

LL2 Observers - Scope of Potential Regulatory Amendment

Industry Proposals – Regulatory Actions

OAC Meeting – Sept. 17-18, 2015

The OAC is seeking feedback from industry on potential options for an amendment(s) to LL2 regulations that could be considered by Council staff in a future discussion paper/analysis on this issue. The intent is to develop a long-term solution to the issue of LL2 observer shortages on the FLC fleet that cause disruptions to vessel operations, including occurrences of FLC vessels being stranded at the dock for lack of an LL2 observer to deploy on a trip.

For discussion at the OAC, below are some industry-generated proposals for LL2 regulatory changes that the Council may include for consideration in a future discussion paper. These suggestions are based on past discussions by the FLC and observer providers on possible regulatory actions, including at the LL2 Work Group meeting with industry and the Observer Program in November 2014. A discussion paper will serve to flesh out potential hurdles to each of these suggestions and identify which option(s) would be most viable for addressing LL2 shortages on the FLC fleet.

- **Deployment of Non-LL2 Observers on FLC Fleet**
 - Proposed regulatory action: Industry proposes the agency permit FLC vessels to be deployed with a single, non-LL2 observer on board in cases when a fixed-gear LL2 observer is not available for a trip.
 - Rationale: This would ensure that FLC vessels are not stranded at the dock when there are not enough LL2 observers to be deployed on FLC vessels. FLC and observer providers recognize that this would require a regulatory change to implement this option. However, we believe this is a viable long-term solution to the LL2 shortage. Should this be implemented, the great majority of trips by FLC vessels would continue to be done with an LL2 observer on board. A non-LL2 observer would only be deployed as a last resort effort to ensure a vessel can depart on its trip. As has been discussed previously, FLC has no reason to believe that the very infrequent deployment of a non-LL2 observer on a trip would negatively impact the quality of observer data for the fleet.

- **Use of Trawl LL2 Observers on Longline Vessels**
 - Proposed regulatory action: Industry proposes the agency facilitate the deployment of trawl LL2 observers on FLC vessels when fixed gear LL2s are not available.
 - Rationale: Currently, observers certified as trawl LL2 observers are not permitted to be deployed on fixed gear vessels, including the FLC fleet unless they also have fixed gear certification. Facilitating the use of trawl LL2 observers on FLC vessels will give observer providers more flexibility to provide FLC vessels with LL2 observers and minimize occurrences of vessels being stranded at the dock. Industry suggests that trawl LL2 observers would only be deployed on longline vessels in cases when there are no fixed gear LL2 observers available for a trip. This would minimize concerns about the experience of observers working on the FLC fleet and any potential impacts on the supply of LL2s for the trawl fleets. Council cited in its October 2014 LL2 observer motion that NMFS should look at changes required to deploy trawl LL2 observers on fixed gear vessels in the event fixed gear LL2 observer is not available.

- **Use of Pot Cod CVs to Secure LL2 Certification**
 - Proposed regulatory action: Industry proposes the agency restore the option for providers to place observers on pot cod CVs to secure fixed gear LL2 certification.

- Rationale: The option to place observers on pot cod CVs would restore an avenue for providers to get their observers fixed gear experience that existed prior to regulatory changes implemented in 2012. This would provide more needed flexibility to replenish and maintain the pool of fixed gear LL2 observers. While pot cod CVs are not a part of the 100% coverage fleet, the ability for observers to get fixed gear LL2 certification through time spent on pot CVs would be a useful tool to address the shortage in the FLC fleet. Experience by observers on the pot CV vessels is considered by NMFS to be equivalent to experience secured on pot CP vessels, which are already an alternative (as noted earlier) available for generating LL2 observers. Due to the smaller sets (relative to longline vessels), observers would be likely to secure LL2 certification in a shorter time than if they are deployed on the FLC fleet.