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**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 355
 Title : An Act authorizing the establish-
 ment & implementation of onboard observer
 programs; & providing an effective date
 Sponsor : Thompson
 Requestor : House Resources
 Date of Request : _____

FISCAL DETAIL

Agency Affected : ADE&G
 BRU : _____
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Captain James R. Nutgrass Phone : 269-5509
 Division : Fish & Wildlife Protection Date : 2/21/86

Approved by Commissioner : [Signature] Date : 2/24/86
 Agency : _____

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HB 355

February 21, 1986

SUPPORT

HB 355 - "An Act Authorizing the establishment and implementation of onboard observer programs; and providing for an effective date."

The Department of Public Safety is in support of House Bill No. 355.

The Department of Public Safety supports House Bill 355, an act authorizing the establishment and implementation of an onboard observer program.

The State has experienced in recent years a sharp decline in the shellfish stocks being available in the commercial crab fisheries.

In conjunction with the Department of Fish and Game management program, this Department has over the years expended a considerable amount of effort through inspection of vessels and shore plants, extended vessel patrol days and air patrol hours monitoring the fishing activity of the State's crab fisheries.

The State has experienced in recent years an increase in numbers of catcher/processor vessels in the crab fishery since the first one was operational in 1973.

The catcher/processor type vessel has proven to be economically superior in its ability of being mobile in catching and processing crab at any time or place within a fishing ground.

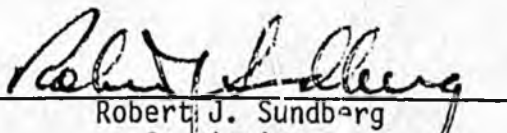
This situation does create a management and enforcement problem by the inability to monitor catches being processed and to receive or accurately monitor catch composition.

The major concern that exists in this situation is the inaccurate management data being received and the capability of a catcher/processor type vessel harvesting undersize crab undetected, thus placing the present and future stocks in jeopardy by the illegal take and the lack of accurate data for properly managing the resource.

Since 1973 to the present the following type of violations have been documented involving catcher/processor vessels:

The taking of king crab after the closure of the fishery and reporting the poundage on a shellfish ticket as being tanner crab and processing sublegal crab.

The quota system that is established for a specific area allowing specified poundage of crab to be harvested can be affected by the misinformation provided on shellfish tickets, which is detrimental to sound management and an economical disadvantage to the majority of the hard working, honest fishermen.


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 355
 Title : An Act authorizing the Board of Fisheries to establish onboard observer program.
 Sponsor : _____
 Requestor : Governor
 Date of Request : _____

FISCAL DETAIL

Agency Affected: Dept. of Fish & Game
 BRU: Commercial Fisheries BRU and Components

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		355.3	400.3	445.3	490.3	535.3
TRAVEL		37.5	42.5	46.3	50.9	55.3
CONTRACTUAL		3.2	3.2	3.8	4.0	4.3
SUPPLIES		4.0	4.0	4.6	4.8	5.1
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING		400.0	450.0	500.0	550.0	600.0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		400.0	450.00	500.0	550.0	600.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME		0	0	0	0	0
PART-TIME		20	20	20	20	20
TEMPORARY		0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

Prepared by : *GW Thorpe*
 Division : Commercial Fisheries

Phone : 465-4210
 Date : 1/30/86

Approved by Commissioner : _____
 Agency : Department of Fish and Game

Date : _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

KODIAK FISH & GAME ADVISORY COMMITTEE
211 Mission Rd.
Kodiak, Alaska 99615

January 7, 1986

JAN 13 1986,

Alaska State Board of Fish
Box 3-2000
Juneau, Alaska 99802

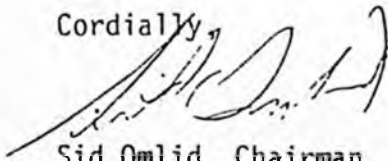
Dear Board Members,

The Kodiak Fish & Game Advisory committee met on January 3, 1986 to discuss time and area closures for trawl gear in king crab sensitive areas. Approximately seventy eight people were in attendance. As mentioned in our January 4 letter to you, the K.A.C. recommends specific time and area closures for hard on the bottom trawling and strongly urges protection of Kodiak's rebuilding king crab stocks.

One important issue discussed was ADF&G funding for observers on trawl vessels to document incidental catch statistics on all species, i.e. salmon, halibut, tanner crab, etc. The K.A.C. voted unanimously, vote 9-0, to put pressure on the ADF&G and the legislature stressing the importance of obtaining funds for observer programs for all fisheries which ADF&G needs to obtain incidental catch information.

It was brought to the K.A.C. attention that \$100,000 in fines from the "Baranof case" was earmarked to be spent on observers. The committee is also aware that in most cases fines from violations are deposited directly into the state's general fund. However, in this case, since the \$100,000 from the "Baranof case" has been specifically earmarked already for use in funding observers, the K.A.C. requests your assistance in assuring this much needed observer money does not get deposited into the General Fund but into the ADF&G observer program.

Cordially,



Sid Omlid, Chairman
Kodiak Fish & Game Advisory Committee

cc Governor Sheffield
Don Collinsworth, Commissioner ADF&G
Senator Fred Zharoff
Representative Dave Thompson

UNITED FISHERMEN OF ALASKA

Jack Cadigan
Executive Director
907-586-2820
1-800-478-FISH

Mr. Anthony Calio
NOAA Administrator
U.S. Department of Commerce
14th and Constitutional Ave. N.W.
Washington, D.C. 20730

18 February 1986

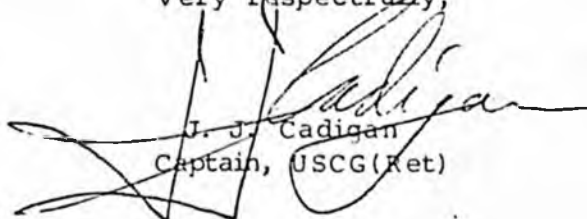
Dear Mr. Calio:

United Fishermen of Alaska have been supporting efforts for better control and enforcement of all fisheries, both foreign and domestic. We today testified in support of legislation before the (Alaska) House Special Committee on Fisheries that would authorize on-board observers for domestic vessels operating in state waters. We plan to continue lobbying hard for this legislation so that it will clear the legislature this session.

The state pilot program has a fiscal tag of \$300,000. This is, however, insufficient to meet what is really needed. We therefore solicit your support for the allocation of \$250,000 submitted by the Alaska office of NMFS for a pilot observer program. This should meld the federal and state governments into creating a multi-funded comprehensive observer program, and set the stage for continued teamwork for a common goal.

Your interest and assistance in this significant proposed step is most appreciated.

Very respectfully,


J. J. Cadigan
Captain, USCG (Ret)

Copy to: Rep. Peter Goll (Ch. Spec Comm. on Fisheries)
Rep Adelheid Herrmann (Ch. House Resources)
Senator Arliss Sturgelewski (Ch. Senate Resources)



BUSINESS • FISHERMEN • PROCESSORS • INDIVIDUALS

ALASKA COASTAL COMMUNITIES ALLIANCE

P.O. Box 382 Kodiak, Alaska 99615 Phone (907) 486-5096

March 21, 1985

Senator Arliss Sturgulewski
Senate Resources Committee
Pouch V (NS 3100)
Juneau, Alaska 99811

Dear Senator Sturgulewski,

The Alaska Coastal Communities Alliance would like to express its support for Senate Bill 79 which would authorize an onboard observer program on certain fishing vessels engaged in Alaskan fisheries. We agree that direct benefits would be derived through enhanced management, more reliable data gathering, and improved compliance.

In addition to the obvious improved enforcement and compliance, the data gathered could certainly aid in the management of a particular fishery or fisheries. New knowledge gained could include, but definitely not limited to; predator-prey relationships between species of different fisheries, the effects that catching non-targeted species (incidental catch) have on one fishery by another fishery, the optimum timing or area of harvesting a given fishery to reduce any impact on other fisheries or to enhance the impact on the primary fishery, the benefits of a total ecological approach to managing a fishery versus a single species approach, and of course many other areas of needed new information.

Of particular concern to many fishermen and processors lately is the predator-prey and incidental catch relationships between fisheries. Examples of some questions that reflect on these relationships are in the following sentences. If one fishery targets on and harvests a predator species, does it directly enhance the yields and fortunes of another fishery engaged in harvesting a prey species? If one fishery takes a proportionately high incidental catch of a species being targeted on by another fishery, does it significantly detract from the yields and fortunes of the other fishery? We feel these and other questions could best be answered through the implementation of an onboard observer program.

Our support for the onboard observer program is not without qualifications however. First and foremost among these is the addition of subsection 14(D) to section 2AS 16.05.050 dealing with fees being assessed to the operators of vessels within the given fishery to pay for the onboard observer program. We are adamant and unanimous in our opposition to the assessment of any new and extraneous fees to cover the cost of this program. We feel the operators of these vessels and processors are currently paying sufficient fees (such as gear, vessel, and crew licenses, and etcetera) and fees to support this and other management programs. We further feel that with the improved compliance resulting from this program the State should realize particular cost

Kevin O'Searcy

486-5096

try after 4:00

Senator Arliss Sturgulewski
March 21, 1985
Page 2

savings through reduced enforcement burden and overhead. Again, we ask that the offending 14(D) subsection be stricken from this bill.

A related area of concern is the increased operational costs incurred by the vessel operator due directly to the onboard observer program. We feel an actual reimbursement to these vessel operators needs to be considered. An example being the cost of food. Some operators pay insurance premiums based on crew size and with the addition of an observer onboard could be liable for increased insurance costs. Costs which we might add are already out of reach of some vessel operators and owners. In the case of insurance, simple reimbursement of increased premiums is not enough. We feel that the State should bear the full liability for the observer beyond the gross negligence of the operator or vessel owner. Some sort of hold-harmless clause protecting the vessel operators from frivolous or occupational related lawsuits needs to be considered to make this bill palatable to the majority of our fishermen.

If the above concerns are addressed then we feel we can be wholeheartedly behind the passage of Senate Bill 79. This bill properly enacted could go a long ways toward enhancing and protecting the various fisheries of Alaska.

In closing we wish to thank you for taking the time to consider this letter and wish you the very best in your decisions and deliberations. Again, thank you.

Sincerest Regards,
ALASKA COASTAL COMMUNITIES ALLIANCE



Slim M. Jorgensen
Member-Director

cc: Alliance's Member Organizations
Representative David W. Thompson
Senator Fred F. Zharoff

ADFG

On-Board Observer Program for groundfish and shellfish
fisheries in the Central Gulf of Alaska, Alaska Peninsula
and Bering Sea, and Southeast Alaska.

This document is designed to provide information and guidance for administrators in preparation of a budget document for a Westward groundfish--shellfish observer program. Attached is a detailed operational plan for groundfish observation procedures including the purpose, objectives and detailed sampling procedures. Included also is a table showing the proposed scheme of effort distribution relative to quarter, management area and species for the proposed budget by line item.

The primary purpose of this observer effort would be to monitor and document the composition of catches as they come aboard commercial groundfish and shellfish vessels during fishing operations. This purpose would be achieved through accomplishment of the following objectives:

1. Monitor the composition and catch per effort of target, incidental and prohibited species catches made by commercial shellfish-groundfish operations relative to time and area fished.
2. Study the spatial and temporal distribution of prohibited species catches in an effort to determine if cyclic spatial and/or temporal relationships can be detected for specific species groups.
3. Distribute observer effort on the various species based on the times and areas of primary fleet emphasis.
4. Work closely with the various user groups to learn the problem areas relative to prohibited species by-catches and the extent to which the fleet can avoid these species.
5. Continue to evaluate the sampling strategy, data collection procedures, and sampling methodologies used to collect, record and summarize shipboard observer data.

6. Determine the statistical validity of expanding prohibited species catch rates into the catch by the total fleet on a time-geographic area basis. Revise existing procedures, if necessary.
7. Continue to develop summaries and overviews of observer results. Attempt to develop routine summaries which answer the many questions posed by the various user groups.
8. Attempt to improve the data exchange on observer results with NMFS. The goal of this coordination would be to develop an integrated observer reporting system which includes the domestic as well as joint venture and directed foreign fishing effort.
9. Develop a data summarization program with the flexibility to summarize the accumulated data base on any desired group of parameters so as to satisfy needs of diverse user and agency groups.

This observation effort would be allocated quarterly on a prioritized basis among four fisheries management areas (Kodiak-Chignik, South Alaska Peninsula, the Bering Sea, and Southeast Alaska, and six species (Pacific cod, pollock, Tanner crab, Dungeness crab, king crab and sablefish). In terms of species priority, the catcher processing operations targeting on king crab, cod and pollock would have first priority, with the shore-based fleet targeting on cod and pollock having second priority. Effort would be most intense during the April-June quarter due to heavy effort for pollock and sablefish, with the least effort scheduled during the June-September quarter when the primary effort is for Pacific cod in the Bering Sea. This prioritization scheme is incorporated into the effort distribution table (Table 1) by quarter, management area and species group.

A breakdown of cost factors for this proposed observer effort by line item is shown in Table 2. Review of the proposed expenditures by line item shows that 88% of the costs would be in personnel services. These personnel services costs are based on Fishery Technician III salaries and the observers being paid sea pay for seven days a week during one-half of their total employment period. Sea pay is presently paid at the rate of 3.5 hours per weekday at sea

and 15 hours per weekend day or holiday while at sea. This calculates to 85 hours per full week at sea including base pay.

As mentioned above, this observation effort would be distributed over five fisheries-Pacific cod, king crab, pollock, sablefish and Tanner crab. The fisheries for cod and pollock use bottom trawl gear, those for king and Tanner crab utilize pots, and that for sablefish utilizes bottom trawls, longline gear as well as pots. While the majority of observation effort would be in the trawl and crab pot fisheries due to their higher potential for prohibited species catches, effort would be expended in the sablefish longline fishery on a time available basis due to its potential for catching halibut.

The final product of the observer data collection procedure would be estimates of the total catches of each species by haul. These estimates are coupled with the basic haul parameters from each tow via an integrated Lotus/R-base program which can summarize catches according to nearly any desired group of variables. In-depth operational plans for observation procedures including subsampling, effort distribution and data handling protocols trawl, have been developed and are available for use in this program.

Table 1. Distribution of FY 1987 shellfish and groundfish on-board observer effort (man-months) by quarter, management area, and species group.

Area	Species Group	Quarter			
		Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec
Kodiak	PC-Pol	6	8	-	8
	Tanner	2	-	-	-
	Dungeness	-	2	0.5	-
	Sablefish	-	2	-	-
Shumagin	PC-Pol	2	2	2	-
	Tanner	2	-	-	-
Bering Sea	PC-Pol	3	9	6	3
	Tanner	-	-	-	-
	King Crab	-	-	-	2
Southeast	Rockfish	1.5	2	0.5	1.5
	Sablefish	-	2	0.5	-
	Flatfish	1.5	-	-	1.5
Totals		18	27	9.5	16

Table 2. Shipboard observer cost distribution.

ON-BOARD OBSERVER PROGRAM
Shellfish/Groundfish FY87
Proposed Expenditures

LINE ITEM

<u>100 Personal Services</u>	<u>COST</u>
FB I - 6.0 MM @ 2518/mo.	\$ 15.1
FT III - 64.6 MM @ \$2185/mo.	140.9
900 hrs. sea pay @ 16.78/hr (2 FB I's)	15.1
7316 hrs. sea pay @ 13.14/hr (18 FT III's)	96.1
	<hr/>
Employee Benefits @ 33%	267.2
	88.1
	<hr/>
Total	\$355.3
<u>200 Travel</u>	
18 Roundtrip Kodiak-Dutch Harbor @ \$854	\$ 15.4
1080 days per diem on vessels @ 20	21.6
6 days commercial per diem @ \$80	0.5
	<hr/>
Total	\$ 37.5
<u>300 Contractual Services</u>	
Xerox charges	\$.6
Contingency inter-island air charter	1.0
Telephone charges	0.8
Printing of forms	0.2
Computer supplies	0.6
	<hr/>
Total	\$ 3.2
<u>400 Commodities</u>	
Sampling Equipment:	
Plastic baskets	\$.5
Scales	.5
Repair & equipping of survival equipment	.6
Misc. sampling equipment	.4
Raingear	.5
Professional and scientific supplies	1.5
	<hr/>
Total	\$ 4.0
GRAND TOTAL	\$400.0

MEMORANDUM

State of Alaska

DRAFT

TO: Molly McCammon
Special Staff Assistant
Office of the Governor

DATE: February 4, 1986

FILE NO:

TELEPHONE NO: 465-4100

FROM: Steven Pennoyer
Deputy Commissioner
Department of Fish and Game

SUBJECT: Onboard Observer Bills;
SB 79 and HB 355

Enclosed is a bill analysis and fiscal note for HB 355, Representative Thompson's onboard observer bill. It is identical to the department's bill SB 79, except that it contains no provision to fund the observer program through a fee structure system, or any other method.

During the last few years, there has been a growing interest, on the part of the public and the federal and state agencies, to develop an onboard observer program for the domestic fisheries. All feel that such a program is needed to provide basic biological data, particularly in the case of groundfish, as the domestic fleet replaces the foreign fleet. Observers can also be used to enforce regulations, such as those dealing with size and sex restrictions in the king and Tanner crab fisheries. Any effective observer program will have to be legally achievable in both federal and state waters and be funded.

The Magnuson Fishery Conservation and Management Act (MFCMA) allows the federal government to place observers on domestic fishing vessels. This authorization is by statute, so does not require implementing regulations. The Board of Fisheries has authority to require onboard observers by regulation. Both the board and the North Pacific Fishery Management Council in 1984 decided to work towards a goal of complimentary onboard observer programs in state and federal waters. Since the regulatory mechanisms are in place, the major hurdle has been funding.

The department, in conjunction with the Department of Law, developed SB 79 as the state's answer to the funding problem. The primary purpose of that bill is to provide a source of funding, via permit fees, for the program. Declining revenues have caused reductions in operational budgets. The department cannot fund the observer program without taking cuts in other ongoing projects of high priority to the management of established fisheries. One option is for the program to fund itself. Originally, we thought this concept might be feasible. As it turns out, we are now unsure. The federal government cannot use such a fee structure to fund a domestic observer program since it is forbidden by the MFCMA. If the state accepts the king crab delegation, and I believe we will, we

*The Magnuson Fishery Conservation
& Management Act*

February 4, 1986

most likely will fall under that prohibition. Since the king crab fishery is one of the two fisheries most in need of observers, this loss of a funding source will gut the program. Additionally, there seems to be a great deal of opposition from fishermen and processors for a fee structure. They are saying the state should fund the program out of current revenue sources.

The bottom line is that there is no money for an onboard observer program in the FY 86 or FY 87 budget. The department priority for such a program is above the increment level, and it is very unlikely the Legislature will approve a permit fee structure. Since the Board of Fisheries has already adopted a program identical to that suggested in the bill, the legislation is no longer necessary for the department to legally implement such a program if funds were made available.

The key point to get across to the Legislature and the public is that passage of either bill, without some funding source, will not cure the problems they perceive are happening.

The enclosed fiscal note and proposal reflect the minimum level observer program that both we and the Board of Fisheries feel is needed to provide basic coverage of current fisheries. Any increase in the king and Tanner crab harvests or implementation of additional prohibited species catch levels in the groundfish fisheries would require increased funding above the level in the fiscal note.

Enclosures

cc: J. Ayers
B. Clasby
K. Parker

GENERAL PROVISIONS

5 AAC 39.141. ONBOARD OBSERVER PROGRAM. (a) The Board of Fisheries finds that, in particular fisheries, observers on board fishing vessels would greatly enhance management, primarily by facilitating information gathering, and by improving regulatory compliance. Onboard observers may be the only practical fishery monitoring, data-gathering, or enforcement mechanism in some Alaska fisheries where a large component of vessels, such as catcher/processors and floating processors, rarely or never enter Alaskan ports. The Board of Fisheries, therefore, finds it necessary to authorize the Alaska Department of Fish and Game to implement onboard observer programs in particular fisheries when the board determines that it

- (1) is the only practical data-gathering or enforcement mechanism;
- (2) will not unduly disrupt the fishery; and
- (3) can be conducted at a reasonable cost.

(b) Onboard observers of the Departments of Public Safety and Fish and Game shall have free and unobstructed access to inspect the catch, equipment, gear or operations of the fishing vessel, tender or processor to which assigned while that vessel is

- (1) within waters under the jurisdiction of the state;
- (2) taking or intending to take any species of fish; or
- (3) transporting or processing any species of fish.

(c) Onboard observers must be as unintrusive to vessel operations as practicable and must make the scheduling and scope of their activities predictable and practicable.

(d) Onboard observers are not required to obtain criminal or administrative search warrants to conduct their duties.

(e) Onboard observers shall carry out such scientific and other duties as deemed necessary or appropriate to manage, protect, maintain, improve, and extend the fish and aquatic plant resources of the state.

Authority: AS 16.05.251

5 AAC 39.145. ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS. A sidewall of all shellfish and bottomfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. For shrimp pots, the opening may be on the top of the pot. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tie-down strips secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

Authority: AS 16.05.251
AS 16.10.125

Domestic Observers: Is it Time to Start Watching Ourselves?

by John van Amerongen

"I feel like a doctor trying to find the cure for AIDS." That's how fisherman Bart Eaton described his frustration at the first meeting of the NPFMC workgroup on domestic observers. The seven-man team met in Seattle October 14 at the Wharf restaurant.

The challenge for the workgroup is to come up with a method for implementing observer coverage on U.S. vessels operating within the 200-mile FCZ. It's an ironic twist to the whole concept of Americanization—once the foreigners have gone, we have to start watching ourselves.

Since the Magnuson Act was amended in 1982 and provisions were made for an observer surcharge to foreign fleets, the NMFS goal has been to place an observer on every foreign fishing vessel. Actual coverage is somewhat less. During 1984 the Foreign Fisheries Observer Program provided more than 24,000 days of observer coverage on foreign and joint-venture fisheries. Actual coverage attained in the Bering Sea-Aleutians amounted to 86.3 percent and Gulf of Alaska coverage was better than 90 percent.

The federally mandated role of

the observer on a foreign vessel is twofold. Not only is he present to record catch data, but he is also there to ensure the vessel is operated in accordance with current U.S. fishery regulations.

As observers train their binoculars from the foreign to the domestic fleet, three key questions must be answered: 1) Will domestic observers continue to be both biologists and policemen? 2) How many will be needed to adequately cover the domestic fleet? 3) Who's going to pay for them? These questions, of course, are predicated on the assumption that observers are necessary at all.

Why do we need observers on U.S. vessels? According to Russ Nelson, who coordinates the NMFS observer program at the Northwest and Alaska Fisheries Center, observer data is necessary to round out and verify the data collected by NOAA vessels on their annual stock assessment surveys. As fishermen themselves often argue, survey data does not always mirror information collected from actual fishing vessels involved in an ongoing fishery.

Nelson, who did not attend the October meeting, admits that observers aren't necessary for all information on the domestic catch. Data on the total retained catch is

generally available when domestic vessels off-load, particularly when they off-load unprocessed fish.

When the catch is filleted, formed, or minced, however, it becomes much more difficult to generate information on the size, sex and age composition of the catch. Nevertheless, the focus isn't just on catcher/processors. Important data on incidental catches and discards of prohibited and low-quota species need to represent all vessels in the fishery if it's to be accurate. And accuracy counts.

If biologists and fishery managers don't get enough information, as Nelson puts it, "They have to live with the data they have."

According to Nelson, there are data gaps already developing as a result of Americanization. A prime area of concern right now is Shelikof Strait. Both foreign and joint-venture fisheries will likely be eliminated next year due to a decline in pollock stocks and an increase in domestic effort.

Shelikof stock assessments in the past have been based on a combination of survey and foreign observer data. Said Nelson, "For the past 4-5 years we've used both sources." Soon there will be no foreign observer data on that fishery, one less piece in the puzzle.

Faced with a shortage of verifiable data, managers take a more cautious, conservative approach to OY figures and quotas—at least that's what fishermen claim. Since nobody wants to take responsibility for wiping out a resource, ties go to the fish, not the fishermen.

Better domestic coverage, some argue, would not only decrease the possibility of a manmade resource disaster, but it would likely result in more liberal quotas for verifiably healthy stocks. Accurate recording might also open the door to retention of non-target species that would otherwise have to be discarded. That's the bottom-line reason for fishermen to support the domestic observer program—but unfortunately, nothing is simple.

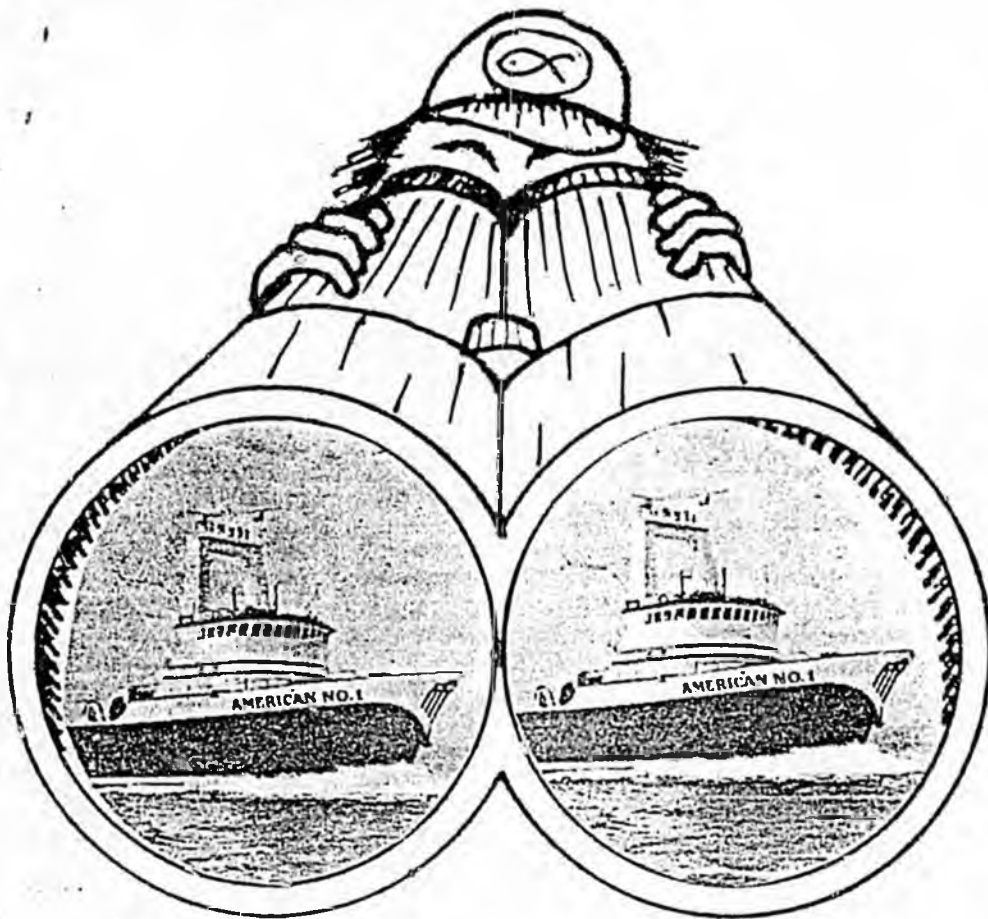
As Councilman Rudy Peterson put it, "It's a tough nut."

The first tough question is whether domestic observers should also be policemen. Most of those attending the October workgroup meeting agreed that fishermen would not likely welcome a Big Brother onboard.

Councilman Oscar Dyson questioned whether it would be reasonable to expect observers to report violations by domestic fishermen. "Unless the observer is trained," Dyson noted, "you put him in a hostile environment... he's not going to do it."

Bob Alverson, chairman of the workgroup, noted that observers and their logs would be subject to subpoena, whether the intent was scientific, or not.

The next big question deals with observer coverage. Just how many



If biologists and fishery managers don't get enough information . . . they have to live with the data they have.

observers would it take to handle the domestic fishery? According to Russ Nelson, and these were his personal ideas, "somewhere between 25 and 30 percent" coverage would be enough to get a scientific picture of the catch.

Nelson's estimate was a far cry from Oscar Dyson's suggestion to keep one observer in Kodiak year round and assign him to special target fisheries as needed. Dyson's philosophy was to "start small... and see where it goes."

One observer would be enough, said Nelson, if he were sampling a four-boat fishery. Larger fleets would require more observers to obtain a statistically representative sampling. Said Nelson, "You need to get enough to make some judgments about the data you get."

If you want observers to be enforcement officers in the domestic

fishery, coverage would have to be closer to 100 percent, Nelson said. It's safe to say that would cause a more than small rumble in the fishing community, especially if fishermen had to pay for the service themselves. And that brings up the third big question: Who's going to pay for this?

Foreign fleets pay for the observers on their own vessels through the observer surcharge authorized by Congress in 1982, but there are no funds currently available to fund domestic observers. Some fishermen think the federal government should pick up the tab for Americanization of the observer program, but Rudy Peterson thinks the Feds have other ideas.

Commenting on the federal trend toward user fees, Peterson said, "I don't think anybody in government has any other idea than this (fund-

ing) coming out of the industry."

That makes the nut particularly tough, especially when you figure in insurance cost. Some consider insurance liability the ultimate roadblock to the implementation of the program. Given the large awards available to crewmen injured at sea, what's to prevent an injured observer—or worse, the family of a dead observer—from suing the vessel owners for millions? The question has yet to be answered fully.

Bob Alverson brought with him some estimates of liability insurance premiums. According to Alverson, \$2 million worth of liability insurance for one observer on a dragger in the Bering Sea would cost the vessel owner about \$1800 a month. That's just for the insurance; the cost of the observer would be extra.

There are some in the industry who claim nothing will happen until the insurance crisis is solved. Still, there are plenty of other questions to be answered: Is this just a program for draggers, or are pot vessels and longliners eligible as well? Surely longliners would benefit from closer scrutiny of dragger bycatch, so wouldn't they be considered users and share the cost? What about salmon fishermen and crabbers? What if there isn't a bunk available for the observer? What if the skipper refuses to take an observer aboard? Who's going to administer the program, the Council or NMFS? And what if the Council can't get the information it needs to make sound management decisions?

Fishermen with answers, opinions, or further questions about the domestic observer program can attend the next meeting of the domestic observer workgroup to be held in conjunction with the Anchorage meeting of the North Pacific Fishery Management Council. Call the Council office (907) 274-5467 for time and location. Those not able to attend can send written comments to Ron Miller at the Council office (P.O. Box 103163, Anchorage 99501) or contact the following workgroup members: Bob Alverson, Rudy Peterson, Bart Eaton, John Winther, Barry Fisher or Oscar Dyson. □