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October 26, 2004

TO : Gerry Scott  
FROM : Dennis Lee

SUBJECT: Third quarter (2004) observer coverage summary.

The Pelagic Observer Program (POP) achieved an estimated 7.3% coverage rate for the third quarter period of 2004 (July 1 to September 30, 2004). Selection letters were sent by certified mail service (return receipt) on June 15, 2004 to 44 vessel permit holders (owners and/or operators) for notification of observer coverage. Of those mailed, the program office received 41 signed and returned cards showing proof of delivery. Three of the selection letters were returned as unclaimed. These letters were then sent using Federal Express delivery, of which two letters were never delivered (owners of Sao Mia II and Sea Angel) and were returned. Although the permit address was correct, no follow-up was made due to the lateness of the quarter. The POP had the responsibility of the regular coverage requirement in the Northwest Atlantic, including the Gulf of Mexico, and the Caribbean Sea. Overall, the POP successfully observed the highest number of trips (n=29; 66%) during any quarter in the program's history.

Of special note during this third quarter, the POP staff made decisions to substitute several vessels. Because the selection process uses a vessel's previous year and quarter reported effort, the POP found that the permit holders of three selected vessels were not active or were converted to another fishery, but owned other vessels actively fishing longline gear. With the owners willingness to cooperate, they offered to complete their obligation and use other vessels. As examples, the owner of one vessel, the KRISTIN LYNN, indicated it was using gillnet gear, so the owner substituted his second vessel, SHOWBOAT, which was longlining. The owner of another vessel, the EAGLE EYE, wanted to substitute his larger vessel, EAGLE EYE II, which was capable of boating leatherback turtles for special tagging to help further NMFS turtle research. The owner of a third vessel, LEROY TENNISHOE, underwent new captain and crew changes and he offered coverage on his second vessel, HATUNA MATADA, which had a seasoned crew. The POP staff allowed these substitutions by the permit holders/owners and those vessels are listed in Table 1.

Furthermore, there were several vessels that either carried over its coverage from quarter 2 or observers deployed onto third quarter vessels on September 29 or 30, 2004 (Table 1). For the purposes of this quarterly report, any vessel effort observed within the third quarter (number of sets observed, days at-sea, animals caught) will be included in the summary. Overall, observers spent 315 days at sea, which resulted in 210 sets observed and a coverage rate of 7.3%. The geographical areas sampled were the waters in the Gulf of Mexico (GOM), the Florida East Coast (FEC), the South Atlantic Bight (SAB), the Mid-Atlantic Bight (MAB), Northeast Coastal (NED), and the Northeast Distant (NED). Unusual to the POP, no vessels covered by observers fished in the waters of the Caribbean Sea (CAR) during the quarter.

Of the pelagic longline trips covered by observers under the 8% fleet requirement, a total of 169,291 hooks were fished during the 210 sets recorded by the SEFSC program. The total catch from the 29 pelagic longline trips observed consisted of 6,943 fish representing 49 species of fish. The catch data was comprised of 1,821 swordfish, 110 bigeye tuna, 1,258 yellowfin tuna, 10 bluefin tuna, 35 albacore tuna, 160 other tuna species, 234 dolphin fish (mahi), 57 wahoo, 217 billfish species, 604 other finfish (escolar, lancetfish, etc.), 253 skates/rays, no (0) small coastal sharks, 183 large coastal sharks, 1,982 pelagic sharks, and 19 unidentified fish species. During the quarter, observers also recorded incidental takes of protected species (Table 2) which included three (3) marine mammals (1-common dolphin-alive, 1-Risso's dolphin-alive, 1-pilot whale-alive), 35 sea turtles (21 leatherback-alive; 14 loggerhead-alive), and five (5) sea birds (greater shearwater: 4-dead and 1-alive).

Although communications by telephone and faxes does occur from owners of selected vessels prior to the quarter, my staff and I continue to have to place follow-up calls to most of the vessel owners to determine fishing activities and port location of the vessels selected. I continue to recommend to you that HMS-HQ should be sending periodic notices as reminders to vessel permit holders of their responsible for contacting the POP office of their fishing activity when selected. Until this action is supported, much of the staff time will always be committed to calling marinas, fish dealers, and/or leaving messages on phone recorders in hopes of locating the vessels.

During the quarter, the POP did not place observers on 15 of the vessels selected (34%; Table 3). Two vessels (CAPT ROBINSON and KIM THANH II) which were selected in quarters 2 and 3, carried over their trips from quarter 2 into 3 and were considered as fulfilling their coverage requirements. The remaining 15 selected vessels listed in Table 3 as not having participated in observer coverage reduced the POP's target coverage by approximately 61 sets. Owners of eight vessels (18%) reported to the POP of their

involvement in another fishery (Snapper/grouper, scallop, etc.) or not fishing pelagic gear, which took away about 27 sets. Five vessel owners (11%) with various excuses of not having a current decal, had a full crew concern (exceed liferaft capacity), and/or never communicated their fishing activities, could have provided the POP with an additional 21 sets had they complied. Lastly, the POP had difficulty delivering selection letters to two vessels (Sao Mai II and Sea Angel) even though addresses used were those registered at the permit office. Since these vessels did not formally receive letters from the POP, they could not be considered as selected vessels. These same vessel owners were again listed for the fourth quarter coverage, however, the POP will have the letters delivered by process servers if necessary. As you can see from table 3, there can be multiple reasons vessels are not complying with the POP coverage. Lack of communication with our office and lack of marine safety decals still affects the POP most in our quarterly coverage. In addition, observer accommodations or liferaft has an impact. With these excuses from owners re-occurring each quarter and with many of the same vessels on a regular basis, my staff continues to emphasize that the Agency should seek other alternatives of collecting data from these vessels if regular participation in observer coverage cannot be enforced for the permit holder.

In closing, neither the Turtle Take Estimates (TTE) nor the Net Mortality Ratio (NMR) mentioned in the 2004 Biological Opinion are provided in this report as the POP does not have the staffing expertise to conduct these analyses. In addition, the POP recorded no sawfish catches during the quarter; this species is not likely to occur in the pelagic environment. Lastly, the NMFS sponsored several turtle handling workshops during the quarter at various ports, while observers have also been instructed to share their expertise of using the turtle handling gear. In keeping with the BO requirements, on August 5, 2004, the NOAA-Fisheries implemented the regulations for vessels to have the turtle handling and release gear on board. Shortly after that date, the POP observers were provided a turtle gear checklist form issued by the Miami PR and given instructions to review the gear on each boat, fill out the checklist forms, and submit the forms with their data at the completion of the trip. Of the 17 vessels observed following the implementation date, all had some combination of dipnets, linecutters, and dehooking gear aboard.

Attachments:

Tables 1, 2, and 3.

cc: Cheryl Brown, POP; Chris Rogers, HMS Division; Gregg Houghaboom, NOAA-Fisheries SERO/OLE liaison.

Table 1: Regular coverage (8%) of the longline fleet. Number of vessels observed, areas of fishing activity, total sets observed, and total days at-sea conducted by the SEFSC Miami Laboratory POP from July 1 to September 30, 2004.

Vessel Number	Vessel Name	Trip No.	Area	Total Sets	Total Sea Days
907061 <sup>1</sup>	CAPT ROBINSON	U03007	GOM	1	2
600048 <sup>1</sup>	KIM THANH II	X02008	GOM	4	4
650401	SHARON G	A02013	MAB	7	10
1022773	EAGLE EYE II	I02021	NED	21	33
1049623	SOUTHERN STAR	S01058	GOM	9	16
604915	FRANCES ANNE	W01040	NEC	8	11
NJ4755FP	BACKWASH III	B02010	MAB	2	4
602041	PROVIDER	J02028	SAB	7	10
508393	GRAND CRU	U03008	FEC	6	7
929437	ST BENEDICT	Q02043	GOM	6	9
646506	JANICE ANN	D04008	SAB	5	8
609121	CAROL ANN	A02014	MAB/NEC	7	11
944376	YELLOWFIN	B02011	NEC	9	15
1021751	PEACEFUL ORCHID	P01102	GOM	10	14
665926	LINNEA C	C02026	GOM	11	13
690722	SOUTHERN LADY	D04009	MAB	8	12
1029712	KENNY BOY	J02029	GOM	6	9
912738	JOSHUA NICOLE	S01059	FEC	5	8
923317	SEA QUEEN	Q02044	GOM	7	10
1029594	QUEEN MARY	I02022	GOM	6	8
586413	HATUNA MATADA	B02012	GOM	7	13
591301	CHARLESTON STAR	D04010	SAB	2	5
668316	CAPT LUU	S01060	GOM	10	13
905679	CAPT MIKE	Q02045	GOM	9	12
616526 <sup>2</sup>	TERRI KRIS	I02023	MAB	4	7
597421 <sup>2</sup>	MONICA	U03009	NED	12	19
1026595 <sup>2</sup>	WHITE WATER	A02015	NED	21	32
942269 <sup>3</sup>	DEQUEEN	P01103	GOM	0	0
NJ6497GE <sup>3</sup>	SHOWBOAT	W01041	MAB	0	0
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TOTAL		29		210	315

1 Vessel effort crossed 2<sup>nd</sup> into 3<sup>rd</sup> quarter  
 2 Vessel effort crossed 3<sup>rd</sup> into 4<sup>th</sup> quarter.  
 3 Third quarter selection leaving port on September 30.

Table 2: Percent coverage (by sets), the incidental take of Protected Resource species (turtles, mammals, seabirds), and hook effort summarized by geographical area for July 1 - September 30, 2004 (A=Alive, D=Dead, LB=Leatherback, LH=Loggerhead, U=unknown)

AREA	TOTAL SETS OBSERVED	REQUIRED 8% COVERAGE	TURTLES			MAMMALS		BIRDS	
			A	D	LB/LH/U	A	D	A	D
CAR-1	0	0	0/	0/0	0	0	0	0	0
GOM-2	86(6%)	117	5/	1/0	0	0	0	0	0
FEC-3	11(9%)	10	0/	0/0	0	0	0	0	0
SAB-4	14(7%)	15	0/	0/0	0	0	0	0	0
MAB-5	23(7%)	28	3/	1/0	0	1	0	1	4
NEC-6	22(6%)	27	0/	4/0	0	1	0	0	0
NED	54(14%)	32	13/	8/0	0	1	0	0	0
TOTAL	210(7+%)	229	21/	14/0		3	0	1	4

Hook effort Summary:

<u>Area</u>	<u>Hook effort</u>
CAR	0
GOM*	67,804
FEC	5,197
SAB	4,842
MAB	14,621
NEC	15,870
NED	60,957
TOTAL	169,291

Table 3: Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 3, 2004 (July 1 to September 30, 2004). Short explanations provided. Vessel non-compliance of

observer coverage may be based on more than one category of explanation. The following categories are provided: **(1)**No bunk available;**(2)**Observer presence exceeds the liferaft capacity;**(3)** Lack of current CFVSE decal;**(4)** No communication with observer office/staff; **(5)** Not fishing (involved in another fishery);**(6)**Not fishing (new owner, repair, sunk, no permits); and **(7)** other safety concerns.

<u>Vessel Name</u>	<u>Doc #</u>	<u>Remarks</u>
AUDRA KATHRINE	962055	Reason 5. Certified letter returned and Fed Ex unable to deliver. No other alternative of letter delivery pursued by POP. Vessel has not fished since VMS requirement and no logbooks on file. POP requested 3 sets for quarter.
BETTE BOOP	673527	Reason 3. Certified was returned unclaimed. Fed Ex delivery completed. Owner was unable to pass safety decal inspection, but indicated he would do his best to fix deficiencies. Vessel selected for fourth quarter. POP comms. made on 8/16, 8/17, 9/17, and 9/21. Logbook submission: 1 trip on 7/22. POP requested 5 sets for quarter.
BIGEYE	628300	Reason 3 and 5. Certified letter received. Owner reported vessel needing engine repair and not fishing. POP comms. made on 7/20. Logbook submission: 4 trips on 7/6, 9/1, 9/10, and 9/27. POP requested 9 sets for quarter.

Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 3, 2004 (July 1 to September 30, 2004). Short explanations provided. Vessel non-compliance of observer coverage may be based on more than one category of explanation. The following categories are provided: **(1)**No bunk available;**(2)**Observer presence exceeds the liferaft capacity;**(3)** Lack of current CFVSE decal;**(4)** No communication with

observer office/staff; (5) Not fishing (involved in another fishery);(6)Not fishing (new owner, repair, sunk, no permits); and (7) other safety concerns.

<u>Vessel Name</u>	<u>Doc #</u>	<u>Remarks</u>
BOOKIE	539456	Reason 5. Certified letter received. No comms. with POP. OLE indicates that VMS has not been issued, therefore, may not be in an active vessel. No logbook activity since 2002. POP requested 1 set for quarter.
DAYTONA	507646	Reason 4. Certified letter received. POP contacted owner on 8/19. Vessel submitted to OLE for non-compliance for Quarter 2, but is currently under other investigations. Logbook submission: 3 trip on 7/5, 7/19, and 7/28. POP requested 8 sets for quarter.
DELPHINUS	671174	Reasons 3 and 4. Certified letter received. Owner provided fax information that he carries 4 crew, 4 bunks, and 4 man liferaft. No comms. to or from POP office during quarter. No safety decal. Logbook submission: 4 trips on 7/6, 7/19, 8/26, and 9/7. POP requested 2 sets for quarter.
LADY OF THE LE'S	647962	Reason 5. Vessel is in another fishery and has not fished pelagic gear nor purchased VMS since 9/2003. POP requested 4 sets for quarter.

Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 3, 2004 (July 1 to September 30, 2004). Short explanations provided. Vessel non-compliance of observer coverage may be based on more than one category of explanation. The following categories are provided: (1)No bunk available;(2)Observer presence exceeds the liferaft capacity;(3) Lack of current CFVSE decal;(4) No communication with observer office/staff; (5) Not fishing (involved in another fishery);(6)Not fishing (new owner, repair, sunk, no permits); and (7) other safety concerns.

<u>Vessel Name</u>	<u>Doc #</u>	<u>Remarks</u>
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LISA ANN	659897	Reasons 3 and 4. Selection letter delivered. Safety decal an issue. No comms. to or from POP office. Logbook submission: 3 trips on 7/3, 8/7, and 8/12. POP requested 1 set for quarter.
LORI MARIE	674417	Reason 3 and 4. Certified letters received. POP made one call to owner on 7/8, but only left message. No further comms. during quarter. Safety decal was not current. Logbook submission: 4 trips on 7/8, 7/26, 8/8, and 8/29. POP requested 5 sets for quarter.
MISS JACQUELINE	625088	Reasons 5 and 6. Certified letter received. Fax comms. from owner indicated vessel under repair with no intention to fish pelagic gear. No logbooks activity. POP requested 1 set for quarter.
NANCY EVELYN	NC8831WR	Reason 5. Certified letter received. Owner comms. indicated vessel was involved in scallop fishery then turning to bottom longline for sharks. POP requested 1 set for quarter.

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Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 3, 2004 (July 1 to September 30, 2004). Short explanations provided. Vessel non-compliance of observer coverage may be based on more than one category of explanation. The following categories are provided: **(1)**No bunk available;**(2)**Observer presence exceeds the liferaft capacity;**(3)** Lack of current CFVSE decal;**(4)** No communication with observer office/staff; **(5)** Not fishing (involved in another fishery);**(6)**Not fishing (new owner, repair, sunk, no permits); and **(7)** other safety concerns.

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<u>Vessel Name</u>	<u>Doc #</u>	<u>Remarks</u>
PROVIDER	588064	Reason 5. Certified letter received. Owner comms. indicated vessel was involved in grouper bottom longlining with no intention of using pelagic

longline gear. No reported submissions of pelagic logbooks during quarter. POP requested 5 sets for quarter.

SAO MAI II	285617	Certified letter unclaimed and Fed Ex delivery was not accepted. Address taken from SERO permit files. No other alternative of letter delivery pursued by POP. Therefore, <u>Vessel was not formally selected.</u> POP seeking process server for quarter 4 selection. POP requested 7 sets for quarter.
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SCOOCH TOO	285617	Reasons 1 and 5. Certified letter received. Owner comms. indicated that vessel was involved in the sea bass fishery. Also carries full crew with no bunk for the observer. Logbook submission: 1 trip on 8/30. POP requested 3 sets for quarter.
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Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 3, 2004 (July 1 to September 30, 2004). Short explanations provided. Vessel non-compliance of observer coverage may be based on more than one category of explanation. The following categories are provided: **(1)**No bunk available;**(2)**Observer presence exceeds the liferaft capacity;**(3)** Lack of current CFVSE decal;**(4)** No communication with observer office/staff; **(5)** Not fishing (involved in another fishery);**(6)**Not fishing (new owner, repair, sunk, no permits); and **(7)** other safety concerns.

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<u>Vessel Name</u>	<u>Doc #</u>	<u>Remarks</u>
SEA ANGEL	926754	Certified letter unclaimed and Fed Ex delivery was not accepted. Address taken from SERO permit files. No other alternative of letter delivery pursued by POP. Therefore, <u>Vessel was not formally</u>

selected. POP seeking process  
server for quarter 4 selection.  
POP requested 6 sets for quarter.

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