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January 26, 2005

TO : Gerry Scott  
FROM : Dennis Lee

SUBJECT: Fourth quarter (2004) observer coverage summary.

The Pelagic Observer Program (POP) achieved a 7.2% coverage rate for the fourth quarter period of 2004 (October 1 to December 31, 2004). Selection letters were sent by certified mail service (return receipt) on September 15, 2004 to 30 vessel permit holders (owners and/or operators) for notification of observer coverage. Of those mailed, the program office received 28 signed and returned cards showing proof of delivery. Two of the selection letters were returned as unclaimed. These letters were then sent using Federal Express delivery, of which one of the letters was not accepted (owner of SEA ANGEL) although the permit address was correct. The POP office arranged for a delivery through a process service, which was successful. The POP had the responsibility of the regular coverage requirement in the Northwest Atlantic, including the Gulf of Mexico, and the Caribbean Sea.

Of special note during this fourth quarter, the POP staff made decisions to substitute two vessels. Because the selection process uses a vessel's previous year and quarter reported effort, the POP found that the permit holders of two selected vessels wanted to substitute their other active vessels that were fishing longline gear. With the owners willingness to cooperate, they offered to complete their obligation and use one of their other active vessels. The owner of the vessel CLAYTON REED indicated it was under extensive repair due to damage from a September hurricane, so the owner substituted another vessel, the JOSHUA NICOLE. The owner of another vessel, the EAGLE EYE, wanted to substitute his larger vessel, EAGLE EYE II. In this case, the SEFSC Miami Lab needed the owner's vessel to participate in a project to boat leatherback turtles under a special NMFS permit to allow the POP observer to deploy satellite transmitters. The POP staff allowed these substitutions by the permit holders/owners and those vessels are listed in Table 1. In addition, there were 5 vessels with coverage from quarter three that carried over into quarter four (Table 1). For the purposes of this quarterly report, any vessel effort

observed within the fourth quarter (number of sets observed, days at-sea, animals caught) will be included in the summary. Of the 17 fourth quarter selected vessels, six made second trips to complete their minimum effort requirement. Overall, observers spent 245 days at sea, which resulted in 143 sets observed and a coverage rate of 7.2%. During the 28 observed trips (Table 1), set effort occurred in the geographical areas of 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 for 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 115,448 hooks were fished during the 143 sets recorded by the SEFSC program. The total catch from the 28 pelagic longline trips observed consisted of 5,172 fish representing 44 species of fish. The catch data was comprised of 1,194 swordfish, 243 bigeye tuna, 762 yellowfin tuna, 93 bluefin tuna, 256 albacore tuna, 143 other tuna species, 42 dolphin fish (mahi), 16 wahoo, 54 billfish species, 604 other finfish (escolar, lancetfish, etc.), 438 skates/rays, 3 small coastal sharks, 127 large coastal sharks, 1,177 pelagic sharks, and 66 unidentified fish species. During the quarter, observers also recorded incidental takes of protected species (Table 2) which included six(6) marine mammals (2-Risso's dolphin-alive, 4-pilot whale-alive), 22 sea turtles (13 leatherback-alive; 9 loggerhead-alive), and one (1) sea birds (species unknown: 1-dead).

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 13 of the vessels selected (43%; Table 3). One of the vessels, CECEILIA II, was scheduled to take an observer on December 28, but its departure with an observer was delayed into early January due to weather fronts. The remaining 12 selected vessels listed in Table 3 not participating in observer coverage, reduced the POP's target coverage by approximately 61 sets. The owner of the KIMBERLY reported to the POP that they would not be fishing pelagic gear during the quarter which took away 8 sets. Ten vessel owners (33% of those selected) provided various excuses including not having a current decal, had a full crew concern (exceed liferaft capacity), and/or never communicated their fishing activities with the POP

office. Thus, these vessels could have provided the POP with an additional 46 sets had they complied. Lastly, the POP had difficulty delivering a selection letter to one of the vessels (SEA ANGEL), but finally paid a process server company to deliver the letter. A written response to the POP was received from that owner indicating observer liability issues in having an observer aboard. A written response was provided by the POP office with a copy of the letter provided to OLE. Subsequent telephone calls were attempted by the POP office, but no verbal communication with the owner was able to be established. The POP lost 7 sets with that vessel. 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. Although turtle handling workshops are being scheduled at various ports, observers have also been instructed to share their expertise of using the turtle handling gear. Additionally, 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. In keeping with the BO reporting requirements from the POP office, observers filled out the turtle gear forms on 16 of the 17 fourth quarter selected vessels. With three exceptions, all vessels had combinations of dipnet, linecutter, and various turtle handling apparatus aboard. Of the exceptions, one vessel failed to deploy gear so the observer forgot to check, one of the vessels had no turtle gear aboard, and another only had a dipnet present. A PDF document of the observer turtle gear forms will be posted on the POP website. Finally, the cumulative total of unique vessels observed by the POP as specified in the BO and beginning with quarter three, 2004, is 43 vessels (Table 4).

Attachments:  
Tables 1,2,3, and 4.

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 October 1 to December 31, 2004.

Vessel Number	Vessel Name	Trip No.	Area	Total Sets	Total Sea Days
942269 <sup>1</sup>	DEQUEEN	P01103	GOM	5	6
NJ6497GE <sup>1</sup>	SHOWBOAT	W01041	MAB	5	5
616526 <sup>1</sup>	TERRI KRIS	I02023	MAB	4	5
597421 <sup>1</sup>	MONICA	U03009	NED	5	12
1026595 <sup>1</sup>	WHITE WATER	A02015	NED	2	8
918932	MORNING STARS	J02030	GOM	1	6
613745	SHEARWATER	D04011	GOM	11	17
918932	MORNING STARS	J02031	GOM	8	11
1022773	EAGLE EYE II <sup>2</sup>	C02027	NED	15	22
985618	THUAN LOI	P01104	GOM	2	7
919799	BLUE SEA I	Q02046	GOM	2	7
1031845	DESTINY	M01028	MAB-NEC	1-2	8
1031845	DESTINY	M01029	MAB-NEC	9-1	16
593582	MISS MELISSA	W01042	MAB	8	10
912738	JOSHUA NICOLE	S01061	FEC	3	5
597797	BLUEFIN	D04012	MAB	3	4
908223	SHADY LADY	A02016	MAB	3	6
938537	LEROY TENNISHOE	J02032	GOM	6	10
912738	JOSHUA NICOLE <sup>2</sup>	S01062	FEC	1	6
9856181	THUAN LOI	P01105	GOM	7	12
926348	CAPT H	I02024	GOM	9	14
919799	BLUE SEA I	Q02047	GOM	10	15
938537	LEROY TENNISHOE	J02033	GOM	8	13
602041	PROVIDER	D04013	SAB	0	3
FL3716JU	GINA PAGE I	W01043	FEC	2	3
656259	KRISTEN LEE	S01063	GOM	2	4
947927	BJORN II <sup>3</sup>	D04014	SAB	5	8
956008	DAKOTA <sup>3</sup>	C02028	MAB	3	5

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TOTAL	28	-----	143	-----	245
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1 Quarter 3 selected vessels with effort crossing into 4<sup>th</sup> quarter, 2004.  
 2 Owner substitute for another vessel.  
 3 Quarter 4 selected vessels with effort crossing into 1<sup>st</sup> quarter, 2005.

Table 2: Percent coverage (by sets), the incidental take of Protected Resource species (turtles, mammals, seabirds), and hook effort summarized by geographical area for October 1 - December 31, 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	71(6%)	88	1/	2/0	0	0	0	0	0
FEC-3	6(5%)	10	0/	0/0	0	0	0	0	0
SAB-4	5(4%)	10	0/	2/0	0	0	0	0	0
MAB-5	36(9%)	31	9/	5/0	0	6	0	0	0
NEC-6	3(2%)	10	1/	0/0	0	0	0	0	0
NED-7	22(14%)	13	2/	0/0	0	0	0	0	1
TOTAL	143(7+%)	160	13/	9/0	0	6	0	0	1

Hook effort Summary:

<u>Area</u>	<u>Hook effort</u>
CAR	0
GOM*	51,048
FEC	1,523
SAB	2,675
MAB	32,814
NEC	3,720
NED	23,668
TOTAL	115,448

Table 3: Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 4, 2004 (October 1 to December 31, 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>
ADAM C	297535	Reason 4. Certified letter received. Vessel owner never communicated with the POP office. CFVSE decal current. POP requested 9 sets for quarter. Logbook submissions: 11/30 and 12/20.
ADDIE BYRD	MD9128BQ	Reason 1. Certified letter received. Owner called POP office on 9/20, 9/28, 10/15, and 11/16. POP was unable to schedule observer, but only 1 set was required for quarter.
BEAU	647878	Reasons 4 and 5. Certified letter received. No communication with POP office. Pop requested 6 sets for quarter. Logbook submission: None received for quarter.
BETTE BOOP	673527	Reasons 3 and 5. Certified was received. Owner communicated with POP office on 12/10. CFVSE decal not current until owner fixed deficiencies. Owner indicated no captain and boat not fishing. POP requested 3 sets for quarter. Logbook submission: None received for quarter.

Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 4, 2004 (October 1 to December 31, 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>
KIMBERLY	978445	Reason 5 and 6. Certified letter received. Owner notified the POP in writing that it would not be fishing during the quarter. POP requested 8 sets for the quarter. Logbook submission: None received for quarter.
LORI MARIE	674417	Reason 3 and 4. Certified letters received. POP office received no communications from owner during quarter. CFVSE decal was not current. POP requested 5 sets for quarter. Logbook submission: 10/10;nothing for Nov or Dec.
MISS LENA	918922	Reason 3 and 4. Certified letter received. POP office received no communications from the owner. POP requested 5 sets during the quarter. Logbook submission:10/26, 11/22, and 12/19
MISS SHANNON	638863	Reasons 1,2 and 3. Certified letter received. Owner provided information that it carries 4 crew, 4 bunks, and 4 man liferaft. Inspected but no CFVSE decal issued. POP requested 6 sets for quarter. Logbook submission:10/9, 11/2, and 12/1.

Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 4, 2004 (October 1 to December 31, 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>
PROVIDER II	648979	Reason 1 and 2. Certified letter

received. Owner provided written notice of full crew, no bunk, 4 man liferaft. POP requested 3 sets for quarter. Logbook submission: 10/3, 10/15, 11/3, 12/1, and 12/15.

SAO MAI II	958107	Reasons 1 and 2. Selection letter returned. Fed Ex used for delivery of letter. Owner called POP office indicating vessel had full crew, no bunk, 4 man liferaft. CFVSE decal not current. Will be purchasing larger vessel in 2005 to help accommodate observer. POP requested 7 set for quarter. Logbook submission: 10/9, 11/2, and 11/17.
SCOOCH TOO	285617	Reason 4. Certified letter received. POP made no attempts to call owner. Vessel very small with limited accommodations. POP requested 1 set for quarter. Logbook submission: 10/4 and 10/11.

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Table 3 (continued): Listing of vessels that were not covered by Pelagic Observer Program (POP) during quarter 4, 2004 (October 1 to December 31, 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	Reasons 4. Certified letter and Fed Ex letter returned. Selection letter delivered by currier. Owner provided POP office with written

notice of insurance concerns. POP  
staff unable to leave voice mail  
message on Permit phone number.  
CFVSE decal not current. POP  
requested 7 set for quarter.  
Logbook submission: 10/11, 11/28,  
and 11/29.

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Table 4: The POP coverage completed aboard the pelagic longline fleet by quarter and year since the publication of the 2004 Biological Opinion. The number of trips observed include vessels that are covered multiple times during a quarter. The number of unique vessels observed represents those vessels only covered once by an observer during a quarter and year. The percentage of vessels observed is the ratio of unique trips to the number of vessels selected.

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Quarter	Year	No. of Vessels Selected	No. of Trips Observed	No. of Unique Vessels Observed
3	2004	44	29	29
4	2004	30	28	14
Cumulative Totals			49	43

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