



United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Region
One Blackburn Drive
Gloucester, MA 01930

February 6, 2008

Small Entity Compliance Guide

Dear Northeast Permit Holder:

The National Marine Fisheries Service (NMFS), Northeast Fisheries Observer Program (NEFOP) routinely places observers on commercial fishing vessels to collect fisheries data. The Regional Administrator requests that you carry a NMFS NEFOP certified observer in accordance with the instructions in this letter.

If contacted by a NMFS employee or designated contractor in person, by telephone, or in writing, your vessel must carry an observer on its next fishing trip. Once contacted by a NMFS employee or designated contractor, you will be directed as to how you are to make notification of your next fishing trip(s). In some situations you may be selected dockside shortly in advance of a fishing trip. After you have been so contacted, it is illegal to engage in any fishing activity on your vessel without an observer on board unless you have received a waiver from a NMFS employee or designated contractor.

If your vessel is participating in any one of the fisheries listed below, you are currently required to contact the observer program (NMFS, NEFOP) in advance of each fishing trip: Limited Access Sea Scallop Open Area; Limited Access Sea Scallop Access Area; General Category Sea Scallop Access Area (no call in for General Category Open Area); U.S./Canada Management Area; Closed Area II Yellowtail Flounder SAP; Eastern U.S./Canada Haddock SAP; Regular B-DAS Program; CA I Hook Gear Haddock SAP; or Limited Access directed herring vessels (All Areas and Area 2/3 permits) fishing under the midwater trawl or purse seine exempted fishery provisions. Specific information outlining the notification requirements for these fisheries can be found at (<http://www.nefsc.noaa.gov/femad/fsb>) or by calling (508-495-2266).

Observers are required to complete a pre-trip vessel safety check of the vessel's emergency equipment and are required to review emergency instructions with the operator prior to the vessel departing port. Vessels will be deemed inadequate or unsafe for carrying a NMFS certified observer if the vessel does not have a current US Coast Guard Commercial Fishing Vessel Safety Examination decal or if the vessel is lacking one or more of the following safety devices: personal flotation devices/immersion suits; ring buoys or other allowable flotation; distress signals; fire extinguishing equipment, when required; Emergency Position Indicating Radio Beacon (EPIRB), when required; and survival craft, when required. These safety devices must be presently inspected, in good working order, and in sufficient quantity. An observer can not depart on an inadequate or unsafe vessel, and it is illegal for a vessel, otherwise required to carry an observer, to engage in fishing activity without the observer on board.



Regulations related to fisheries observers can be found at 50 CFR §600.725, §600.746 and §648.11; the Marine Mammal Protection Act under 16 USC 1387 §118; and the Endangered Species Act under 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 742a §222.

Continued industry support in this critical data collection process is vital to provide both industry and regulators with the best, and most accurate, data upon which to base fisheries management decisions. Your cooperation and assistance in this program is greatly appreciated. Any questions about the Northeast Fisheries Observer Program and these requirements should be directed to David Potter, Chief of the Fisheries Sampling Branch, at 508-495-2262.

This notice is authorized by the Administrator of the National Marine Fisheries Service, Northeast Region.

NORTHEAST FISHERIES OBSERVER PROGRAM

National Marine Fisheries Service · Northeast Fisheries Science Center · 166 Water Street · Woods Hole · MA · 02543

<http://www.nefsc.noaa.gov/femad/fsb/>

Program Information at 508-495-2266 · Office for Law Enforcement at 508-495-2147

WHAT TO EXPECT DURING AN OBSERVED TRIP

Observers shall perform the following duties, at a minimum:

Conduct a pre-trip safety inspection;

Communicate with vessel personnel about observer duties and data collection needs;

Ask the captain and/or owner of the vessel for some economic information, such as trip costs (price of fuel, ice, etc.) and fixed costs (amount spent on annual insurance, repairs, etc.);

Collect information on fishing gear, such as size of nets and dredges, mesh sizes, and gear configurations;

Collect tow-by-tow information, such as depth, water temperature, wave height, and location and time when fishing begins and ends;

Record all kept and discarded catch (fish, sharks, crustaceans, invertebrates, and debris) on observed hauls and record kept catch on unobserved hauls, which includes species, weight, and disposition reason;

Collect actual weights of catch whenever possible, or estimate or extrapolate weights by sub-sampling;

Collect whole specimens, photos, and biological samples, such as scales, ear bones, and/or spines from fish, invertebrates, and incidental takes; and

Collect detailed information on interactions with protected species, such as sea turtles, porpoise, dolphins, whales, and birds (also called incidental takes).

Observers should not:

Provide advice about fishing regulations;

Accept any gifts or direct payment in any form from the vessel operator, owner, or crew;

Participate in commercial fishing activities during the trip, such as dressing fish, shucking scallops, or standing wheel watch;

Hinder or slow fishing operations unless necessary to obtain critical discard or incidental take information;

Use personal recording devices, such as camcorders, cameras, cell phones, and diaries;

Use the vessel's communication equipment for personal purposes; nor

Discuss the observed trip with anyone other than program staff.

The Captain's legal responsibilities include, but are not limited to:

Ensure the vessel has a current U.S. Coast Guard Commercial Fishing Vessel Safety Examination decal and other essential non-expired safety devices, provide the observer with a safety orientation, and maintain a wheel watch throughout the trip;

Cooperate with the observer in the performance of the observer's duties;

Provide the observer with living quarters, meals, and amenities comparable to a crew member;

Allow the observer access to areas of the vessel and gear necessary to conduct observer duties,

Allow the observer access to communication and navigation equipment as necessary to perform observer duties;

Provide true vessel locations by latitude and longitude upon request by the observer;

Provide the observer with VTR Serial Numbers and VMS Fishing Activity Codes if requested;

Notify the observer when commercial fishing operations are to begin and end;

Bring aboard marine mammals, sea turtles and sea birds that were killed during fishing operations if requested by the observer; and

Provide refrigerated storage space for observer-collected specimens within reason.

It is illegal for Captains and Crew to:

Assault, harass or sexually harass, intimidate or attempt to influence observers;

Interfere with or impede observer duties;

Ask observers to stand watch or help with fishing operations; and

Fish without an observer on board the vessel after the owner or agent of the owner has been selected by NMFS or the observer provider to carry an observer.

Observers should bring the following, along with other scientific gear:

C.P.R. Card, personal identification, and proof of insurance; immersion suit and Personal Floatation Device; appropriate clothing, such as boots, raingear, gloves; length frequency board for finfish and scallops; volumetric measuring cup for scallop meats; spring scales; thermometer for water temperature; scientific calipers and tape measure; buckets and/or baskets to sample; and work-issued cameras, logs, manuals, and field guides.

At the completion of a trip, Observers should provide the Captain with this sheet and a:

Data Release Form to request a photocopy of the observer's trip logs;

Meal Reimbursement Form for multi-day trips (not provided for industry-funded trips);

Fishermen's Comment Card with pre-paid postage; and program brochure, upon request.