



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Fisheries Center
Miami Laboratory
75 Virginia Beach Drive
Miami, FL 33149

March 13, 2020

F/V KIM THANH PN

Dear Permit Holder:

70183090000220316327

In accordance with the federal Atlantic Highly Migratory Species regulations, 50 CFR 635.7, your vessel 937416 has been selected for observer coverage. The regulation requires that you contact the Southeast Fisheries Science Center's Pelagic Observer Program. This notification must be received at least five business days in advance of each trip your vessel makes within the period April 1, 2020 through June 30, 2020. If no observer is available for a tentative departure and the vessel's departure is delayed more than 48 hours from the originally reported departure time, the vessel representative must contact the Pelagic Observer Program again, before departing on the trip, to request an observer because one may have become available. Upon receipt of this selection letter, you must contact the Pelagic Observer Program as described below. Failure to contact the Pelagic Observer Program in advance of each departure is a violation of federal regulations and could result in enforcement action. Based on past logbook reports the Pelagic Observer Program expects a minimum coverage of 9 set(s) while the observer is assigned to your vessel. The observer will remain in the area to complete coverage of the required sets at the discretion of the Program Coordinators. You must report the following:

- (1) Departure information (port, dock, date, and time); and
- (2) Expected landing information (port, dock, and date).

Please provide this information to:

Pelagic Observer Program
Southeast Fisheries Science Center
75 Virginia Beach Drive
Miami, FL 33149
PHONE 1-800-858-0624
E-mail: popobserver@noaa.gov

You may report this information by telephone, post mail, or e-mail. For any notification received outside federal business hours (8:00 am - 4:30 PM Monday through Friday), the five-day notification period will not start until 8:00 am of the next federal working day.

Once a NMFS certified observer is placed onboard your vessel and once the minimum coverage of sets has been obtained (through one or more trips, as necessary), you do not need to provide the above information for subsequent trips within the selection period listed above. However, if you receive a subsequent notice of vessel selection for a period different than that specified above, you will need to comply with the instructions in that selection letter.



Federal regulations require that once a NMFS certified observer is placed aboard your vessel, you:

- (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 transmission and receipt of messages related to the observer's duties;
- (3) Allow the observer access to and use of the vessel's navigation equipment, charts, and personnel to determine the vessel's position;
- (4) 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; and
- (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.

Your cooperation with these and other applicable requirements (50CFR §§ 635.7, 600.725, and 600.746) is appreciated. We will make every effort to implement the observer program in a manner that minimizes any disruption of the normal activities of your vessel and crew. The observer is onboard to collect data for our purposes and for safety and liability reasons, should not take part in fishing operations.

Certain information collected by observers may be confidential and will be protected to the extent permitted by law. The information will be important in evaluating effectiveness of current management measures, e.g., minimum size limits and catch quotas. You may use the attached sheet to assist in your reply by post mail, e-mail, or telephone to the contacts provided on the previous page. Please fill in the requested information. We thank you for your cooperation, without which collection of critical fisheries information would be impossible.

Sincerely,



Dr. Clay Porch
Science and Research Director

IMPORTANT INFORMATION FOR PELAGIC LONGLINE VESSELS SELECTED FOR OBSERVER COVERAGE

With this selection notification letter, observer coverage becomes mandatory and owners and operators are **required by the regulations to keep this office informed of their fishing status during the quarter**. In particular, you must notify the Southeast Fishery Science Center's Pelagic Observer Program (POP) prior to commencing any fishing trip during the period for which you were selected. It would be best for you or your captain to contact the POP office at the address and/or number provided in your selection letter, as soon as possible. The more time we have to schedule the observer's travel, the less likelihood there will be of delaying the vessel's departure. Your cooperation will be appreciated.

The POP staff is providing this insert to help explain the roles of the observer and the operator, when an observer is deployed aboard your vessel. The observer ~~assigned to your vessel may be a NMFS employee or may be employed under other~~ non-government programs or through independent contractors working in cooperation with the NMFS Miami Laboratory. Furthermore, owners and operators should be aware that an observer assigned to your vessel could be a male or a female.

Your vessel was selected for this quarter through a random process utilizing the Pelagic Logbook sheets submitted by you, the owner, or your captain. Generally, we are only interested in observing a single fishing trip and attaining the number of sets stated in your selection letter. Because the number of sets is critical to meeting the 8% coverage required for this fishery, the observer may remain with your vessel until the required number of sets is met. An individual vessel could be selected and notified for observation as many as 4 times in a year due to the random nature of the selection process and the need for 8% coverage for each quarter and area the fleet fishes.

Role of the Observer:

Photographs: Observers will photograph certain marine specimens caught by the vessel (e.g., billfish, sharks, turtles, mammals, and seabirds) for the purposes of accurate identification, as well as required safety equipment. Photographs are not for general distribution unless required during fishery enforcement investigations.

Accommodations: Owners and operators of fishing vessels that carry observers are required to comply with the applicable regulations to ensure that the vessel is adequate and safe for the purpose of carrying an observer and allow normal observer functions. These requirements are described in 50 CFR §§ 635.7, 600.725, and 600.746. Please note that an inadequate vessel is not exempt from any requirement to carry an observer.

Observer duties: Because of injury and liability concerns and the observer's responsibility for collecting catch and effort information during the trip, the observer

must never be considered as an extra crewman or participate in fishing operations.
The observer may **share** in general clean-up of the living area during the trip.

Role of the Owner and/or Operator:

Electronics: The POP and the observer are aware that the electronics aboard your vessel are delicate pieces of equipment and expensive to repair or replace. The operator should provide the observer with instructions on how to use the electronics or assist in its operation.

General: The operator should assist the observer in locating safety gear and first aid supplies in case of emergencies. Vessels must have a valid Commercial Fishing Vessel Safety Examination decal displayed during the deployment of the observer. They should also discuss the normal operations of the vessel and the conduct of all personnel while aboard the vessel. The operator, crewmembers, and the observer need a good working relationship so that safety is increased, stress is minimized, and cooperation is at its best.

Liability: The observer is covered under workman's compensation or personal medical plans for any trip-related injury that needs a doctor's care. Hold harmless agreements will not be provided or signed by NMFS observers since doing so may be in violation of the Antideficiency Act.

General: Without question, Fishery Management Plan (FMP) regulations are complicated, however, the observer should never be asked to interpret the FMP regulations. All questions concerning the regulations can best be addressed by contacting:

NMFS, Southeast Regional Office
St. Petersburg, FL
(727) 570-5447

NMFS, Highly Migratory Species
Silver Spring, MD
(301)713-2347

How the 8% minimum coverage level was established:

Section 7(a)(2) of the Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) requires that each federal agency shall ensure that any action **authorized**, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of any critical habitat of such species. In the most recent Biological Opinion issued by NMFS (June 1, 2004) it was concluded that the HMS pelagic longline fishery, as proposed, is likely to jeopardize the continued existence of leatherback sea turtles.

Some important language in the Biological Opinion referring to observer coverage is provided below, with some specific sections in bold. A reference to where the language appears in the Biological Opinion follows each paragraph.

“NOAA Fisheries must undertake management and conservation measures to address and reduce the adverse effects to leatherback populations expected to result from the proposed action. Specifically, NOAA Fisheries must (1) reduce post-release mortality of leatherbacks, (2) **improve monitoring of the effects of the fishery**, (3) confirm the effectiveness of the hook and bait combinations that are required as part of the proposed action, and (4) take management action to avoid long-term elevations in leatherback takes or mortality. **These measures are necessary to avoid the likelihood of jeopardy and to authorize the continued prosecution of the HMS pelagic longline fishery.**” [Section 8.1]

“Observer coverage must be sufficient to produce a statistically reliable sample of the HMS pelagic longline fishery that accurately represents the entire fishery. These data must also be available in a timely fashion to monitor the fishery and take corrective action to avoid long-term elevation of turtle takes beyond those authorized in this opinion. **Levels of observer coverage and timeliness of reporting have been insufficient in the past.** Improvement in the level of observer coverage and within-year and annual reporting are needed.” [Section 8.1.2]

“**The SEFSC [Southeast Fisheries Science Center] must achieve at least 8% observer coverage in the HMS pelagic longline fishery, based on total annual reported sets.** For this RPA, the 8% observer coverage level is a minimum level, not a target. NOAA Fisheries must provide the POP [Pelagic Observer Program] funding at a level that will ensure the availability of an observer for any scheduled trip. The SEFSC must adjust the POP’s internal target number of observed sets to achieve the 8% minimum coverage level, taking into account the program’s average success rate of observing only 81% percent of the planned sets. **The SEFSC must strive to improve communication between vessel operators and the POP to increase the POP’s success rate in placing observers on longline trips.**” [Section 8.1.2.1]

“In order to be exempt from the prohibitions of section 9 of the ESA, NOAA Fisheries must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting/monitoring requirements. **These terms and conditions are non-discretionary.**

f) *Compliance with vessel safety requirements for observer coverage.* **NOAA Fisheries must establish procedures to notify OLE [Office of Law Enforcement] of any vessel authorized to fish with pelagic longline gear and selected for observer coverage that is found to be inadequate or unsafe for purposes of carrying an observer and for allowing operation of normal observer function. Such vessels are prohibited from fishing without observer coverage.** NOAA Fisheries must establish procedures for those vessels issued regulations requiring vessels authorized to fish with HMS pelagic longline gear to notify the OLE and POP when safety problems have been corrected, before the vessel conducts another fishing trip.” [Section 9.4]

If you have any questions about the Highly Migratory Species regulations, please contact the Highly Migratory Species office at (727)-570-5447. For more information on the Observer Program or to schedule an observer, please call (800)-858-0624.

Please contact the POP Office to report the information from the attached response form as quickly as possible by mail, e-mail, or telephone. Complete as much information as you can provide and make any additional comments that may tell us about the status of your vessel for the selected period.

- Example:** Vessel is expected to embark on a fishing trip on April 12, 2020.
- Example:** Vessel is currently fishing and is expected back into Panama City, FL in May, 2020.
- Example:** Vessel is involved in another fishery and will not be fishing for swordfish or tuna this quarter.
- Example:** Vessel will be fishing in the Pacific until further notice. *Please note that if you intend to maintain a swordfish permit for the Gulf, Caribbean or Atlantic waters you will still need to submit a logbook sheet each month stating you did not fish these areas.
- Example:** Vessel is under repairs and will not be fishing until mid-April, 2020.
- Example:** Vessel has been sold. * Please include the name and phone number of the new owner. This will help us determine if the vessel should be taken off our coverage list.

You must provide a response for each quarter your vessel is selected for observer coverage. If no response is received and a trip is made without an observer, your vessel will be placed on a non-compliant list and sent to NOAA's Office of Law Enforcement Regional Office, St. Petersburg FL.

Once we have received this response, your fishing schedule can be relayed to our office by phone or email (popobserver@noaa.gov) for the remainder of the selection period or until we complete a trip.

Your cooperation is essential if the observer program is to be a success.

Highly Migratory Species Observer Notification Form

This form is provided for your response. Please provide the information requested below and return by mail or e-mail (popobserver@noaa.gov) at least 5 days prior to your estimated departure. If the vessel is not fishing or is involved in another fishery during the selection period, please indicate this under Vessel Fishing Status.

Captain's Name: _____ Vessel Name: _____

Documentation/Vessel Number: _____ Overall Length: _____ (ft)

Crew Size: _____ (include skipper) Bunk Capacity: _____ Life Raft Capacity: _____

Contact Person/Telephone Number(s): _____

Communication Equipment (please check)	Commercial Fishing Vessel Safety Examination Decal
Cellular phone: _____	Serial Number: _____
VHF: _____	Date of expiration: ____/____ Month/ Year
Single Side Band: _____	
Call sign: _____	

Vessel Fishing Status:

Port of Departure:

Dock Facility: _____

Street: _____

City: _____ State: _____

Telephone Number: () _____

Departure Date: _____ Departure Time: _____ (AM or PM)

Dock Facility: _____

Expected Landing Port:

Street: _____

City: _____ State: _____

Telephone Number: () _____

Anticipated Landing Date: _____

I certify under penalty of perjury under the laws of the United States of America that the information given on this form is true and correct, and that I have full authority to execute this form.

Signature _____ Date _____

For the Pelagic Observer Program, please return by mail to SEFSC Pelagic Observer Program, 75 Virginia Beach Dr. Miami, FL 33149 or e-mail (popobserver@noaa.gov). For questions call 800-858-0624.

For the Shark Observer Program, please return by mail to SEFSC Shark Bottom Longline Observer Program, 3500 Delwood Beach Rd, Panama City, FL 32408-7403 or fax to (850) 235-3559. For questions call (850) 234-6541.

PAPERWORK REDUCTION ACT STATEMENT: Collection of information through the observer program provides data for stock assessments and estimates of bycatch. Public reporting burden for completing the vessel information form above is estimated at 2 minutes per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: National Marine Fisheries Service, F/SF1, 1315 East West Highway, Silver Spring, MD 20910. Providing the requested information is mandatory for managing HMS fisheries under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) In accordance with NOAA Administrative Order 216-100, it is agency policy not to release confidential information, other than in aggregate form. 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 and expires December 31, 2021.



COMMERCIAL FISHING VESSEL SAFETY CONTACT LIST

Name	Mid ME	RRBD Request	Unit / Location	Phone	E-Mail
	NOVA	RRBD Delete			

First District

Ted Harrington	C	APPROVED	CCGD1 (dpi)- Boston, MA	617-223-8440	Ted.R.Harrington@uscg.mil
Paul Bassick	C	APPROVED	CCGD1 (dpi)- Boston, MA	617-223-8315	Paul.M.Bassick@uscg.mil
Kevin Plowman	C	APPROVED	Sector N. New England- South Portland, ME	207-780-3256	Kevin.F.Plowman@uscg.mil
Brian Smith	C	APPROVED	Sector N. New England- South Portland, ME	207-664-3931	Brian.M.Smith@uscg.mil
Dan Hieter	C	APPROVED	Sector N. New England- Belfast, ME	207-838-4440	Daniel.J.Hieter@uscg.mil
John Buckley	C	APPROVED	Sector Boston Boston, MA	617-223-3045	John.F.Buckley@uscg.mil
Ben Webster	C	APPROVED	Sector Boston Boston, MA	617-223-3045	Benjamin.P.Webster@uscg.mil
Kevin Coyle	C	APPROVED	Sector S. New England- New Bedford, MA	508-991-6812	Kevin.R.Coyle@uscg.mil
Scott Maccaferi	C	APPROVED	Sector S. New England- Otis ANGB, MA	508-968-6556	Scott.D.Maccaferi2@uscg.mil
Kyra Dwyer	C	APPROVED	Sound- New Haven, CT	203-468-4437	Kyra.M.Dwyer@uscg.mil
Steve Pigeon	C	APPROVED	Sound- Coram, NY	631-732-0190	Stephen.C.Pigeon@uscg.mil
MSSD2 Ian Bowes	M	APPROVED	Sector New York Staten Island, NY	718-354-4016	Ian.G.Bowes@uscg.mil

Fifth District

Troy Luna	C	APPROVED	CCGD5 (dpi)- Portsmouth, VA	757-398-7766	Troy.T.Luna@uscg.mil
Angel Calderon	C	APPROVED	Sector Baltimore Baltimore, MD	410-576-2548	Angel.L.Calderon@uscg.mil
TBD	C		Sector Baltimore Baltimore, MD		
Robert Heffner	C	APPROVED	Sector Delaware Bay Philadelphia, PA	484-269-3034	Robert.P.Heffner@uscg.mil
Erich Solbach	C	APPROVED	Sector Delaware Bay Cape May, NJ	609-898-6211	Erich.V.Solbach1@uscg.mil
William Gilbert "Red"	C	APPROVED	Sector Hampton Roads Norfolk, VA	757-668-5528	William.P.Gilbert@uscg.mil
Andrew Diggs	C	APPROVED	Sector Hampton Roads Norfolk, VA	757-668-5529	Andrew.J.Diggs@uscg.mil
Carl Nicholas	C	APPROVED	Sector Hampton Roads Norfolk, VA	757-668-5531	Nicholas.R.Carl@uscg.mil
Barry Everhart	C	APPROVED	Sector North Carolina Atlantic Beach, NC	252-247-4526	Barry.D.Everhart@uscg.mil
Rick Hawkins	C	APPROVED	Sector North Carolina Wilmington, NC	910-772-2234	Rick.Hawkins@uscg.mil
Bruce Morris	C	APPROVED	MSD Nags Head Nags Head, NC	252-441-0300 x111	Bruce.W.Morris@uscg.mil

Seventh District

Walter Hoppe	C	APPROVED	CCGD7 (dpi)- Miami, FL	305-415-6868	Walter.R.Hoppe@uscg.mil
Matt Hooper	C	APPROVED	Sector Charleston Charleston, SC	843-720-3267	Matthew.P.Hooper@uscg.mil
Mark Nemec	C	APPROVED	MSU Savannah Savannah, GA	912-652-4353 x215	Mark.A.Nemec@uscg.mil
Joe Shiver	C	Requested	Sector Jacksonville Jacksonville, FL	904-714-7601	Joseph.D.Shiver@uscg.mil
Al Waterford	C	APPROVED	Sector St. Petersburg Tampa, FL	813-228-2196 x 8136	Albert.J.Waterford@uscg.mil
MST2 Aaron Sunstrom	M	N/A	Sector Miami Beach Miami Beach, FL	305-535-8725	Aaron.R.Sunstrom@uscg.mil
Jeffrey Lewis	C	APPROVED	Sector Key West Key West, FL	305-295-1405	Jeffrey.W.Lewis@uscg.mil
Alfredo Rodriguez	C	APPROVED	Sector San Juan Old San Juan, PR	787-289-2069	Alfredo.Rodriguez@uscg.mil

Eighth District

Robert Perkins	C	APPROVED	CCGD8 (dpi)- New Orleans, LA	504-671-2154	Robert.D.Perkins@uscg.mil
William Evert	C	APPROVED	MSD Panama City)- Panama City, FL	850-233-0366 X 170	William.J.Evert@uscg.mil
Scott Labak	C	APPROVED	Sector Mobile- Mobile, AL (East)	251-441-5120	Scott.L.Labak@uscg.mil
Bernie Tufts	C	APPROVED	Sector Mobile- Mobile, AL (West)	251-441-5772	bernie.e.tufts@uscg.mil
Phillip Hand	C	APPROVED	Sector New Orleans- New Orleans, LA	504-565-5083	Phillip.k.hand@uscg.mil
Paul Barnard	C	APPROVED	MSU Houma- Houma, LA	985-397-3276	Paul.D.Barnard@uscg.mil
Harry March	C	APPROVED	MSU Morgan City- Lafayette, LA	337-852-1220	Harry.J.March@uscg.mil
Brian Villeroel	C	APPROVED	Sister Corpus Christi- Corpus Christi, TX	361-888-3162	Brian.k.Villeroel@uscg.mil
Mark Jones	C	APPROVED	MSU Port Arthur- Port Arthur, TX	409-723-6590	Mark.D.Jones@uscg.mil
Wally Cutchins	C	APPROVED	MSU Galveston- Texas City, TX	409-978-2711	wally.t.cutchin@uscg.mil
Todd Whitecotton	C	APPROVED	MSU Galveston- Texas City, TX	409-978-2711	todd.l.whitecotton@uscg.mil
Empty	C	APPROVED	MSD Brownsville- Brownsville, TX	956-832-0517	