

Additional important information about carrying an observer.

An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

1. Provide the observer with accommodations and food equivalent to that provided to the crew (you will be reimbursed for reasonable food costs);
2. Allow the observer access to and use of the vessel's communication equipment and personnel for transmitting and receiving messages related to the observer's duties;
3. Allow the observer access to and use of the vessel's navigation equipment, charts, and crew to determine the vessel's position;
4. Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish;
5. Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip;
6. As provided by 50 C.F.R. § 229.7, allow the observer free and unobstructed access to all fish, marine mammals, and sea turtles aboard the vessel for purposes of collecting measurements, weights, and biological samples; and,
7. Have passed a USCG Commercial Fishing Vessel Safety Examination, or for vessels less than 26 ft (8 m) in length, have passed an alternate safety equipment examination, as described in 50 C.F.R. § 600.746(g). **Failure to obtain a Fishing Vessel Safety Examination decal is not justification for fishing without an observer, and may result in enforcement action.** All safety equipment must be present, stowed properly, and up to date. Life raft capacity must be large enough for all persons on board, including all crew plus the observer. For a detailed list of required safety equipment for commercial fishing vessels, visit (<https://www.fishsafewest.info/>). A list of phone numbers for approved Commercial Fishing Vessel Examiners is included at the end of this letter.

Please be aware that should an incidental take of a protected species occur during a trip with an observer on board your vessel, the observer may be required to contact shore based personnel associated with the Protected Resources Stranding Network for specific instructions.

The observer is onboard to collect data only; for safety and liability reasons, the observer cannot take part in any fishing operations.

PAPERWORK REDUCTION ACT STATEMENT:

Information collected through the observer program will be used to: (1) monitor catch and bycatch; (2) understand the population status and trends of fish stocks and protected species, as well as the interactions between them; (3) determine the quantity and distribution of net benefits derived from living marine resources; (4) predict the biological, ecological, and economic impacts of existing management actions and proposed management options; and (5) ensure that the observer programs can safely and efficiently collect the information required for the previous four uses. In particular, the observer program provides information that is used in analyses that support the conservation and management of living marine resources and that are required under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), Executive Order 12866 (EO 12866), and other applicable law. Most of the information collected by observers is obtained through "direct observation by an employee or agent of the sponsoring agency or through non-standardized oral communication in connection with such direct observations". Under the Paperwork Reduction Act (PRA) regulations at 5 C.F.R. 1320.3(h)(3), facts or opinions obtained through such observations and communications are not considered to be "information" subject to the PRA. The public reporting burden for responding to the questions that observers ask and that are subject to the PRA is estimated to average 40 minutes per trip, including the time for hearing and understanding the questions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: National Marine Fisheries Service, F/SF1, 1315 East West Highway, Silver Spring, MD 20910. Providing the requested information is mandatory under regulations at 50 C.F.R. 600.746 for the safety questions and at 50 C.F.R. Part 622.8, 50 C.F.R. 229.7, and 50 C.F.R. 222.401 for the other questions. All information collected by observers will be kept confidential as required under Section 402(b) of the MSA (18 U.S.C. 1881a(b)) and regulations at 50 C.F.R. Part 600, Subpart E. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. This is an approved information collection under OMB Control #0648-0593. Expires 5/31/2027.

We appreciate your cooperation with the above requirements; for our part, we will make every effort to minimize any disruption of the normal activities of your vessel and crew.

Once again, thank you for your cooperation, without which collection of this critical information would not be possible.

Sincerely,

Scott Leach
Observer Program Branch Chief
NOAA Fisheries Southeast Fisheries Science Center