



April 5, 2016

MEMORANDUM FOR: Industry Funded Scallop Observer Program Providers

FROM:

Amy S. Martins

Branch Chief, Fisheries Sampling Branch (FSB)

SUBJECT:

Reminder of IFS Provider Requirements

With the start of the new scallop fishing year we wanted to take this opportunity to remind everyone of the requirements and regulations for providing observer services to the scallop industry, and to clarify some common points of confusion we have encountered over the 2015 scallop fishing year.

As per regulations listed under 50 CFR 648.11 Section (g) (4) (see below) providers have at **maximum** an 18 hour period in which they can attempt to obtain an observer for a particular vessel's trip. If, at the end of that 18 hour period the provider company is unable to provide an observer they must notify the vessel that an observer is not available for that selection. Vessels will be obligated to contact the other providers to obtain coverage or to be eligible for a waiver.

50 CFR 648.11 Section (g) (4) *Procurement of observer services by scallop vessels.* (i) An owner of a scallop vessel required to carry an observer under paragraph (g)(3) of this section must arrange for carrying an observer certified through the observer training class operated by the NMFS/NEFOP from an observer service provider approved by NMFS under paragraph (h) of this section. The owner, operator, or vessel manager of a vessel selected to carry an observer must contact the observer service provider and must provide at least 48-hr notice in advance of the fishing trip for the provider to arrange for observer deployment for the specified trip. **The observer service provider will notify the vessel owner, operator, or manager within 18 hr whether they have an available observer.** A list of approved observer service providers shall be posted on the NMFS/NEFOP Web site at <http://www.nefsc.noaa.gov/femad/fsb/>. The observer service provider may take up to 48 hr to arrange for observer deployment for the specified scallop trip.

A provider **MAY NOT** offer an observer for a trip or date which was not specified by the industry member during the selected time period dictated by the IVR call-in system. For example, a Limited Access General Category vessel is selected for a period of one calendar week (Sunday through Saturday). The vessel must provide the observer provider company with 48 hours notice prior to the intended sail date while attempting to obtain observer coverage. If a

provider does not have an observer available during the selected calendar week, then the provider is NOT authorized to provide an observer for the following week, or any time outside of the selected seven day period indicated by the vessel's confirmation number. This is to ensure that a fair selection rate is obtained, and that all providers are given equal opportunities to provide coverage. It is also possible that a selected vessel may be given a waiver for a future week, and will not be required to obtain coverage during a time frame that a provider is attempting to place an observer on the vessel.

In addition to this we would like to clarify that along with the 18 hour time period outlined in the regulations, a provider may not have a vessel in the "limbo" section on their selection list for longer than the 18 hours following the vessels' call to the provider company. If a LAGC vessel can not specify which date(s) they intend to sail during a calendar week, tentative sail date(s) should be logged and the vessel will still be required to provide 48 hours notice to the provider company so an observer can be obtained. Please be sure to log the date and time the vessel contacts you on your selection spreadsheet. It is imperative that these lists remain current and up to date for the most accurate selections, and for NMFS to be able to track observers and coverage rates on vessels. Up to date and current selection lists will also help us to better enforce the 48 hour window vessels must allow provider companies to find observers.

We have also heard numerous reports from fishing industry members that they have not received return phone calls from all providers after leaving messages looking to acquire an observer. Please be sure you are contacting industry members in a timely fashion. We believe that these actions will help us to greatly improve the selection coverage rate for LAGC vessels who are selected for observer coverage, which will also increase the number of trips that you can offer to your observers.

We have been working closely with Tom Gaffney of the Office of Law Enforcement to track LAGC vessels whose coverage rate is low, or who have a history of non-compliance. We are working diligently to make sure the industry members work according to regulations with the provider companies and provide you with the required 48 hours of notice. Vessels that continue to be non-compliant will be considered refusals and will be forwarded to the Office of Law Enforcement. Please contact us if you encounter any resistance or continuing problems from industry members when inquiring about hiring an observer.

Please see the attached Industry Call In Guide. You may also find it posted at [http://www.nefsc.noaa.gov/fsb/scallop/Industry\\_Scallop\\_Call\\_in\\_Guide.pdf](http://www.nefsc.noaa.gov/fsb/scallop/Industry_Scallop_Call_in_Guide.pdf) This may be helpful to reference when an industry member is confused about what his duties and obligations are when contacting a provider.

If you have any questions please don't hesitate to contact us.

Chad Keith - (508) 495-2067  
Lacey Bluemel - (508) 495-2188  
Tyler Staples - (508) 495-2129

Attachment: Industry-Funded Scallop Observer Program Call-In Guide

# Industry-Funded Scallop Observer Program Call-In Guide

**Limited Access (LA) Vessels:** Call for **BOTH** Open Area and Access Area trips. MUST provide 72 hours' notice before the intended sail date. Notice should be no more than 10 days prior to sail date.

**LA General Category Vessels:** Call for **BOTH** Open and Access Area trips. Notify weekly by Thursday if you intend to make any trips from Sunday through Saturday of the following week.

## **STEP I – CALL (508) 495-2100**

1. Press 1 to report a trip and follow the telephone message prompts.

2. Gear type: 

1	Scallop Dredge	2	Scallop Trawl
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3. Permit type: 

1	Limited Access	2	General Category
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4. Fishing Area: 

4	Mid-Atlantic Open Area
5	Georges Bank Open Area
9	Mid-Atlantic Access Area

5. Phone Number: enter your 10 digit phone number (DO NOT use '1' before the area code)

6. Permit number: enter your 6 digit permit number

7. Name: please speak clearly, first and last name, then press # key

8. Port sailing from: please speak clearly the port name, including city and state, then press # key

9. Date of sailing: please speak clearly the month, day, and year, then press # key; for General Category, use the date for Sunday starting that week.

You will receive a **trip confirmation number** for each call (trip calls for limited access trips, and weekly calls for general category trips). An email transmission from the National Marine Fisheries Service (NMFS) will be sent to your email address(s) within 24 hours and will either issue a 'waiver' or notify you that an observer must be hired for the trip. If you are issued a waiver, you may begin your trip(s). If you receive an observer notice, please follow the instructions in Step II. **If you do not receive VMS notification within 24 hours, contact the NMFS Vessel Call-in Coordinator at (508) 495-2188 or (508) 560-3550 (cell).**

## **STEP II - OBSERVER PROVIDER 48-HOURS PRIOR TO TRIP**

If selected for observer coverage you **MUST provide 48 hours notice to observer providers. The 48 hour notice is required for each provider when contacting them to hire an observer for your trip.** The observer provider may take up to 18 hours to notify you on observer availability. General Category vessels that are selected for coverage are required to carry an observer and may be selected for up to 2 trips during the week per NMFS discretion.

**You are required to call all observer providers before requesting a waiver from NMFS.**

### Current Industry Funded Scallop Observer providers are:

**A.I.S. Inc. (774) 200-1688**

**East West Technical Services Inc. (860) 910-4957**

**Fathom Research LLC. (508) 990 - 0997**

**Please call the NMFS Vessel Call-in Coordinator at (508) 495-2188 or (508) 560-3550 (cell) if:**

1. There are no observers available from any of the providers and you would like to request a waiver.
2. You are cancelling your trip or your trip has been delayed more than 48 hours beyond the intended sail date.
3. Any other extenuating circumstances.

*This summary is not a substitute for the actual regulations. The full text of the regulations is available at <http://www.nero.noaa.gov> or call the Northeast Regional Office at (978) 281-9315.*