quick, and provides adequate compensation, no matter where the observer is working or what specific task they are doing. A good model for such coverage is that provided for by the Defense Base Act, which extends U.S. Longshore and Harbor Worker's Compensation (USL&H) to military personnel and contract workers around the world. The

NOAA Fisheries held a workshop on Fisheries Observer Insurance, Liability and Labor, June 12-14, 2001. The objectives of the workshop were to:

- Review differences in existing fisheries observer contracts and insurance requirements;
- Provide a clarification of labor laws for observer managers and providers;
- Discuss different options that may exist to improve insurance coverage for observers; and
- Examine options for providing better consistency in contracts and insurance requirements in all regions.

The workshop brought together observer program managers and contracting specialists from each NOAA Fisheries region, representatives from regional Fishery Management Councils, fisheries observers, and observer service providers with agents, brokers, and consultants from the maritime insurance industry and worker's compensation specialists. Presenters defined insurance terms, clarified the roles and responsibilities of various players involved in handling claims, discussed the different types of coverage that are provided by various insurance policies, and the benefits of a risk management approach to insurance and liability. Participants also discussed what types of benefits and compensation might be awarded to an injured observer under various policies and different types of coverage that may overlap.

Additionally, there was a presentation and discussion of the changes that were brought about by an amendment to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 1996 that resulted in all contracted observers being considered "federal employees" for the purpose of benefits and compensation under the Federal Employee Compensation Act (FECA, 5 U.S.C. 8101 et seq.).

The history, intent, significance of maritime and labor laws, and relevant case law were discussed by legal specialists. Predominantly, discussion circulated around the definition of a "seaman" under the Jones Act, whether or not this term applies to fisheries observers, and its appropriateness for observer needs. Although observers have filed claims for compensation as seamen under the Jones Act, case law has not been unanimous in its recognition of observers as "seamen" as defined by the Act. Additionally, the need for injured observers to bring a legal suit to provide for appropriate remedy and compensation is cumbersome, involves a lengthy time-frame, and will not necessarily conclude with satisfactory or positive results for the observer.

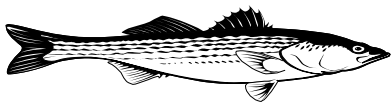
Defense Base Act provides exclusive remedy for insured individuals, and additionally, does not require an injured individual to prove negligence or liability. The USL&H compensation schedule is better than most state Worker's Compensation schedules and is more straightforward. It does not allow for a lawsuit against the employer, but still provides the ability to sue a vessel, platform, or other entity due to negligence.

Two presentations by former observers outlined problems and obstacles inherent in the current system that can result in an observer's quality of life being severely diminished as the result of a career-ending injury. The first observer was under contract with an observer service provider when injured. Claims for medical expenses and disability coverage have yet to be fully paid, although the observer has been seeking remedy through several avenues. In part, these problems are due to ambiguities as to what method of compensation is most appropriate for contracted fisheries observers. A second observer was a federally employed observer who was injured and sought compensation under FECA. The observer found that the basis for compensation under FECA was inadequate because it did not take into account the actual salaries paid to observers, which rely heavily on overtime pay as part of their wages.

In addition to coverage for observers, there was considerable discussion about the liability of observed vessels and insurance options. Insured fishing vessel owners often do not want the added risk of having an observer aboard, or the hassle of having to obtain endorsements on their insurance policy to cover observers (even if a government agency or service provider pays for this added expense). Further discussion arose as to how to handle cases where vessels operating in particular fisheries do not carry any liability insurance at all. Uninsured fishing vessel owners do not have the option of securing endorsements to protect themselves in the event an injured observer sues them for damages. Hold harmless agreements may be an effective way of address vessel liability, as they shift risk to another party. However, if poorly written, they could result in the agreement being rendered useless legally.

NOAA Fisheries will use the information collected during this workshop to develop a more consistent and efficient approach to ensuring that all parties are adequately covered in the event of an injury or accident. As a first step, NOAA Fisheries has contracted with QuanTech, Inc. to develop a plan for reducing risks and minimizing liability associated with the deployment of contacted observers.

The workshop report should be available in early 2002. For more information, contact Vicki Cornish at 301-713-2328, [vicki.cornish@noaa.gov](mailto:vicki.cornish@noaa.gov).



## APO ACTIVITY UPDATE

### 10/30/01 Meeting Notes

The APO held a meeting in Seattle, attended by nine observers. Topics discussed included safety issues, increasing the quality of observer data, work injury procedures, ways for the APO to improve outreach, and how NMFS views observer credibility.

**Safety issues:** The discussion focused on crab observer deployment on crab catcher vessels. There were concerns that during the 2001 King Crab fishery an observer may have knowingly boarded a catcher vessel as the seventh person when the lifeboat capacity was for six. In light of the facts that the crab catcher vessels tend to be smaller, less equipped for observer sampling and in general are probably more dangerous assignments, it was suggested that crab observer contracts should contain some sort of notification clause detailing the possible conditions involved, and that crab catcher boat deployment may merit a higher rate of pay.

**Observer data quality:** NMFS is currently proposing new performance standards and is working on changing existing regulations dealing with observer contractors, the goal being to improve observer data quality. At the time of this meeting the Working Draft was not yet available for review (see [APO comments on Working Draft](#), pg.3). Overall, observers felt that data quality could best be addressed through the hiring and training process. Suggestions included having all contractors send a standard letter to potential employees describing the challenging aspects of the job, encouraging contractors to seek applicants with relevant experience (i.e. Peace Corps, at-sea experience), and involving more 'real-life sampling scenario' examples in the training curriculum.

**On-the-job injuries:** Since observers are neither federal employees nor crew members, they fall into an ambiguous realm when it comes to work-related injuries and illnesses. Under a 1996 amendment to the Magnuson-Stevens Fishery Conservation and Management Act, provisions of the Federal Employee's Compensation Act (FECA) do extend to observers, but many observers are unaware of what this means or how to obtain benefits. Observers at the meeting suggested that the APO provide a handout for training and briefing classes explaining about FECA benefits and what procedures to follow if a claim has to be filed. In the meantime information is available from the page 2 article of the September 2001 Mail Buoy (available at [www.apo\\_obs.org](http://www.apo_obs.org)), or at the National Observer Program website ([www.st.nmfs/st1/nop/FECA.html](http://www.st.nmfs/st1/nop/FECA.html)), and from the article by Vicki Cornish on page 6 of this Mail Buoy. The NOP is currently investigating alternatives to FECA.

**APO outreach:** Irene Dorang was recently hired as staff for the APO and will be conducting many of the outreach activities. Suggestions included meetings with NMFS training and briefing classes during the lunch hour, providing non-member observers a handout with information about the APO, asking contractors to distribute APO handouts to new hires, and holding meetings more frequently.

**Observer credibility:** One of the issues brought up had to do with conflicting attitudes within NMFS regarding observer credibility. Specifically, we discussed the following hypothetical theory tossed about by some NMFS staff members: The quality of observer data starts out low when the observer is new in the field, gradually improves with experience, levels out as the observer reaches a high level of knowledge (all good so far), and then drops off after a long enough history of observing, once the observer has become jaded and started to invent data. This kind of attitude infuriates long-term professional observers who take pride in consistently gathering quality data under difficult

conditions. They know the benefits that their level of experience brings to the program, yet feel that as far as NMFS is concerned there is no such thing as a 'professional observer', since the unspoken attitude seems to be that if you've stayed around long enough to be one there has to be something wrong with you. While burnout is something observers have to watch out for, the general opinion was that dry-labbing is a question of character and not of time spent observing. And while it's true that the extremes of the observing lifestyle make it hard for some people to understand why one would choose it for a career, it's worth noting that for many observers the concept of working fifty weeks a year at a NMFS facility is equally unfathomable.



## WEST COAST PROGRAM UPDATE

### The West Coast Groundfish Observer Program is Under Way!

The long awaited West Coast Groundfish Observer Program (WCGOP) started deploying observers in the field almost four months ago! The Association for Professional Observers (APO) approached us to provide some brief background information and current happenings of the program in this edition of the Mail Buoy. We are more than happy to!

There have been observers active in West Coast fisheries on and off for years: A voluntary program in the mid to late 1980's, another voluntary program run by Oregon Department of Fish and Wildlife (ODF&W) called the Enhanced Data Collection Project (EDCP) run from 1996 to 1998 and observers are present every year on at-sea Pacific whiting vessels. A fleet-wide mandatory observer program to cover groundfish vessels on the West Coast has been discussed for years with no results. However, with the passage of regulations in the beginning 2001, WCGOP became the first comprehensive coast wide observer program. The data that are collected will provide accurate, fleet-wide information on total catch and bycatch from various fisheries and gear types. The major focus of the program is to examine groundfish discard rates and the reasons behind those discards.

This August, twenty-five observers (20 deployed and five alternates) completed the two-week training course for the WCGOP administered by National Marine Fisheries Service (NMFS) staff based at the Northwest Fisheries Science Center (NWFS). Twenty are currently deployed in thirteen port 'groups' along the coast from Bellingham, Washington to Morro Bay, California. Observers are deployed and reside in their respective port towns, three in Washington, eight in Oregon, and nine in California. The WCGOP is a cooperative endeavor between the NMFS and the Pacific States Marine Fisheries Commission (PSMFC). NMFS and PSMFC decided the most effective means of providing a stable pool of experienced observers was to sub contract the observer personnel portion of the project to an experienced observer contractor. PSMFC, represented by Jim Benante, created a Request for Proposals and after evaluating the submitted proposals, Alaskan Observers, Inc. (AOI) was chosen to provide the observer personnel for the program. AOI has extensive knowledge with the North Pacific Groundfish Observer Program and has recruited a fantastic group of highly experienced observers with a diverse knowledge base from observing in the North Pacific, the East Coast, the Southeast, the Southwest and Hawaii.

## ALASKA FISHERMAN'S UNION UPDATE

Greetings from your representatives at the Alaska Fisheries Division of the United Industrial Workers Union. Duke Bryan (your Vice-President) and Harold Holten (your President) wish you Happy Holidays and the very best in the New Year.

I have a few highlights to cover regarding recent happenings with the Union. We are in the second year of our three-year contract, and although minor interpretation questions still arise occasionally, in general things are going well. We are working closely with the APO and NMFS on the proposed changes to the North Pacific Groundfish Observer Program. These could profoundly affect your future employment prospects and working conditions, and we suggest you closely monitor how things proceed. If you have any questions or suggestions, please contact the Union or the APO as soon as possible. As always, we encourage your input and look forward to hearing what is working as well as what is not. **KEEP IN TOUCH!!!** Remember, YOU ARE THE UNION and it only works as long as you are involved!

Thanks again for your support and BEST WISHES for the NEW YEAR!

*Duke Bryan, Vice-President, Alaska Fisheries Division – UIW*

For any contract related problems or questions, please contact Duke Bryan or Harold Holten at:

Alaska Fisheries Division-UIW  
721 Sesame St., #1C  
Anchorage, AK 99503  
Ph: 907-561-4988  
Toll free: 1-877-471-3425  
Duke Bryan in Tacoma: 253-272-5551 or 253-272-7774  
Email: [dukeworks2@aol.com](mailto:dukeworks2@aol.com) or [haroldholten@ak.net](mailto:haroldholten@ak.net)

The latest versions of the 3 union contracts can be found at the following URL. Eventually, this domain will be the permanent home of the APO but for the time being, it's definitely under construction.

[http://www.apo-observers.org/union\\_page.html](http://www.apo-observers.org/union_page.html)

As of November 30<sup>th</sup>, the 20 deployed observers accumulated 446 sea days: 339 (76%) of those days were on trawlers, 55 (12%) were on longliners, and 52 (12%) were on pot vessels. Three observer coordinators manage the observer logistics and collected data in each state: Janell Majewski in Seattle, Washington, Jonathan Cusick in Newport, Oregon and John LaFargue in Eureka, California. Since trips are generally short (1-6 days), observers are able to discuss any sampling questions or problems with their observer coordinators as they arise. Observers have been transmitting data via the Internet using the observer module of the Electronic Fish Catch Logbook (EFCL) overseen by Kristen Moynihan. The EFCL is a powerful tool, which can enable fishers, processors, observers, and fisheries managers access to a wide variety of fisheries related information and data.

The WCGOP maintains a web site (<http://www.nwfsc.noaa.gov/fram/Observer/>) a toll free number (1-866-780-8064) and an email address (NWFSC.observerprogram@noaa.gov). If you have any questions about the WCGOP, please use one the above avenues to speak with us at the WCGOP.

If you are interested in learning about employment opportunities in the West Coast Groundfish Observer Program, please contact Alaskan Observer, Inc. at 206-283-7310 or on the web at [aoistaff@alaskanobservers.com](mailto:aoistaff@alaskanobservers.com).

Sincerely,

Janell Majewski (NMFS)  
John LaFargue (NMFS)  
Jonathan Cusick (NMFS)  
Kristen Moynihan (NMFS)  
Jim Benante (PSMFC)



## OP-ED

### An “Almost” Disaster

By Robin Wolfe

Bristol Bay Red King Crab season 2001:

This was my first crab observer excursion and almost my last... The vessel I boarded struck me as exceedingly safe, gear and knowledge-wise. I was given a very thorough safety orientation by the skipper and felt safer on this vessel than the others that I've been assigned to over the past 16 months of observing. Nevertheless we had what I call an “almost” disaster.

The weather this season was very intense. On average, the seas on the night of October 16th were about 40-50 footers. The Captain and crew were tired of fighting the storm and fishing wasn't going well, so they moved their pots to a new location to soak. We were on down time the morning of October 17th when the storm escalated.

I was up in the wheelhouse doing my morning report at about 0600, pinned up to the chart table trying to collect the data as the boat pitched in the waves, when I looked out the windows and saw just how bad the weather was. I finished sending my report to Fish and Game and went back down to my rack to try and get some much-needed sleep. While I was in the wheelhouse the skipper came up in a bad mood and asked to have engine shut the engine down because he couldn't sleep.

While I was lying in my rack trying to fall asleep, the boat took a roller, sometime between 0700 and 0800. The engine had been shut down and we were drifting broadside to the waves when the boat rolled 90 degrees to the starboard side. What happened next was somewhat panic and somewhat denial. The boat did roll upright, but it hesitated and was very slow to recover. Of course the first thought in all of our minds was, “Oh \*#&%!” My second thought was, “Where did I put my survival suit?” My last thought was, “How the heck do I get to the wheelhouse from here, if the boat doesn't come back and keeps rolling?”

None of us reacted whatsoever. We all stayed in our racks and after the roll back, put our lights on and freaked out, then eventually fell to sleep. The crewman on watch at the time came down to the stateroom and told us that he could have touched the water from the wheelhouse window. Everyone was very shaken up but none of the crew thought to check the boat to see if anything happened, or to wake up the skipper or engineer.

Needless to say when the engineer came on watch at about 0900 he discovered that the boat had sustained major damage. He immediately woke up the crew and told them to be alert and ready to start repairs in 15 minutes. I was told firmly to “stay in my rack and not get in the way.” I did eventually get out of my rack to see what was going on and it wasn't a pretty sight. The shelter deck that was on the port side, was thrown across deck, almost as if it had been picked up and dumped there. Further damage included water in the wheelhouse and engine room.

Once the crew decided that they were going to remove the shelter deck and dump it over the side like a pot, with shot line and buoys attached, they discovered more damage underneath the wreckage. The sorting table was a mangled mess and the pot launcher was knocked off track. The coolers for the RSW tanks were hanging by a single pipe. There were deck boards that seemed to have disappeared. They band-aided everything as well as they could and continued to fish, but my observing days on this vessel were over. There was nowhere safe to continue my sampling duties. After we returned to port we could see that the port side of the vessel looked as if something sideswiped it. It was buckled in as if another boat had hit us.

Why am I telling you all of this? I am telling you for a lot of reasons. First, I am a seasoned observer. Second, this was a safe vessel, especially in the way of safety equipment and safety knowledge. Finally, I know I did, and most other observers do, take safety for granted. However, actions such as weather, fatigue, and stress can combine to lead to poor decisions being made.

I don't want to sound like a preacher, but we all need to take safety very seriously. We need to know where all of the safety equipment is and how to use it. We need to always have a conscious thought as to where we store our survival suit. Is it in a place that's easily accessible? Think about where you will be spending most of your time when you're finding somewhere to stash it. Close your eyes and imagine the lights being out and/or the vessel being upside down. Can you find your suit and your way outside?

Finally, we all (observers) tell each other, through letters, Email and in our goodbyes, to 'stay safe out there.' I was always one of the many that say, "Nothing will happen to me." I'm glad this happened. I feel like I am a better observer because of this incident. I'm more conscious that this 'can' happen to any one of us. I will definitely not take my safety for granted again.

So please... Stay safe out there.

Robin L Wolfe



**Oh, those years of experience** and the sometimes painfully gained knowledge that goes along with them...why let them go to waste? We conducted an informal poll of some prior observers to hear what advice they thought was most important to people just entering the field, and came up with...

### Words from the Wise:

#### Top Eleven Tips From Priors to New Observers

- 1) Take more than two baskets, regardless of what anyone tells you! You never know when your cushy pollock C/P assignment will at the last minute turn into a flatfish factory boat basket-sampling expedition, with more species per haul than you can shake a length-frequency board at.
- 2) Bring an extra bed-sheet, in case you have to use it as a curtain for your bunk.

- 3) Take an extra thumb-counter, if you can. You could conceivably end up tallying a couple of species even during some pollock hauls, and this way if one breaks (or if you end up unexpectedly on a longliner) you're prepared.
- 4) Never pre-judge a boat! It's not uncommon to hear good or bad stories about your boat before you get on it, but keep in mind that crews and circumstances change all the time. Most observers have at some point had good cruises on vessels that they heard were the pits, and vice versa.
- 5) Don't count on anything actually happening as planned until it has already happened.
- 6) Learn to tie knots. It's nifty.
- 7) If you're on a small boat where everyone pitches in and you feel like helping out, consider thinking twice about doing dishes after the very first meal. If you start pitching in a couple of meals down the road when it feels like your turn it's usually greatly appreciated, but skipping the first one helps eliminate the "observer = dishwasher" misunderstanding that a few boats have. (Unless, of course, there's an emergency after the very first meal and the crew's out on deck in the snow for five hours while you're in the galley reading your Walt Whitman anthology, in which case cleaning up is probably the humane choice).
- 8) Old stand-bys like Dramamine and Bonine work pretty well. Even if you think you you'll use something else, it's worthwhile to bring some along.
- 9) If you think there's a problem on a boat, try to approach it calmly and ask questions first - there's always plenty of time to get annoyed later. A great non-confrontational way to point out that a violation is occurring is to explain that when you go in for debriefing NMFS is going to ask you if you've observed... (fill in the blank).
- 10) Keep in mind that the deckhand who looks like an extra from the cast of Deliverance might have a master's degree in English literature, the galley girl swabbing the floors might be planning her second trip to Tibet, and the processor standing next to you in the factory could be on his way to becoming a minor real estate tycoon in his home town. Or, they could all be Joe Normal from Skykomish - you get the drift.
- 11) And last but not least, what are you waiting for? Join the Association for Professional Observers!



## JOB OPPORTUNITIES

Attention prospective Alaskan biologists!

**The Alaska Department of Fish and Game is recruiting for a full-time seasonal Fisheries Biologist 1** (Range 14 - \$1,492.00 semi-monthly) in Kodiak. This position works in the office of shellfish and groundfish management and is an outstanding position that works with a vast array of species, commercial fisheries, and technologies.

This position is responsible for collecting or overseeing the collection of fishery related data from shellfish and groundfish fisheries in the Kodiak, Chignik, and South Alaska Peninsula Areas. That is more coastline and square miles of ocean than the coast of Washington, Oregon, and California combined! This position works with Pacific cod, black rockfish, lingcod, Dungeness crab, king crab, Tanner crab, sea urchins, sea cucumbers, shrimp, and other miscellaneous groundfish and shellfish species. But that isn't all!

This position also acts as the lead biologist and a cruise leader onboard the 90-foot state research vessel Resolution conducting a multi-species trawl survey for groundfish and shellfish in the Gulf of Alaska. So, get your sea legs ready! This position will be involved in working at sea for up to five weeks each year. Onboard the latest technologies are used to record length frequencies of fish and crab, electronic scales are used and a professional research staff make this hard working survey a true joy to be involved with each year. This position will take the lead in authoring the annual project operation plan before the survey and the post-survey data summary report.

Additionally, this position assists in the management of the commercial groundfish and shellfish fisheries in the aforementioned areas. There are several other great aspects to this job. Here are just a few: Several opportunities to author or co-author regional information reports, paid travel to attend agency and professional meetings, department supplied training on all types of topics from age analysis of otoliths to interpersonal communications, and the opportunity to work with a great team of biologists, technicians, and administrative personnel in the Kodiak office!

Additional information about Kodiak Island can be found on the following web sites:

<http://www.kodiak.org/>  
<http://www.kodiakisland.net/>  
With relocation information for the area listed at this site:  
<http://www.kodiak.org/relocation.htm>

The State of Alaska offers full service health insurance (Medical, Dental, and Vision), a retirement package that lets you direct how and where your money is invested, optional deferred compensation, direct deposit, and even savings bonds. There is outstanding leave accrual with the state and 11 paid holidays per year! Check out the commercial fisheries web site for more information on the department and the groundfish and shellfish management office: <http://www.cf.adfg.state.ak.us/region4/rgn4home.htm>

For more information, contact Mike Ruccio or Dave Jackson at (907)486-1840 or via e-mail to [mike\\_ruccio@fishgame.state.ak.us](mailto:mike_ruccio@fishgame.state.ak.us). Application must be made with an Applicant Profile and Job Qualification Summary that can be completed on the Internet at <http://notes.state.ak.us> or by calling 800-587-0430 statewide or (907)465-4095/4430 in Juneau for a hard copy application. The State of Alaska is equal opportunity employer and supports workplace diversity. Individuals requiring accommodation can call 800-587-0430, voice-800-770-8973, TTY/TDD (relay Alaska).

Application deadline is January 02, 2002.

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**Oregon Department of Fish and Wildlife  
Seasonal Experimental Biology Aide - 3  
positions - Full-time with  
benefits, \$1,593 - \$1,653 per month,  
commensurate with experience,  
eligible for overtime**

February 22, 2002 - June 7, 2002

Asotin, WA

Responsibilities: - Employees will be conducting daily fish sampling and entering collected data into a computer. Employees will operate and maintain a fish trap, boats, and PIT tag juvenile salmonids. This project involves Snake River salmon/steelhead that are listed as threatened under the Endangered Species Act. Employees will be working and living at a remote field station in adverse weather. Onsite housing will be provided, however facilities are rudimentary.

Qualifications: Previous juvenile fish identification experience is desirable. Applicants should have a bachelor's degree preferably in a natural resource related field. This position is physically demanding. Ability to work long hours at irregular times.

Note: Application forms will be accepted until and must be received by January 11, 2002.

To Apply: Please mail, email or FAX (541) 426-3055 your application (Oregon PD100) to:  
[Note: PD100 Application Form can be downloaded from <http://www.oregonjobs.org>]  
OTHER questions: (541-426-9052) or [asetter@oregonvos.net](mailto:asetter@oregonvos.net)

Mailing Address:  
Oregon Department of Fish and Wildlife  
65495 Alder Slope Rd.  
Enterprise, OR 97828  
Attention: Ann Setter

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#### Research Associate - Marine Birds / Mammals

We seek a marine ecologist / ornithologist to collect and analyze data on the at-sea distribution of seabirds and marine mammals in the California Current System, in relation to hydrography and prey dispersion. Qualifications: M.Sc. or Ph.D.; demonstrated experience with seabird and marine mammal at-sea identification and survey techniques; demonstrated ability to analyze and integrate distribution data and oceanographic information using spatial analysis software (GIS); general knowledge of seabird and cetacean ecology and the dynamics of the California Current marine ecosystem preferred. Must have up-to-date U.S. immigration papers. Duties will include: conducting vessel-based surveys (up to 4 cruises and 90 days at sea / year), processing and analyzing survey data at PRBO office, and writing cruise reports and presenting research results at scientific meetings. Compensation: salary \$30,000-\$40,000 / year DOE, health and dental benefits, flexible working arrangements. Funding is currently available for 12 months with possibility of Ph.D. study. Please send CV, reprints of relevant publications, statement of interest and qualifications, and a list of 3-5 references with contact information to: David Hyrenbach, Marine Science Division, PRBO, 4990 Shoreline Highway, Stinson Beach, CA 94970. For questions call 415-868-1221 x. 19 or email [khyrenba@earthlink.net](mailto:khyrenba@earthlink.net) <<mailto:khyrenba@earthlink.net>>.

#### Opportunities for shark research in the Bahamas, Winter-Spring 2002.

Volunteer positions at the BBFS Sharklab will be available starting January 15, 2002 and continuing through the year. The Bimini Biological Field Station in collaboration with marine biologists from the University of Illinois, University of Glasgow and the Plymouth University (UK) will be conducting field research on ecodynamics of a shark nursery and the predator-prey relations of young lemon sharks. A third, continuing project concerning the genetics of reproductive biology will involve intensive tagging and collection of DNA from the 2002 cohort of lemon sharks born at Bimini lagoon.

If you are interested in joining the research team for a minimum of one month, especially in January 2002, please contact Dr. Samuel H. Gruber at [sgruber@rsmas.miami.edu](mailto:sgruber@rsmas.miami.edu). Please also visit our website at [www.miami.edu/sharklab](http://www.miami.edu/sharklab) <<http://www.miami.edu/sharklab>>

#### MISC. NOTES & TIDBITS

**NEW MEMBERSHIP:** if you want to become a member of the APO, please write, e-mail or call Irene Dorang. 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. The *Mail Buoy* is also available electronically either directly from the APO or via our website.



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

#### WEBSITES OF INTEREST:

North Pacific FMC: <http://www.fakr.noaa.gov/npfmc/>  
Pacific FMC: <http://www.pcouncil.org/>

National Observer Program (NOP) Website:  
<http://www.st.nmfs.gov/nop/index.html>

North Pacific Groundfish Observer Program:  
<http://www.refm.noaa.gov/observers>

ObserverNet (Dave Wagenheim's site):

<http://www.observernet.org/>

Alaska Fisheries Science Center Species ID images website:

<http://www.afsc.noaa.gov/images.htm>

Links to other observer program websites:

<http://www.pond.net/~pcffa/obs.htm>

<http://www.habitatmedia.org/>

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

UW School of Fisheries & Aquatic Sciences (SAFS) Quantitative Seminar every Friday, 12:30-1:20pm, Rm. 203, Fishery Sciences Building, 1122 Boat St. See:

<http://www.fish.washington.edu/people/arnima/seminar.html> for more information.

UW SAFS Department Seminars, every Thursday, 4:00-5:00 pm, Rm. 102, Fisheries Science Bldg.

<http://www.fish.washington.edu/seminars/>

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)

### IMPORTANT PHONE NUMBERS/E-MAIL

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[apo\\_obs@hotmail.com](mailto:apo_obs@hotmail.com)

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Liz Mitchell [emitch@efn.org](mailto:emitch@efn.org)

NMFS staff (email format [first.last@noaa.gov](mailto:first.last@noaa.gov)):

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Martin Loefflad 206-526-4194

OTC 907-257-2770

Chris Oliver [Chris.Oliver@noaa.gov](mailto:Chris.Oliver@noaa.gov)

NPFMC (Council) 907-271-2809

### INTERESTED IN WRITING/PUBLISHING THE MAIL BUOY or doing other APO tasks?

Volunteers needed--talk to Kim or Irene. We're always looking for extra help with letter writing/editing, insurance research, grant writing, database The **SUBMISSION DEADLINE** for the next issue is **March 1, 2002**.

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 Tracey Mayhew, Mary Schwenzfeier, Jason Anderson, Vicki Cornish, Duke Bryan, Jonathan Cusick, Janell Majewski, John LaFargue, Jim Benante, Kristen Moynihan, Robin Wolfe, Jim Gill, Gillian Stoker and Kimberly Rand for your articles/comments, your prompt answers to questions, requests for information in electric format, and/or your editing contribution. Your efforts are greatly appreciated. (KD, ID)



## UPCOMING MEETINGS

### North Pacific Fishery Management Council:

Anchorage, AK, February 4, 2002 and April 8, 2002.

<http://www.fakr.noaa.gov/npfmc/>

### Association for Professional Observers:

Seattle, WA, January 2, 2002

<http://www.apo-observers.org/>

### Observer Advisory Committee:

Alaska Fisheries Science Center, Building 9

7600 Sand Point Way NE, Seattle, WA

January 7 & 8, 2002

## BRIEFING & TRAINING SCHEDULE

12/27 – 01/13	3-week	Seattle and Anchorage
12/31 – 01/04	4-day	Seattle
01/02 – 01/05	Level 2	Anchorage
01/07 – 01/10	4-day	Seattle and Anchorage
01/14 – 01/17	4-day	Anchorage
01/15 – 01/18	Level 2	Anchorage
01/21 – 02/08	3-week	Anchorage
01/22 – 01/25	4-day	Seattle
01/28 – 01/31	4-day	Anchorage
02/04 – 02/07	4-day	Anchorage
02/11 – 02/14	4-day	Seattle
02/11 – 02/14	Level 2	Anchorage
02/18 – 02/21	4-day	Anchorage
02/25 – 03/15	3-week	Anchorage

Visit <http://www.refm.noaa.gov/observers/briefing.html> for more up to date information on groundfish training.

