



**United States Department of Commerce**  
**National Oceanic and Atmospheric Administration**  
National Marine Fisheries Service  
Southeast Fisheries Science Center  
3500 Delwood Beach Rd  
Panama City, FL 32408

September 18<sup>th</sup>, 2012

KIMBERLY GRACE, 587075  
STILLER, DAVID ALAN  
11590 BAY RD W  
FOLEY, AL 36535-4454

Dear Permit Holder:

This letter is to inform you that your vessel, **KIMBERLY GRACE, 587075** is required to carry an observer **between October 1<sup>st</sup>, 2012, and December 31<sup>th</sup>, 2012**, if you fish using gillnet gear at any time during this period.

NOAA's authority to require observer coverage is found in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) and their respective implementing regulations.

**Even if you are not planning to fish this season, or sold your vessel, you should still contact one of the observer coordinators listed below immediately upon receipt of this letter:**

Alyssa Mathers  
Southeast Fisheries Science Center  
3500 Delwood Beach Rd.  
Panama City, FL 32408  
Office: 850-234-6541 ext. 226  
FAX: 850-235-3559

or

Beth Deacy  
Southeast Fisheries Science Center  
3500 Delwood Beach Rd  
Panama City, FL 32408  
Office: 850-234-6541 ext. 260

We plan on observing a **minimum** of 3 trips during this selection period. Although we don't anticipate putting an observer onboard for every trip during the selection period, **you must still notify the National Marine Fisheries Service (NMFS) at least 24 hours before commencing any fishing trip during the selection period** with departure information (port, dock, expected dates of trip); and date of issue (month and year) of a Commercial Fishing Vessel Safety Examination Decal that certifies compliance of safe vessel provisions. You will be notified at that time if an observer will be assigned to that particular trip.

Once a NMFS-certified observer is placed aboard your vessel, you are required to:

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. As provided by 50 CFR 229.7 (b), 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. This will also include 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; and,
6. Have or obtain a Commercial Fishing Vessel Examination decal prior to the selection period. **Failure to obtain a safety decal is not justification for fishing without an observer, and may result in enforcement action.** A list of phone numbers for approved Commercial Fishing Vessel Examiners is included at the end of this letter. All safety equipment must be up to date including the EPIRB battery, life raft, and flares. Life raft capacity must be large enough for all persons on board, including all crew plus the observer.

Please be aware that should an incidental take of a marine mammal or sea turtle occur during a trip with an observer onboard 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.

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,



Guy Davenport  
Director, Panama City Laboratory

Enclosures

**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 No. 0648-0593 through 10/31/2018.