



Mail Buoy



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The Catch Log

FROM THE APO:	2
<i>Ebol Rojas - the APO's Newest Board Member</i>	2
OBSERVER BIOGRAPHY SERIES:.....	3
<i>In Remembrance of Jay Alderman</i>	3
INTERNATIONAL SPECTRUM:	7
<i>The 2007 IFOC Proceedings are Published and in the Mail</i>	7
<i>MCS Observers on board at-sea Transshipment Vessels</i>	8
U.S. NATIONAL NEWS:.....	10
<i>US National Observer Program Updates</i>	10
<i>PEER Reports US Observer Harassment on the Rise</i>	14
SAFETY UPDATE:.....	18
<i>Observer Casualties, Injuries, and Near Misses</i>	18
OBSERVER DATA END USE:	20
<i>COSEWIC Assessment of Black-footed Albatross in Canada</i>	20
<i>Recent Additions to the APO's On-line Observer Data Bibliography</i>	21
LETTERS TO THE APO:	24
<i>The Road to Industry-Control Free Observer Work</i>	24
<i>The Industry-funded, Multiple-Supplier Model Debate in Canada</i>	26
CREATIVE CORNER:.....	27
<i>Poem: "Tragedy"</i>	27
<i>High Sea Funnies [Chapter #3]: Cross-Cultural Experience</i>	28
IMPORTANT CONTACTS AND WEBSITES:	29

FROM THE APO:

Ebol Rojas - the APO's Newest Board Member



In our continuing effort to broaden our representation out among the ever-growing observer world, we are very proud to announce Ebol Rojas as the newest member to the APO Board of Directors, our first ever board member who hails from outside the United States.

Ebol is 33 years old, was born in Montevideo, Uruguay, and currently resides in Mexico. Ebol started working on the sea with the Uruguayan Navy, and, during his nine year career with the navy, he obtained a Fishing Master certification from the Maritime School of UTU, with specializations in both fish biology and fishing technology, acquired a Bridge Watch Keeping

Certificate, and became a rescue swimmer. Ebol first started working part time as a Scientific Observer for the Uruguayan-based DINARA (National Direction of Aquatic Resources) in 2001, under the authority of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the International Commission for the Conservation of Atlantic Tunas (ICCAT). In 2003 Ebol resigned from the Uruguayan Navy in order to work full time as Scientific Observer.

During Ebol's seven year (1025 sea-day) career as an observer, he has observed upon many waters throughout the world, including: the Atlantic, the Indian, and the Pacific Oceans, and in the Southern Ocean- on the Ross Sea and near the South Orkney Islands. He has observed among numerous commercial and experimental fisheries, such as: krill, hake, tuna, swordfish, crab, and Antarctic toothfish. Among these fisheries, Ebol has had the opportunity to work with numerous fishing gear types, such as: automated pelagic and bottom longlining, fish and crab pots, bottom and mid-water trawling, including mid-water trawl with a continuous fishing (pumping) system, manual longline with specialized Mammals and Birds Excluding Devices (MBED), and most recently, upon reefer transshipment vessels. Observing has taken Ebol to ports in Namibia, South Africa, Gabon, Angola, Mauritius, Chile, Argentina, Peru, Brazil, Panama, Robinson Crusoe Island, Tristan da Cunha island, the Falkland Islands, and Spain. Ebol has also worked in an international context upon both Vanuatu and Panama flagged vessels.

While working with DINARA, Ebol: assisted with management of Antarctic observer operations, helped to redesign observer data collection forms, worked to adapt the data input techniques for and to assess the success of the Mammals and Birds Excluding Device (MBED), and collaborated in on the drafting of several internal technical reports.

Currently, Ebol is a certified CCAMLR International Observer and an ICCAT Regional Observer Program observer. Although Ebol was in the middle of a three-month observing trip and could not attend the 5th International Fisheries Observer Conference (IFOC) in May of this year, he continues to be a member of the IFOC mandated Observer Safety Working Group. Furthermore, quite recently, Ebol has received word that he will be awarded a full scholarship to attend the 4th International Fisheries Forum (IFF4) to be held in Puntarenas, Costa Rica on November 12th-15th.

Ebol has been working with the APO as a regular Mail Buoy contributor for over one year, and is now proud to take on a larger role with the APO as a member of the board. Ebol sees observers as the fundamental suppliers of the information needed for making proper fisheries management decisions, and he sees the observer position as essential for improving the efficiency of fishing gears and techniques which help to minimize the incidental capture of protected species such as sea birds, marine mammals, and sea turtles. With the APO, Ebol hopes to help raise the overall recognition for observers as professionals, and hopes to help improve the existing observation methods used for identifying and quantifying a serious global issue, the Illegal, Unregulated and Unreported (IUU) fishing about the world.

OBSERVER BIOGRAPHY SERIES:

******This edition's Observer Biography Series shall act as a remembrance to an observer who has recently died while working in the field and is dedicated to all of "those who go down to the sea."******

In Remembrance of Jay Alderman

Keith Davis; Fisheries Observer/ Mail Buoy Editor; North Pacific and Pacific Islands

******This article could not have been possible without the gracious cooperation and help from Jay's family and friends.******

Early in the morning on Thursday, September 20th, Jay Alderman, a certified US North Pacific and Pacific Island's Fisheries Observer, drowned in a tragic accident that ended his young life, presumably while boarding his vessel docked at the Westward Seafoods processing plant dock in Captain's Bay, in the port of Dutch Harbor, Alaska. Boats will often stack side by side out from a dock when there is not enough space for all to fit alongside a dock, and Jay's vessel, the Westward I, a 127 ft. catcher vessel, was in the middle of three stacked vessels moored at the Westward dock that day. According to reports¹, a storm had been blowing through Dutch, and Jay was on his own when this horrible accident occurred.

Many of us in the field understand quite well that one of the inherent dangers associated with being an observer is in negotiating the oftentimes quite dangerous boardings on to the vessels of which we are assigned. Being that I don't know the specifics of the dock

¹ Anchorage Daily News, <http://www.adn.com/news/alaska/story/9330399p-9245526c.html>

Jay was boarding from or the exact circumstances of the tide, swells, or boat height differentials on that fateful day, one can only imagine the scenario of what Jay faced². Personally, I have been quite fearful for my safety at times when I've had to negotiate boardings with various obstacles strewn about between the dock and my safe haven, especially while in the midst of trying to brave stormy weather. There can be significant tide differentials, making it so you may have to descend a ladder several feet down the side of a dock to a vessel that is flopping about in a dynamic swell, with high winds blowing sheets of icy rain against your brow, timing your slippery footing onto the side



of a vessel as the swell brings the rail within range enough to take that leap of faith. You may then have to climb across crab pots or other deck-stacked gear of one vessel to perhaps find a rigged cargo net or a ladder of some sort bridging the gap that you have to scramble across in order to get from one rocking boat to the next. Quite a daunting task - especially if you don't have an extra set of eyes to help alert you of unperceived dangers. In any case, Jay's incident is a horrible accident that will live long in the hearts and minds of us who have had the pleasure to know Jay as it may for those who may not have known him but who can empathize with this tragedy.

Jay was born in Teague, Texas just 25 short years ago and graduated from Sam Houston State University in the spring of 2006 with a Bachelors of Science degree in Biology, where he was a member of the Beta Beta Beta Biological Honors Society. Jay had many interests and hobbies- all of which were centered about being with his friends and family. He loved camping and just being outdoors - hunting was a favorite pastime that he liked to do year round. When Jay was at home, he often enjoyed a friendly game of 42 (dominoes), liked to play his Playstation with friends, or just could be found hanging out, telling stories... using his famous dry wit. He loved to read, play golf, and he was a great uncle, brother, son, and friend. One of his biggest loves was fishing, whether on a stock pond at home, a Texas lake, or in the lakes and streams of the Gila Wilderness on one of his yearly summer trips to New Mexico. Jay found himself in the fisheries observer profession because, as his mom says, observing "was the biggest fishing trip of all time." He always loved being out in nature and out on the sea, and observing was a great opportunity for him to begin a new adventure upon the oceans. Jay always enjoyed learning new things, and identifying the many varieties of fish that you can encounter as an observer greatly sprung his interest.

He began his observing career in the North Pacific/Alaska Region in July 2006 and that first contract lasted until November 2006, when he returned home for the winter. In the spring of 2007, he went over to Hawaii to train for working in the Pacific Islands

² Picture of Jay Alderman observing in Alaska

Regional Observer Program (PIROP). I met Jay during that training class. Several of us in the class were living together in an observer bunkhouse (a lot like a traveler's lodge or a hostel) in beautiful Palolo Valley, up in the Koolau Mountains, up from the center of Honolulu and Waikiki. This bunkhouse has a recreation room complete with a pool table, and I know that Jay got his full use of that table when he could take a break from studying during his training.



³Once training was over, we all had our assignments and were off to observe on the tuna and swordfish pelagic longline vessels that work out of Honolulu. Being that there are so many variables that come into play with the timing of fishing trips, once you all go your separate ways into the field, you never know when you are going to see an observer colleague again. Luckily, the timing seemed to work out so that Jay and I were in town together a lot, and I can account that it was a great pleasure to see his big smile in the rec. room after coming in from a long trip at sea. I like to remember him by his bright sense of humor and his pleasant down to earth demeanor. Another observer who was in the Hawaii training class with Jay, Peter Siale, said the following when he had learned of Jay's tragedy: "My heart goes out for Jay's family as we are part of his family as well. Condolences and comfort goes out to his family - he was a good friend indeed. I remember seeing him off as he was leaving Hawaii and I had told him to stay safe. Well, as we all know he is off in a better place smiling down at us, I just hope his trip to heaven was a pleasant one. He will be missed."

Jay returned home in June 2007, a little early from his contract due to some mechanical problems on the last boat he was on in Hawaii. He was home for just a short time and then he headed on back to work up in Alaska on July 22nd. Jay was well into his second contract in Alaska (his third total) when his accident occurred, and he had been planning on returning home to Teague in November after his contract was up. Jay said he could see himself being an observer for a long time, but his heart remained in Texas with his family and friends, and he dreamed of one day securing a job in his field where he could have a home and a family of his own. Jay took life as it came to him and always made an effort at contributing something positive to the world around him.

Jay was very well liked and respected among his fellow observer colleagues, trainers, and employers. Troy Quinlan, of TechSEA International Inc. (Jay's employer in Alaska), was quoted in the Anchorage Daily News as describing Jay as an "A-1 observer." He will certainly be missed and pleasantly remembered by many of us in the observer world. This incident could have happened to any one of us working in the field and is a harsh reminder of the dangers that observers oftentimes must face as an inherent part of our job.

³ Picture of Jay Alderman observing in Hawaii

Jay is survived by a large family and many very good friends. I would like to conclude this remembrance with a couple of special accounts shared from Jay's friends back home:

Justin Lee wrote:

"Jay always put others first. He showed up at my house early one morning last duck season. He had all of his hunting gear... calls, decoys, camo, everything -- except his waders. Jay, being Jay, insisted on continuing. We arrived at the hole before sunrise and I began throwing decoys out. I looked in Jay's direction and noticed he was about to start doing the same. I told him not to get wet but he reassured me that it was only about 40 degrees and he could handle it. There was no point in arguing with someone who had spent the last 3 months in Alaska, on a boat, in the Bering Sea. So off Jay went - chest deep, pants, boots and all. About midway through the hunt I asked him how he was doing and he told me he was doing a lot better because he was now numbed from the belly down. That's the kind of guy Jay was. He was thinking more about me than himself and making sure our hunt was routine and not called off on his account... I will always love him like a brother."

Wayne Smith wrote:

"I can tell you that Jay was a one of a kind guy, very special, and very loved. Jay never knew a stranger and if he did I can honestly say that person sure missed out. From the moment you were introduced to Jay, which usually consisted of him walking up to you in one of his five everyday wear t-shirts, jeans tucked loosely behind his tennis shoes, drinking a 32oz Dr. pepper from Bonds, and sporting that dingy old cap, spouting off something probably from a Lonesome Dove scene, you just kinda got this feeling that this was going to be your bud.

Once you started hanging out with Jay you began to realize that you were right, this guy is special, and this guy makes one heck of a friend. He possessed all the values and qualities that help define a great friend and a great man, a lot of which comes from his raising, the rest was simply God given. He had the ability to liven up any get together, or brighten anyone's day simply by being himself. Whether he was quoting Lonesome Dove, stomping you in a 'friendly' game of jeopardy, breaking off one of his many spectacular and awkward dance moves, or rubbing his scruffy beard on you while doing his fake sniffing thing, Jay made you laugh! That's what he did- he brought you up when you were down. There was just something about him that all of his friends will attest to, 'you just couldn't have a bad time with Jay.'

Jay had a lot of good friends, some closer to him than others, of course you'd never know that because he always treated everyone the same. If you needed Jay he was there, whether it was a spur of the moment hunting trip, an invitation to come over and hang out and play video games all night long, hauling hay, turning out calves, help changing a tire, or a ride to school, Jay was there. It didn't matter how hard or what it was, Jay was always kind enough to help. All you had to do was call, yeah he'd complain sometimes,

but he'd be there with his big smile time after time to help, especially if you told him you'd take him out to eat. Some of my most fondest memories are with Jay and I hate to think I won't be able to make any more with him. I am proud to know that I have these memories and that I got to know one of the greatest people to grace this world. I try to put meaning to this untimely loss and the only explanation I have is God called upon Jay for help; in true Jay fashion he answered God's call."⁴

Memorials may be made to:

First Baptist Church, P.O. Box 791, Teague, TX 75860
or to the Jay W. Alderman Scholarship Fund c/o
Citizens National Bank, P.O. Box 269, Teague, TX.
75860⁵.

Personal condolences and notes of remembrance should be sent to Jay's parents:

Mr. and Mrs. Roger Alderman
Rt. 1, Box 80-BB
Teague, TX 75860
E-mail: cottongin@glade.net



INTERNATIONAL SPECTRUM:

The 2007 IFOC Proceedings are Published and in the Mail

5th INTERNATIONAL FISHERIES OBSERVER CONFERENCE



Victoria, British Columbia, Canada • May 15-18, 2007

The 5th International Fisheries Observer Conference (IFOC) chair, Howard McElderry, has recently announced that the proceedings for this conference are published and in the mail for all delegates who were registered for the conference. A PDF version of the 2007 IFOC proceedings is available to all for downloading off of the conference website: www.fisheriesobserverconference.com

⁴ Picture of Jay Alderman at home in Texas

⁵ Bowers Funeral Home, <http://www.bowersfuneralhome.net>

MCS Observers on board at-sea Transshipment Vessels

Ebol Rojas; International “Scientific” Fisheries Observer; Uruguay

A major component of the supporting infrastructure for distant water fishing fleets on the high seas consists of at-sea transshipment. Transshipment operations allow high-seas distant-water fishing vessels to continue to fish without the need to make costly returns to port when their holds are full (Gianni & Simpson, 2005). Vessels can stay at sea for long periods of time: off-loading their catches, refueling, rotating crews, and re-supplying bait, food, and water - all performed via the transshipment operations. It is accepted that a common means of conducting Illegal, Unregulated and Unreported (IUU) fishing is the unreported or misreported transshipment of fish in port or at sea.

The Commission for the Conservation of the Antarctic Marine Living Resources (CCAMLR) has shown that although the problem of the illegal fishing, not documented and not regulated (INDNR), has decreased considerably, it continues to be a main concern for the Commission. In the last meeting of the Commission, France informed the Scientific Committee that the obtained information of several sources indicate that the operations of INDNR fishing has increased the frequency of the fish transshipments in high sea to Carrier vessels or vessels with fishing license. This practice requires that the Commission reinforces the measures directed to the control of transshipments, as much in the high seas as in port. In 2006, the Scientific Committee examined the inspection reports for various vessels which delivered to the ports of Durban, South Africa and Walvis Bay, Namibia. There was not any fish on board several ships upon their arrivals to port, evidencing that the product of the fishing was transferred without control while on the high seas. At-sea transshipment of fish is particularly difficult to monitor and can make management decisions without on-board observers very difficult.

A number of the provisions of the FAO International Plan of Action to Prevent, Deter, and Eliminate, Illegal, Unreported and Unregulated Fishing (IPOA-IUU)⁶ recognize the fact that, like legal fishing, IUU fishing requires infrastructure and support services. In recognition of the essential role played by at-sea transshipment and resupply vessels to the operation of IUU fleets, the IPOA further elaborates on this subject in paragraphs 48 and 49:

“48. Flag States should ensure that their fishing, transport and support vessels do not support or engage in IUU fishing. To this end, flag States should ensure that none of their vessels re-supply fishing vessels engaged in such activities or transship fish to or from these vessels. This paragraph is without prejudice to the taking of appropriate action, as necessary, for humanitarian purposes, including the safety of crew members.”

⁶ <http://www.fao.org/DOCREP/003/y1224e/y1224e00.HTM>

49. Flag States should ensure that, to the greatest extent possible, all of their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to transship issued by the flag State...”

The importance of regulating transshipment at sea was further emphasized by the UN General Assembly in its resolution on fisheries adopted in the November 2004 resolution. The UN:

“Recognizes that common means of conducting illegal, unreported and unregulated fishing involves the unreported or misreported transshipments of fish at sea and urges States, either directly or through relevant sub-regional and regional fisheries management organizations and arrangements, to establish comprehensive systems, where appropriate, for monitoring and control of transshipments on the high seas.”

In 2005, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted a recommendation from its Compliance Committee that ICCAT establish a Program for Transshipment by Large-Scale Longline Fishing Vessels. This recommendation also implied the preparation of an observer program to be planned and managed by the ICCAT Secretariat (ICCAT, 2005)⁷. The Indian Ocean Tuna Commission (IOTC), adopted a resolution in 2006 on establishing its own program - their scheme reflects much of the ICCAT recommendations, but expands beyond just longline vessels and applies to transshipments by all large-scale fishing vessels (IOTC, 2006). In 2006, The Inter-American Tropical Tuna Commission (IATTC) adopted a resolution on establishing a program for transshipment operations and it also expanded beyond longline vessels and applies to transshipments by all large-scale fishing vessels (IATTC, 2006).

Scientific observers, supporting the tasks of Monitoring, Control and Surveillance (MCS), complete a very important role in the integrated systems of the management of worldwide transshipment operations. The role of observers on board transshipment vessels can vary from one Regional Fisheries Management Organization (RFMO) to other but the principle of its function is the same: to provide reliable real time information on quantities of transferred species. Observers are the fundamental source of the information regarding at-sea transshipment operations and, in some cases, the validation for their continued operations. This information is very valuable to the scientists of the RFMO's for implementing and improving upon the plans of administration for proper management of transshipment operations.



⁷ <http://www.wcpfc.int/tcc1/pdf/WCPFC-TCC1-17.pdf>

U.S. NATIONAL NEWS:

US National Observer Program Updates

Samantha Brooke; the US National Observer Program (NOP); Washington D.C.



National Observer Program

New ESA Sea Turtle Monitoring Rule

Recently NOAA Fisheries Service issued a rule under the Endangered Species Act to require fishing vessels in designated fisheries to take observers on board for collection of sea turtle bycatch data. With this information, the Agency will be better positioned to address the sea turtle bycatch problem. Observers will help determine whether existing measures to reduce sea turtle bycatch are working, or whether new or additional measures are needed. The rule will apply to designated fishing vessels operating in both state and federal waters, and to designated U.S. fishing vessels on the high seas. Each year NOAA Fisheries Service will publish in the Federal Register a draft and final determination of fisheries that may be monitored for sea turtle interactions. The determination will be based on the best available information regarding sea turtle-fishery interactions, sea turtle distribution or fishing gear characteristics.

The full text of the final rule is posted at:
www.nmfs.noaa.gov/pr/species/turtles/regulations.htm



Minimum Eligibility Standards

On July 23, 2007 Dr. William T. Hogarth, Assistant Administrator for Fisheries, signed into national policy the “National Minimum Eligibility Standards for Marine Fisheries Observers”. These standards are intended to serve as national minimum requirements for new and existing observer programs.

The policy includes the minimum eligibility standards for

- Education/Experience
- Training Requirement
- Conflict of Interest
- Physical/Medical Condition
- Communication Skills
- Citizenship or ability to work legally in the U.S



Photo taken during the Marine Safety Instructor Training course in Seattle, WA (courtesy of Alaska Fisheries Science Center)

In addition, a safety training acknowledgement of risk form is included to document that observer candidates are informed of the risks of participation in observer training.

The adoption of the national minimum eligibility standards will aid in the selection of academically and physically qualified candidates who can perform their duties professionally and objectively and set a foundation for developing standards for quality observers for all NOAA Fisheries regional observer programs.

For more information on the National Minimum Eligibility Standards policy:
<http://www.st.nmfs.gov/st4/nop/index.html>

Or, contact Dennis Hansford (Dennis.Hansford@noaa.gov)

National Bycatch Report Update

Development of the National Bycatch Report has been moving along quickly these past few months. The National Bycatch Report will quantify regional and national bycatch levels (using 2005 or previous year's data) and provide a basis for determining future monitoring and data collection goals.



The initial version of the report will compile current estimates of bycatch for federal commercial marine fisheries. Observer data, along with self-reported and some fishery independent data, were used to develop bycatch estimates included in the report.

A tier classification system has been developed to assist in monitoring improvements to the quality of bycatch data and estimates over time. The National Bycatch Report will also identify key stocks and fisheries, establishing a benchmark for evaluating the Agency's performance relative to bycatch monitoring and bycatch data quality.

In August, 2007, the NOP convened a workshop of observer program managers, stock assessment scientists, and protected resources biologists to review preliminary results. A final version of the report is projected for 2008.

A fact sheet on the National Bycatch Report will be posted on the NOP webpage:
<http://www.st.nmfs.gov/st4/nop/index.html>

New NOAA Fish Watch Site Includes Observer Profile

The NOP was asked to coordinate an observer profile to include on NOAA Fisheries Service's new "FishWatch" site. Keith Davis agreed to provide one- visit
http://www.nmfs.noaa.gov/fishwatch/profile_keith_davis.htm to view his profile.

The FishWatch site is intended to provide up to date information on the health and sustainability of seafood commonly consumed in U.S. households.

NOP on the International Front

Final CCAMLR Observer Rule



This final rule, published at 50 CFR part 300, outlines the requirements for U.S. vessels harvesting Antarctic Living Marine Resources (AMLR) in the Convention area. These are the first domestic observer requirements NOAA Fisheries Service has implemented for an international convention/regional fisheries management organization.

In addition to requiring VMS for all U.S. vessels harvesting AMLR and the use of seal excluder devices for U.S. vessels harvesting krill with trawl gear in the CCAMLR area, this final rule expands the list of requirements and prohibitions regarding scientific observers and clarifies the duties and responsibilities of observers on the vessels and of the vessel hosting the observers.

Examples include:

- Compliance with Observer Health & Safety Regulations;
- Prohibition of conflict of interest;
- Mandatory sampling stations;
- Vessels may not pay observers directly, and must utilize a NOAA Fisheries Service approved observer provider.

Although there are currently no U.S. vessels fishing these waters, these regulations will be in place should U.S. vessels participate in AMLR fisheries again in the future.

Link to CCAMLR Final Rule:

http://www.nmfs.noaa.gov/sfa/domes_fish/FRNotices/CCAMLR_FR_8-23-07.pdf

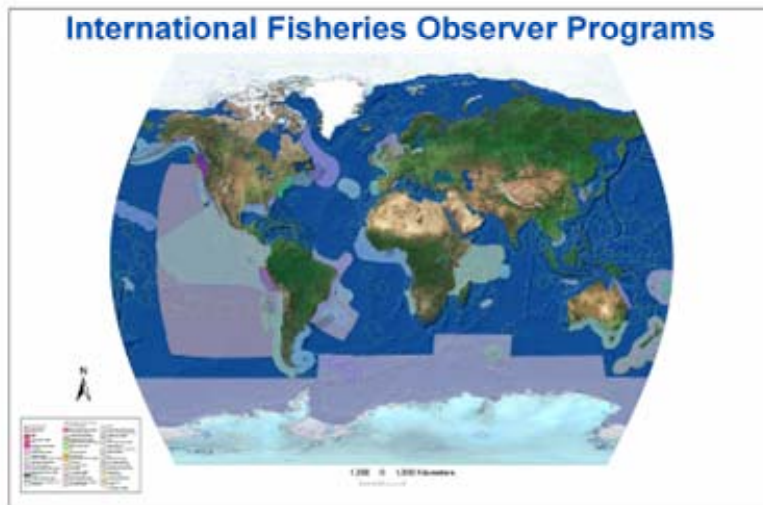
Fisheries Observer Training Program in West Africa

NOAA Fisheries Service was recently approached by the US Navy's African Partnership Station to collaborate in improving maritime safety, security, and resource stewardship. As part of these efforts NOAA Fisheries Service is also working with the Ministry of Fisheries in Ghana to offer a training program in Ghana for up to 30 fishery observers. The training is scheduled to be held aboard one of the US Navy vessels visiting many of the West African nations. The program, which is scheduled to begin in the spring of 2008, will train observers to improve the ways they collect data for scientific research and monitoring of fish stocks and bycatch within domestic and international fisheries. Fisheries Observers work on board commercial vessels to collect information on the amount of fish caught and any interactions that may occur with marine mammals, sea turtles, and sea birds. NOAA Fisheries is also providing Ghana with safety and scientific equipment for use by observers while performing their duties.

Representatives of NOAA Fisheries and Ghana Ministry of Fisheries began discussing the program at the 2007 International Fisheries Observer Conference in Victoria, B.C. The program fulfills an important goal of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 to enhance international cooperation in fisheries management. In particular, the act calls for NOAA Fisheries Service to help nations improve monitoring and compliance of domestic and international fishery regulations. NOAA Fisheries Service is also working with the nation of Gabon to offer a similar training program to that nation's fishery observers.

Interactive Map of Global Observer Programs

This spring, the NOP hosted LaToya Chandler, a student intern from Jackson State University (FL). LaToya worked on digitizing a 4 by 8 foot paper map that was used at the 2007 International Fisheries Observer Conference. During the conference, participants were asked to draw outlines of their observer programs directly onto the world map. Participants also added information such as program name, number of vessels observed, and contact information. Using Geographic Information Systems (GIS), LaToya digitized the coverage areas from the paper map and assigned attributes to each program. Before the map is available to the public, an interactive system will allow IFOC participants to add additional information about their observer programs. The final digital version of the International fisheries map will be converted into an online product that will be accessible in Google Earth. Links to the final product will be posted on the IFOC 2009 website, as well as on the NOAA Fisheries Service's NOP and International Affairs Office pages (the link will be provided in a future update).



International Observer program map developed by NOP Intern LaToya Chandler



PEER Reports US Observer Harassment on the Rise

Liz Mitchell; Fisheries Observer/APO President; North Pacific

Observers occasionally experience varying degrees of obstruction in carrying out their monitoring duties of fisheries. They range from severe to subtle — assault, tampering with an observer’s sampling duties, bribery, refusal to give an observer required assistance, or by creating a hostile environment for an observer. Many violations can be difficult to prove. Against the recommendations of independent reviews (such as [MRAG’s](#)⁸) and [NOAA’s](#) own internal investigation⁹, fisheries monitoring programs in the US appear to be modeling themselves after the program in the US North Pacific, where industry pays competing contractors directly for observer services (see the [APO’s official comments](#)¹⁰). This relinquishes NMFS of any legal obligations in contracts between the observer and the observer provider. The business relationship between the vessel and competing observer providers potentially becomes a higher priority than the welfare of observers and data quality. In addition, in many fisheries, an observer’s data has direct consequence on the quotas of the vessel he or she is monitoring. It stands to reason that under these increased pressures, it’s important to keep an eye on how well observers fare when they’re monitoring the nation’s fisheries.

Public Employees for Environmental Responsibility (PEER) received statistics on incidents of harassment and interference of fisheries observers from NOAA Fisheries for the years 2004 through 2006¹¹. They found that incidents were increasing but more information is required to explain the rise. One must examine the associated number of observers and sea days per program and year. In addition, the nature of the violations in the 2006 summaries was obscured. NMFS cited pertaining laws to the allegations, instead of actually citing the allegation, as in the 2004/2005 summaries. This poses complications in reporting these statistics because almost all the sections of the laws include several types of observer obstruction, ranging from assault to interference. Also, the 2006 summary contains 1-7 “counts” per incident (PEER counted each as a separate incident). The 2004/2005 summaries do not include counts per incident, so it’s unclear whether each entry is one or more incidents¹².

In addition to the apparent rise of incidents, PEER claimed that NMFS is not enforcing enough of the violations. It does appear that many incidents end up in “Never-Never Enforcement Land” because all “adjudicated” cases resulted in either a written or verbal warning (except one). Many were closed because of “no evidence”, including an allegation in the Northeast of “fishing without an observer” (“*What observer?*”).

This shows a need for increased public scrutiny of, not only how laws are enforced by NMFS when protecting observers, but also how NMFS decides under which law to

⁸http://www.afsc.noaa.gov/FMA/PDF_DOCS/NPGOP%20Review%20Final%20Report.pdf

⁹<http://www.oig.doc.gov/oig/reports/2004/NOAA-IPE-15721-03-04.pdf>

¹⁰http://www.apo-observers.org/letters/kurkul_9-10-07_final.pdf

¹¹http://www.peer.org/news/news_id.php?row_id=912, http://www.peer.org/news/news_id.php?row_id=936

¹²<http://www.observernet.org/obsforum/showthread.php?p=3185#post3185>

investigate a potential violation. For instance, two laws pertaining to assault and other prohibitions encompassed a total of 9 allegations in Alaska. Two incidents were investigated under a national law—50CFR 600.725(t)—and 7 under a law for Alaska fisheries—50CFR679.7(g)(1). They resulted in (1) no violation, (1) no evidence and (7) verbal warnings. Unfortunately, the NMFS data summaries provided to PEER pose more questions than answers. The data has been tabulated in Table 1. Table 2 lists the prohibitions for each law presented in the 2006 summaries and number of counts per region.

Table 1: Summary of total number of incidents of observer obstruction, including harassment, sexual harassment, assault interference, intimidation, threats, bribery, refusing required assistance and pressure to perform crew duties.

U.S. Fisheries Observers— Incidents of Interference ¹³	PI			SW			AK			NE			SE		
	2004	2005	2006	2004	2005	2006	2004	2005	2006	2004	2005	2006	2004	2005	2006
TOTAL	3	7	5	1	3	0	20	31	43	1	9	18	1	0	4

The APO is in the process of requesting other details, including:

1. Total number of observers and sea days per program by year.
2. Corresponding data for the Northwest Region, which appear to have not been included.
3. List of counts per 2004/2005 incidents.
4. Observer reporting protocols for each program.
5. Reports of contractor abuses and/or complaints reported by observers, and the outcome of each.
6. The number of incidents of interference reported by observers that did not result in an investigation.
7. Corresponding fishery to each incidence.
8. Specific allegations of each incident in the 2006 summary.

¹³ From a Freedom of Information Act (FOIA) request posted on Public Employee’s for Environmental Responsibility (PEER) website, www.peer.org in their August 29 and October 16, 2007 news releases.

Table 2: Sections of laws cited by NMFS in the 2006 summary of observer harassment, assault and interference (www.peer.org)

Law Sections	Prohibitions	NMFS Region	No. of Incidents
USC 50 229.3(b) United States Code of Law	Harassment of an observer: it is unlawful for any person to assault, harm, harass, (including sexual harassment), oppose, impede, intimidate, impair, or in any way influence or interfere with an observer, or to attempt the same. This includes any action which has the purpose or effect of interfering with the observer's responsibilities, or which creates an intimidating, hostile, or offensive environment.	NE	1
USC 16, Ch.38, 1857(1)(L) United States Code of Law	It is prohibited to assault, harm, harass (including sexually harass), oppose, impede, intimidate, impair, or in any way influence or interfere with an observer, or attempt the same. This prohibition includes, but is not limited to, any action that interferes with an observer's responsibilities, or that creates an intimidating, hostile, or offensive environment.	AK	2
50 CFR 679.7(g)(1) Alaska	Forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with an observer.	AK	7
50 CFR 679.7(g)(3) Alaska	Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.	AK	10
50 CFR 679.7(g)(4) Alaska	Prohibit or bar by command, impediment, threat, coercion, or by refusal of reasonable assistance an observer from collecting samples, conducting product recovery rate determinations, making observations, or otherwise performing the observer's duties.	AK	3
50 CFR 679.7(g)(5) Alaska	Harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.	AK	17
50 CFR 679.7(g)(7) Alaska	Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.	AK	2

50 CFR 600.725(o) National	Harass or sexually harass an authorized officer or an observer.	NE PI	2 4
50 CFR 600.725(s) National	Fish without an observer when the vessel is required to carry an observer.	NE	1
50 CFR 600.725(t) National	Assault, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.	AK NE PI	2 4 1
50 CFR 600.725(u) National	Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his or her duties aboard a vessel.	NE	4
50 CFR 622.7(w) Southeast, Gulf and Caribbean	Fail to comply with the requirements for observer coverage as specified in Sec. 622.10	SE	2
50 CFR 622.7(x) Southeast, Gulf and Caribbean	Assault, resist, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.	SE	1
50CFR648.14 (a)(8) Northeast	Assault, resist, oppose, impede, harass, intimidate, or interfere with or bar by command, impediment, threat, or coercion any NMFS-approved observer or sea sampler aboard a vessel conducting his or her duties aboard a vessel, or any authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part, or any official designee of the Regional Administrator conducting his or her duties, including those duties authorized in §648.7(g).	NE	4
50CFR648.14(a)(10) Northeast	To refuse reasonable assistance to either a NMFS-approved observer or sea sampler conducting his or her duties aboard a vessel.	NE	1
50CFR648.14(i)(5)) Northeast	Fail to provide an observer with required food, accommodations, access, and assistance, as specified in §648.11	NE	2



SAFETY UPDATE:

*****This is a new section of the Mail Buoy that will be coordinated by the APO's observer Safety Committee Leader, Brad Justin. If you have any comments or thoughts for future updates please contact Brad directly at: cheerfulmail@gmail.com**

Observer Casualties, Injuries, and Near Misses

Brad Justin; Fisheries Observer/APO Safety Advisor; North Pacific

Since the inception of the United States National Observer Program in 1973 there have been 2 casualties that occurred near or on a vessel; Bob McCord, with the sinking of the Aleutian Enterprise in 1990, and more recently, Jay Alderman, who drowned near the dock where his boat was tied on September 20th, 2007.

These tragedies are painful lessons that remind us that despite great improvements in safety since the 1990's (heightened safety training and safety equipment provided to observers), our jobs remain dangerous. Fortunately, we can reduce these risks by raising awareness of past incidences including casualties, injuries, and near misses. The aim of this article, which will be the first in a series of safety-related pieces in the Mail Buoy, is to categorize all observer casualties, injuries, and near misses. The list we report here is by no means comprehensive, but should rather be considered an on-going project of the APO.

APO List of Fisheries Observer Casualties, Injuries, and Near Misses:

Deaths (USA)

Jay Alderman September 19, 2007 *North Pacific Observer*
Fell in the water and drowned while attempting to re-board his vessel.

Jay Howell (observer trainee) January 1st, 1997 *North Pacific Observer*
Died of exposure in Anchorage, AK. Body found April, 1998 in Cook Inlet.

Chris Scanlon July 1991 *North Pacific Observer*
Hit by a drunk driver while bicycling back from hiking in Kodiak, AK.

Robert W. McCord March 22nd, 1990: “**Aleutian Enterprise**” *North Pacific Observer*
Vessel sank. 22 survivors. 9 deaths, including observer.

Off the Job Deaths

Mischa Newman June 2003 *North Pacific Observer*
Crushed by the all-terrain vehicle she was riding while researching black-footed ferrets in Montana.

Off the Job Injuries

Brian Petrie January 9, 2007 *North Pacific Observer*

Struck by a bus in Chile which ran a red light while he was in a crosswalk. Brian has undergone extensive physiotherapy for neck and back injuries.

Near Misses (USA)

Meghan Miner Sep. 28th, 2007: "**Jacob Allen**" *Northeast Observer*
Vessel sank. All of crew including observer survived¹⁴.

NMFS Observer 2005: "**Eva Joy**" *Northeast Observer*
Fire. Vessel sank. All of crew including observer survived.

Ann Weckback Oct. 20th, 2002: FVP "**Galaxy**" *North Pacific*.
Fire. Vessel sank. 23 of 25 crew survived, including observer¹⁵.

Deaths and Near Misses (outside the USA)

Michael Slusar March, 2004 "**Hope Bay**" *British Columbia, CA*.
Observer was the only survivor.

Phillip MacDonald (no date found) *Newfoundland, Canada*.
4 deaths. 4 survivors, including observer.

Judith Reeves Oct. 28th 1991: L/L "**Eishin Maru**" *Canada*.
She and her crew survived the infamous "Perfect Storm."

Estelle Laberge Dec 16-17, 1990. "**Nadine**" *Quebec, Canada*.
7 deaths, including observer. 2 survivors.

Alasdair Fowler circa 1987. *Newfoundland, Canada*.
Died when the small plane he was flying home from Greenland crashed. No survivors.

Wendell Cullet December, 1983. *Newfoundland, Canada*.
Drowned while making an at sea transfer and the dory he was in capsized.

Cyril Forward (various dates) *Newfoundland, Canada*.
Survived 3 sinkings. He is still an active observer.

MRAG observer May, 2003. "**Lyn**"
Sinking near South Georgia. (An island near Antarctica.) Crew and observer survived.

MRAG observer May, 2003. "**Moresko**"
Ran aground in Cumberland Bay. Entire crew and observer survived, uninjured.

¹⁴ <http://www.southcoasttoday.com/apps/pbcs.dll/article?AID=/20071003/NEWS/710030409/1011/TOWN10>

¹⁵ http://www.usegalaska.com/posted/780/GALAXY_ROI_PART_2_MISLE_ACT_NO_1195704_REDACTED.76178.pdf

Rueben Beazley (Observer; Newfoundland, Canada) contributed many incidences from Canada, and Ebol Rojas related one incident from South Georgia. Much information surrounding USA cases was gleaned from an ObserverNet forum discussion titled "Observer Casualties and Related Issues (Health and Safety)."¹⁶ This thread, compiled by North Pacific observer Felix Canez, provides additional information not included in this article. We encourage the reader to browse it, and while doing so, to ask the following questions:

- What circumstances increase the risk of observer deaths and injuries?
- What can be done -- both before and during -- emergencies to reduce these risks?

We include accidents occurring both on and off boats, as well as those while observers were between contracts (periods of traveling or vacationing.) We include the latter since for some observers, this interim-contract activity is associated with what some have dubbed "the observer lifestyle," which includes high-risk activities such as biological fieldwork and outdoor recreational activities. On the other hand, some off-the-job injuries arguably have nothing to do with observing and could have happened anywhere: (for example, see "Mail Buoy" Spring 2007 article "Observer in Distress.")¹⁷

All but one incident listed occurred in either the USA or Canada. We know that other nation's programs may be suffering higher casualties and incidents. Only by sharing information with one another can we learn from our mistakes and work together to be safer. If anyone has any information which may lead us to other observer casualties, injuries, and near-misses, in or outside of the United States, please contact Brad Justin at cheerfulmail@gmail.com or the APO at apo@apo-observers.org.

OBSERVER DATA END USE:

*****For this section of the Mail Buoy, we exhibit abstracts of and/or leads to scientific publications which utilize observer-collected data.**

[COSEWIC Assessment of Black-footed Albatross in Canada](#)

The Black-footed Albatross (*Phoebastria nigripes*, Audubon 1839) is a relatively small member of the albatross family. Adult birds are completely dusky brown except for a whitish area around the base of the bill and under the eye, and white plumage over the base of the tail and undertail coverts; bill is dark and legs and feet are black. Juvenile birds have darker plumage than adults and lack white upper and undertail coverts. Sexes are similar although males are generally larger than females. Over the past decade, the use of genetic analyses has reawakened earlier controversy regarding classification of the Diomedidae. Debate continues on the taxonomy of southern hemisphere albatross species but reclassification of the North Pacific albatrosses to the genus *Phoebastria* from

¹⁶ <http://www.observernet.org/obsforum/showthread.php?t=1199>

¹⁷ <http://www.apo-observers.org/mailbuoyspring2007.html>

their previous lumping with the southern genus *Diomedea* is well-supported, based on morphology and behaviour as well as on genetic data. Within *Phoebastria* the Black-footed Albatross is a well-established lineage as it diverged from its closest relative, the Laysan Albatross (*P. immutabilis*), about 7.9 million years ago. For present-day populations of Black-footed Albatross, analysis of mitochondrial DNA indicates significant genetic differentiation between birds breeding in Hawaii and Japan, suggesting that these two populations may be reproductively isolated despite considerable overlap in their at-sea distributions. There is little evidence to indicate the origin of birds visiting Canadian waters, although 13 birds caught as bycatch in a British Columbia-based longline fishery were all found to be of Hawaiian origin.

****For the full assessment, please follow this [link](#)*¹⁸.



[Recent Additions to the APO's On-line Observer Data Bibliography](#)

Following are our recent additions to the APO's Observer Data Bibliography, a comprehensive reference list of scientific publications which utilize observer data (click on Observer Data on the [APO's home page](#)).

General

- ICES. 2007. Report of the Workshop on Discard Raising Procedures, 6–9 February 2007, San Sebastian, Spain. ICES CM 2007 ACFM:06.
- NMFS. 2006. National Observer Program FY 2005 Annual Report. Dep. Commer. National Marine Fisheries Service, Silver Spring, MD.

North Pacific

- Ariz, J., A. Delgado de Molina, M. L. Ramos, and J. C. Santana. 2006. Preliminary Results Of The Experiences Derived From The Use Of Experimental Circular Hooks In Spanish Long Liners In The Southwest Indian Ocean During 2005 For Pilot Action RAI-AP-08-2004. IATTC, 7th Meeting of the Working Group to Review Stock Assessments, La Jolla, CA, 15-19 May 2006, Document SAR-7-05d.¹⁹
- Campbell, M. L., and C. Gallagher. 2007. Assessing the relative effects of fishing on the New Zealand marine environment through risk analysis. *ICES J. Mar. Sci.* **64**:256-270.
- Clausen, D. M., and J. Heifetz. 2002. The Northern Rockfish, *Sebastes polyspinis*, in Alaska: Commercial Fishery, Distribution, and Biology. *Marine Fisheries Review* **64**:1-28.
- DeMartini, E. E., J. H. Uchiyama, J. Robert L. Humphreys, J. D. Sampaga, and H. A. Williams. 2007. Age and growth of swordfish (*Xiphias gladius*) caught by the Hawaii-based pelagic longline fishery. *Fishery Bulletin* **105**:356-367.
- Gilman, E., D. Kobayashi, T. Swenartonc, N. Brothers, P. Dalzell, and I. Kinan-Kelly. 2007. Reducing sea turtle interactions in the Hawaii-based longline swordfish fishery. *Biological Conservation* **doi:10.1016/j.biocon.2007.06.002**.
- Hannah, R. W., and S. A. Jones. 2007. Effectiveness of bycatch reduction devices (BRDs) in the ocean shrimp (*Pandalus jordani*) trawl fishery. *Fisheries Research* **85**:217-225.

¹⁸ http://www.sararegistry.gc.ca/status/showDocument_e.cfm?id=1418

¹⁹ <http://www.iattc.org/PDFFiles2/SAR-7-05d-Circle-hook-experiments.pdf>

- IATTC. 2006. Distribution and vulnerability to bycatch of seabirds. 7th Meeting of the Working Group to Review Stock Assessments, La Jolla, CA, 15-19 May 2006, Document SAR-7-10.²⁰
- IATTC. 2007. Seabirds: Interactions with longline fisheries: Areas and mitigation tools. 8th Meeting of the Working Group to Review Stock Assessments, La Jolla, CA, 7-11 May 2007, Document SAR-8-14.²¹
- Rivera, K. 2006. Seabirds and fisheries in the IATTC area. IATTC, 7th Meeting of the Working Group to Review Stock Assessments, La Jolla, CA, 15-19 May 2006, Document SAR-7-05c.²²
- Schnute, J. T., and R. Haigh. 2007. Compositional analysis of catch curve data, with an application to *Sebastes maliger*. *ICES J. Mar. Sci.* **64**:218-233.
- Sinclair, A. F., and P. J. Starr. 2005. Assessment of Pacific Cod in Hecate Strait (5CD) and Queen Charlotte Sound (5AB), January, 2005. Research Document 2005/026, Fisheries and Oceans Canada, Nanaimo, BC.
- Sinclair, A. F., K. W. Conway, and W. R. Crawford. 2005. Associations Between Bathymetric, Geologic and Oceanographic Features and the Distribution of the British Columbia Bottom Trawl Fishery. CM 2005/L:25, ICES.²³
- Suryan, R. M., K. S. Dietrich, E. F. Melvin, G. R. Balogh, F. Sato, and K. Ozaki. 2007. Migratory routes of short-tailed albatrosses: Time spent among exclusive economic zones of North Pacific Rim countries and spatial overlap with commercial fisheries in Alaska. *Biological Conservation* **137**:450-460.
- Walker, T. I., A. S. Gason, and M. Koopman. 2006. SESSF scalefish abundance and spatial distributional trends from available ISMP data. Final report to Australian Fisheries Management Authority Project No. R05/1096, Primary Industries Research, Queenscliff, Victoria, Australia.
- Wang, S.-P., C.-L. Sun, A. E. Punt, and S.-Z. Yeh. 2007. Application of the sex-specific age-structured assessment method for swordfish, *Xiphias gladius*, in the North Pacific Ocean. *Fisheries Research* **84**:282-300.
- Xiaojie-Dai, L.-x. Xu, and L.-m. Song. 2006. Observations of sea bird bycatch in the Chinese longline fishery in the IATTC waters. IATTC, 7th Meeting of the Working Group to Review Stock Assessments, La Jolla, CA, 15-19 May 2006, Document SAR-7-05e.²⁴

Central Pacific

- Minami, M., C. E. Lennert-Cody, W. Gao, and M. Roman-Verdesoto. 2006. Modeling shark bycatch: the zero-inflated negative binomial regression model with smoothing. IATTC, 7th Meeting of the Working Group to Review Stock Assessments, La Jolla, CA, 15-19 May 2006, Document SAR-7-07e.

South Pacific:

- Moreno, C. A., J. A. Arata, P. Rubilar, R. Hucke-Gaete, and G. Robertson. 2006. Artisanal longline fisheries in Southern Chile: Lessons to be learned to avoid incidental seabird mortality. *Biological Conservation* **127**:27-36.
- Read, A. J. 2007. Do circle hooks reduce the mortality of sea turtles in pelagic longlines? A review of recent experiments. *Biological Conservation* **135**:155-169.
- Robertson, G., M. McNeill, N. Smith, B. Wienecke, S. Candy, and F. Olivier. 2006. Fast sinking (integrated weight) longlines reduce mortality of white-chinned petrels (*Procellaria aequinoctialis*) and sooty shearwaters (*Puffinus griseus*) in demersal longline fisheries. *Biol. Cons.* **132**:458-471.

North Atlantic

- Cooper, A. B. 2006. Propagation of Uncertainty in Total Discard Weight through a VPA Model. Final Report – Task 3 - Northeast Fisheries Bycatch Analysis, Contract Number EA 1330-04-RQ-0120 submitted to National Marine Fisheries Service Northeast Fishery Science Center by MRAG Americas, Inc.
- Gillis, D. M. 1999. Behavioral inferences from regulatory observer data: catch rate variation in the Scotian Shelf silver hake (*Merluccius bilinearis*) fishery. *Can. J. Fish. Aquat. Sci.* **56**:288-296.

²⁰ <http://www.iattc.org/PDFFiles2/SAR-7-10-Seabird-interactions.pdf>

²¹ <http://www.iattc.org/PDFFiles2/SAR-8-14-Seabird-interactions.pdf>

²² <http://www.iattc.org/PDFFiles2/SAR-7-05c-Seabirds-and-Fisheries-EPO.pdf>

²³ <http://www.ices.dk/products/CMdocs/2005/L/L2505.pdf>

²⁴ <http://www.iattc.org/PDFFiles2/SAR-7-05e-Seabird-bycatch-CHN-LL-fishery.pdf>

- Kaiser, M. S. 2006. Development of an Estimator of Discards for the Northeast Observer Program. Final Report – Task 1 - Northeast Fisheries Bycatch Analysis, Contract Number EA 1330-04-RQ-0120 submitted to National Marine Fisheries Service Northeast Fishery Science Center by MRAG Americas, Inc.
- Kaiser, M. S. 2006. Estimation of Discards for the Northeast Observer Program: Quality of Estimation and Connections with Observation Strategy. Final Report – Task 2 - Northeast Fisheries Bycatch Analysis, Contract Number EA 1330-04-RQ-0120 submitted to National Marine Fisheries Service Northeast Fishery Science Center by MRAG Americas, Inc.
- Murray, K. T., A. J. Read, and A. R. Solow. 2000. The use of time/area closures to reduce bycatches of harbour porpoises: lessons from the Gulf of Maine sink gillnet fishery. *Journal of Cetacean Research and Management* **2**:135-141.
- Newton, A., K. Coull, K. Peach, R. Coggan, A. Robb, T. Blasdale, M. Breen, F. Burns, S. Davis, and L. Bullough. 2002?? Report on Biological Information Gathered from Scottish fishing vessels. Industry/Science Partnership, Vol. II. Fisheries Research Services.
- Read, A. J. 2007. Do circle hooks reduce the mortality of sea turtles in pelagic longlines? A review of recent experiments. *Biological Conservation* **135**:155-169.
- Shivji, M. S., J. E. Magnussen, L. R. Beerkircher, G. Hinteregger, D. W. Lee, J. E. Serafy, and E. D. Prince. 2006. Validity, identification and distribution of the roundscale spearfish, *Tetrapturus georgii* (Teleostei: Istiophoridae): Morphological and molecular evidence. *Bull. Mar. Sci.* **79**:483-491.²⁵
- Wigley, S. E., P. J. Rago, K. A. Sosebee, and D. L. Palka. 2006. The Analytic Component to the Standardized Bycatch Reporting Methodology Omnibus Amendment: Sampling Design, and Estimation of Precision and Accuracy. US Dep. Commer., Northeast Fish. Sci. Cent. Ref. Doc. 06-22.

South Atlantic

- Agnew, D. J., C. P. Nolan, J. R. Beddington, and R. Baranowski. 2000. Approaches to the assessment and management of multispecies skate and ray fisheries using the Falkland Islands fishery as an example. *Can. J. Fish. Aquat. Sci.* **57**:429-440.
- Domingo, A., R. C. Menni, and R. Forselledo. 2005. Bycatch of the pelagic ray *Dasyatis violacea* in Uruguayan longline fisheries and aspects of distribution in the southwestern Atlantic. *Scientia Marina* **69**:161-166.
- Mora, O., and A. Domingo. 2006. Informe sobre el Programa de Observadores a Bordo de la Flota Atunera Uruguay (1998-2004). Col. Vol.Sci.Pap. ICCAT **59**:599-607.²⁶
- Perez, J. A. A., and R. Wahrlich. 2005. A bycatch assessment of the gillnet monkfish *Lophius gastrophysus* fishery off southern Brazil. *Fisheries Research* **72**:81-95.
- Tamini, L. L., G. E. Chiaraimonte, J. E. Perez, and H. L. Cappozzo. 2006. Batoids in a coastal trawl fishery of Argentina. *Fisheries Research* **77**:326-332.
- Walmsley, S. A., R. W. Leslie, and W. H. H. Sauer. 2007. Managing South Africa's trawl bycatch. *ICES J. Mar. Sci.* **64**:405-412.

Southern Ocean

- Hucke-Gaete, R., C. A. Moreno, and J. A. Arata. 2004. Operational interactions between cetaceans and the Patagonian toothfish (*Dissostichus eleginoides*) industrial fishery off southern Chile. *CCAMLR Science* **11**:127-140.
- Purves, M. G., D. J. Agnew, E. Balguerias, C. A. Moreno, and B. Watkins. 2004. Killer whale *Orcinus orca* and sperm whale *Physeter macrocephalus* interactions with longline vessels in the Patagonian toothfish fishery at South Georgia, South Atlantic. *CCAMLR Science* **11**:111-126.

***** If you know of additional literature which utilizes Observer data, please send us an email (apo@apo-observers.org) and we'll be sure to add it to the list. An electronic copy would be useful as well. Thanks & keep up the hard work our there!**

²⁵ http://www.nova.edu/ocean/ghri/shivji_07_roundscale.pdf

²⁶ http://www.iccat.es/Documents/CVSP/CV059_2006/no_2%5CCV059020599.pdf

LETTERS TO THE APO:

The Road to Industry-Control Free Observer Work

Georg Hinteregger; Observer; Southeast and Northeast USA

*****Georg sent us the following letter shortly after the APO had formerly commented²⁷ upon the Northeast Region's Standardized Bycatch Reporting Methodology (SBRM) Omnibus Amendment²⁸, which proposes an industry funded observer program structure similar to the one currently used in US North Pacific Groundfish Observer Program.**

29 September 2007

Dear APO:

The road to making all ocean observer work free of industry control is long and difficult. You who have already fought this fight in the North Pacific only to be frustrated again and again by the outcome know this particularly well. You who have done this without much support from the rest of the observers around the country like me. Thank you for volunteering to help bring our concerns about the industry-funded multiple provider (i.e., contractor) service delivery model to the attention of our representatives in Congress. Also your offer to illuminate the history of the long APO struggle for reform of the NPGOP is much appreciated.

Given the clarity with which NMFS itself has spoken about this in the past, the IG report, and other factors cited in your terrific 10 September letter to Ms Kurkul, I had long thought that the reform of the NPGOP service delivery model was inevitable. Now I'm not so sure. Passage of the SBRM amendment will help to legitimize the widely discredited ad hoc relic that the NPGOP is.

As I see it, some of the areas we need to develop to get this issue public scrutiny and support are with ENGOs: Was the APO September 10 letter sent to the ENGOs with a cover letter? Is this letter available to the public or APO members? I am extremely ignorant about the different groups and particularly the ideological shadings and histories that separate them. They need to understand their support of our goals in terms of their broad environmental and public service ethic, not just as an observer workplace issue. To what extent are the ENGOs part of the current clamor for "industry funded" observers?

What is the logic of specifying "industry funded"? Is it a) They (the industry) are exploiting the resource. MAKE THEM PAY. Or, b) they believe there will be more public support for their environmental goals (more data, public oversight) if the observer program does not require public funding, more taxes, more government, etc.? Whether

²⁷ http://www.apo-observers.org/letters/kurkul_9-10-07_final.pdf

²⁸ <http://www.nero.noaa.gov/nero/regs/frdoc/07SBRMOmnibusAmendEA.pdf>; All comments are due on 29 December 2007

“a” or “b”, they must also come to understand that under the current rulings and proposed rules “industry funded” may mean the potential undermining of the quality of data, if the availability of multiple observer provider companies for hire directly by the fishing industry is a precondition of “industry funded”. I do not know to what extent the ENGOS may have painted themselves into a corner on this issue and are therefore having difficulty endorsing our position.

FUNDING: Another area is to take a stand on the complex issue of funding observer work. Spending general revenues on the management of a public resource is for me a no-brainer. However, if it is deemed necessary or prudent to pay for fishery dependent data collection some other way, the concept of “industry funded” should be carefully scrutinized. In an industry where the harvest of a public resource is the capital of the industry, it can be argued that it is the availability of the resource, the fish, that funds the industry that funds the data collection. What appears to be “industry funded” on one level is “fish funded” or “resource funded” on another.

By acknowledging that observer and fishery dependent data collection is already “resource funded” when it is “industry funded” may help bring the industry to the table to rationalize this funding. Resource funded data collection is, I think, a very good idea. (Are you aware of NMFS documents or other research that makes the case?). It would be important, however, to guarantee that the money generated be used exclusively for data collection and other fishery management chores and not wind up as some congressperson’s earmark or in the pocket of a Blackwater hired gun. A source of income other than from general funds would also help to shield professional fishery management civil servants from the vicissitudes of succeeding administrations. Through “resource funding” the fish get a place at the stakeholder table. Their harvest pays for the collection of the data used to optimize their yield and assure their place in a complex wild ecosystem. In a sense it can be seen as an ingenious survival strategy on the part of the fish. It is also not a bad deal for fishermen who are looking to optimize their catch from a healthy stock.

Good data is the cornerstone of sound fishery management. It also maximizes the potential for stability in a notoriously cyclic industry. How often has the lack of good data threatened industry concerns – fisheries closed on the basis of the “cautionary principle” when no sound scientific data is available to counter “expert opinion”? Fisheries data collection without the taint of appearance of conflict of interest is something fishermen, environmentalists, observers, fisheries managers and scientists already agree upon in theory. The task is to demonstrate how our struggle for the dignity of our profession is also the fishing industry’s struggle for sustainability and the environmentalists’ for responsible stewardship of life in the oceans.

***** *Public Employees for Environmental Responsibility (PEER) has also provided comments (with a [News Release](#)²⁹) to the SBRM proposal and Murdoch K. McAllister, PhD, University of British Columbia, has provided an [independent review](#)³⁰.***

²⁹ <http://www.democracyinaction.org/dia/track.jsp?v=2&c=MA%2BedIXD6JNgmgyuak0TZ1dPfb1BRX0>

³⁰ http://www.lenfestocean.org/publications/SBRM_Review.pdf

The Industry-funded, Multiple-Supplier Model Debate in Canada

Reuben Beazley; International Fisheries Observer; St. John's Newfoundland, Canada

******Reuben sent us the following note regarding a past proposal for implementing an industry-funded, multiple-provider model among an observer program in Canada, and some suggestions for balancing industry's needs and the integrity of observer programs.***

October 23rd, 2007

Dear APO,

The Government of Canada in the 2005 budget decided to go to a multi-supplier model for Fisheries Observers, with Industry funding 100% of the Program. The Government would save \$2 million dollars that they presently put into the Program. The direct cost to Industry would not go up due to competition between Observer Suppliers driving the rates down. Being aware of problems experienced in the North Pacific with the multi-supplier system, among many other arguments, we were able to explain the inherent problems in the proposed model. Mainly the loss of integrity, because Industry would be able to pick Observers, and Observer Suppliers of their own choosing. Here in Newfoundland and Labrador (NL), Observing is a full time job - many of the Corp have been with the Program for more than 15 years. Our main concern was that pressure could be put on Observers to make a choice between doing the job right, or feeding their families. It is as simple as that.

On top of the science, we have a big license compliance roll in the Program here, which everyone directly involved understands must include keeping Observers and Suppliers at arms length from the Fishing Industry. After numerous meetings and a presentation to the Standing Committee for Fisheries and Oceans, we finally got the Department of Fisheries and Oceans (DFO), the Fisheries Minister, and finally the Fishing Industry on our side. It did not take much effort to get the Multi-supplier idea scrapped once these groups grasped the reasons for our concerns. Now we are back to a single supplier - far from ideal, but infinitely better than the multi-supplier model. In an information sheet released with the 2005 budget was the following:

Q. Why is DFO cutting this program?

A. This cut is consistent with increasing industry responsibility for conservation costs through shared stewardship and co-management agreements. This program re-design is a natural evolution of DFO's relationship with stakeholders. This leads into "Industry Funded."

Here in NL, I believe, the concept of Industry Funded among the <65 foot fleet arrived at about the same time (in the mid 1990's) as Individual Transferable Quotas (ITQ). The Industry was given the ITQ's with the understanding that they would be paying for some of the resource management - Fishery Observers among other things. From this came "user pays, user says". The Fishers have more input into the Program now than even five years ago. This is not a bad thing. The trick is again to balance the needs of Industry with the Integrity of the Program. This is an ongoing process that goes on and on. The "T" in ITQ's have changed the perception and the fact of who owns the fish. Quotas can be bought and sold, can be forfeit to the Bank in bankruptcy cases. It is coming to the point that the old way of working your way up from a deckhand to captain / boat owner is impossible. The quotas simply cost too much. The idea of public resource in the traditional sense will soon be a thing of the past.

I live on an island, 90% of the people here either live on the coast or a few miles from it. As I write this, it is illegal for me, as a private citizen, to remove any groundfish from the Atlantic Ocean - none, nil, nada. Public resource...? This does not change the concept of "resource funded." Almost every dollar in the system comes directly or indirectly from the resource. The question is - who is the Resource being managed for? Healthy Oceans should always be a public concern within the big picture of our planet. What we must realize is that the pieces that make up the living ocean are fast becoming privatized.

CREATIVE CORNER:

****Contributions to this section aim to exhibit the creative side of observers.*

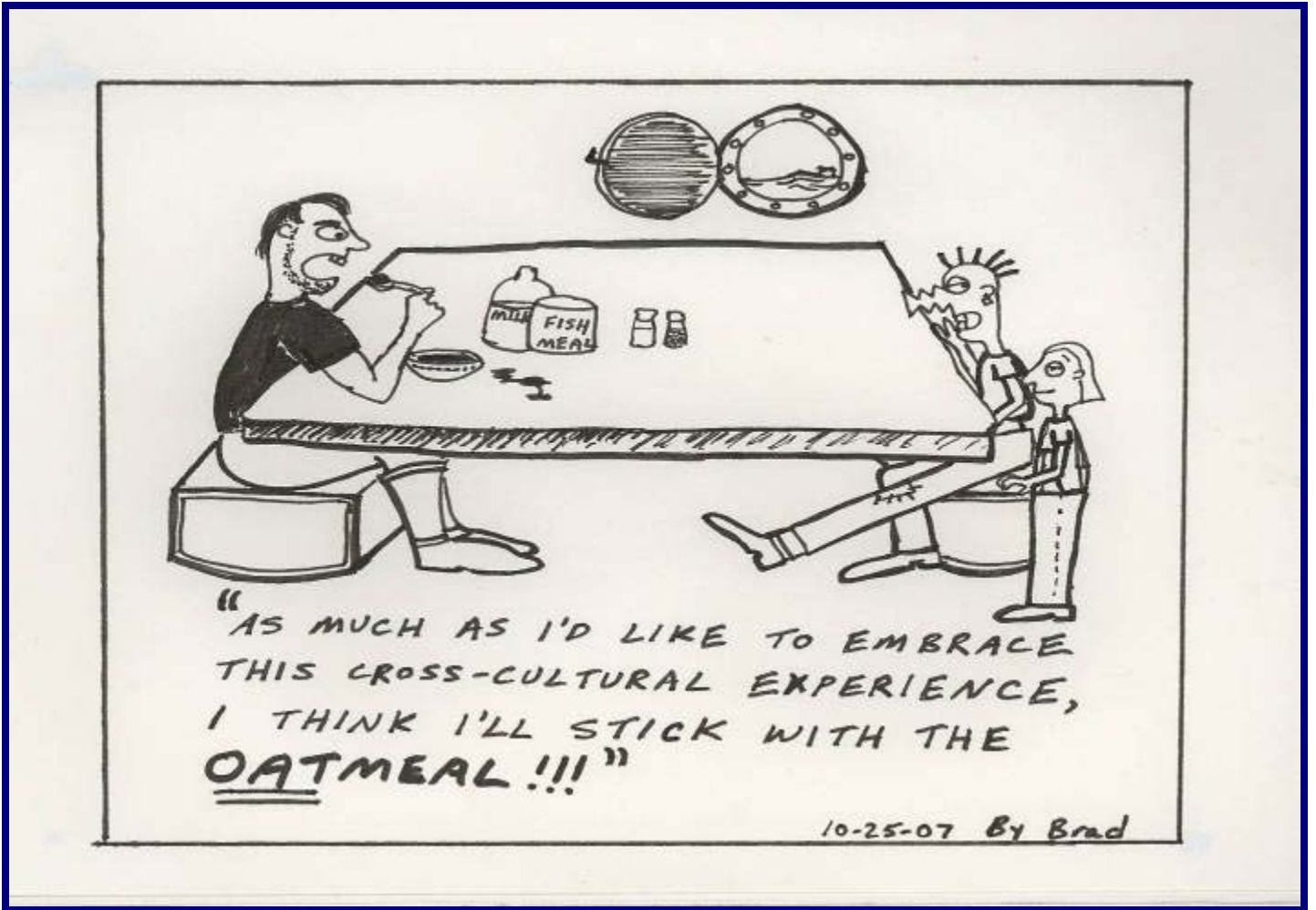
Poem: "Tragedy"

*Late late last night
I almost cried,
the loss was just too grave:
eating my snack
while doing my job,
my snickers was hit by a wave*

Daniel Griffin; Fisheries Observer; Pacific Islands, USA

High Sea Funnies [Chapter #3]: Cross-Cultural Experience

Brad Justin; Observer/APO Board; North Pacific, USA



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Links:

ObserverNet (on-line observer forum)	www.observernet.org
National Observer Program	www.st.nmfs.gov/st4/nop
International Observer Conferences	www.fisheriesobserverconference.com
AMSEA (Marine Safety Instruction)	www.amsea.org

***** Submissions for the forthcoming *Winter Mail Buoy* are due by the end of **December 2007**.
The APO is currently recruiting for observer representatives from national and international
observer programs. Please, contact us if you are interested with helping with the APO.**