

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

DATA COLLECTION COMMITTEE

Hilton Palacio del Rio Hotel San Antonio, Texas

August 25, 2021

VOTING MEMBERS

Kevin Anson (designee for Scott Bannon).....Alabama
 Susan Boggs.....Alabama
 Leann Bosarge.....Mississippi
 Dave Donaldson.....GSMFC
 Martha Guyas (designee for Jessica McCawley).....Florida
 Robin Riechers.....Texas
 Chris Schieble (designee for Patrick Banks).....Louisiana
 Joe Spraggins.....Mississippi
 Andy Strelcheck.....NMFS
 Greg Stunz.....Texas
 Troy Williamson.....Texas

NON-VOTING MEMBERS

Billy Broussard.....Louisiana
 Dale Diaz.....Mississippi
 Jonathan Dugas.....Louisiana
 Phil Dyskow.....Florida
 Tom Frazer.....Florida
 Bob Gill.....Florida
 Lisa Motoi.....USCG
 Bob Shipp.....Alabama

STAFF

Assane Diagne.....Economist
 Matt Freeman.....Economist
 John Froeschke.....Deputy Director
 Beth Hager.....Administrative Officer
 Lisa Hollensead.....Fishery Biologist
 Ava Lasseter.....Anthropologist
 Mary Levy.....NOAA General Counsel
 Natasha Mendez-Ferrer.....Fishery Biologist
 Emily Muehlstein.....Public Information Officer
 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
 Bernadine Roy.....Office Manager
 Camilla Shireman.....Administrative & Communications Assistant
 Carrie Simmons.....Executive Director
 Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

Kelly Fitzpatrick.....NMFS

1 Kerry Marhefka.....SAFMC
2 Michelle Masi.....NMFS
3 Clay Porch.....SEFSC
4 Duane Smith.....NOAA OLE
5 Jessica Stephen.....NMFS

6
7
8

- - -

TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Adoption of Agenda and Approval of Minutes and Action Guide and
6 Next Steps.....4
7
8 Update on Southeast For-Hire Electronic Reporting (SEFHIER)
9 Program.....5
10
11 Draft Options for Electronic Reporting Due to Equipment Failure..19
12
13 Other Business.....39
14
15 Adjournment.....39
16
17 - - -
18

1 The Data Collection Committee of the Gulf of Mexico Fishery
2 Management Council convened on Wednesday morning, August 25,
3 2021, and was called to order by Chairman Kevin Anson.

4
5 **ADOPTION OF AGENDA**
6 **APPROVAL OF MINUTES**
7 **ACTION GUIDE AND NEXT STEPS**
8

9 **CHAIRMAN KEVIN ANSON:** I will call the Data Collection Committee
10 to order. We have the members here are myself, Dr. Stunz, Mr.
11 Schieble, Ms. Boggs, and I believe Ms. Bosarge is participating
12 via webinar, Mr. Donaldson, Ms. Guyas, Mr. Riechers, General
13 Spraggins, Mr. Strelcheck, and Mr. Williamson.

14
15 **DR. TOM FRAZER:** Real quick, Kevin, it looks like Mr. Gill has
16 something.

17
18 **MR. BOB GILL:** Kevin, could you pull the mic closer to you,
19 because you're -- At least for me, with my bad hearing, I'm
20 having a hard time discerning what you're saying. Thank you.

21
22 **CHAIRMAN ANSON:** Yes, sir. Thank you. That brings us to the
23 Adoption of the Agenda, Tab F, Number 1. Are there any changes
24 to the agenda? Seeing none, the agenda is approved. Dr.
25 Hollensead.

26
27 **DR. LISA HOLLENSEAD:** Thank you, Mr. Chair. Nothing to change
28 in the agenda, but perhaps, when we get to Other Business, if
29 you would allow staff just to make an update about the upcoming
30 Data Collection AP meeting.

31
32 **CHAIRMAN ANSON:** Certainly. We will add that to the Other
33 Business. If no other changes are needed, that will take us to
34 Item Number II, Approval of the June 2021 Minutes, Meeting
35 Minutes, Tab F, Number 2. Are there any changes to the minutes?
36 Seeing none, is there any opposition to accepting the minutes as
37 written? Seeing no opposition, the minutes are approved. Item
38 III is Action Guide and Next Steps. Dr. Hollensead.

39
40 **DR. HOLLENSEAD:** Thank you, Mr. Chair. We have two agenda items
41 to come before the committee today. The first will be an update
42 presentation on the Southeast For-Hire Electronic Reporting
43 Program. As we all are probably aware, Phase I of the program
44 was implemented in January of this year. Phase II, which will
45 require vessel monitoring systems, will also be implemented,
46 likely in December of 2021.

47
48 The committee should be prepared to discuss this information and

1 ask questions regarding details of the program and offer insight
2 on how these changes would affect the for-hire industry in the
3 Gulf, and, in the past, we've had a number of SERO staff provide
4 these updates for us. Today will be Dr. Michelle Masi, and she
5 has taken the position as the new SEFHIER Program Manager, and
6 so she's the one that will be giving the presentation today.

7
8 The second item on the agenda for today will be viewing the
9 draft options for the electronic reporting due to equipment
10 failure, having to do sort of with the rollout of Phase II of
11 the SEFHIER program, and, Mr. Chair, you and I will -- If you
12 remember, you and I were talking about what to name this agenda
13 item, and we were going to be reflective of the document title.
14 I believe the IPT has settled on a title, and so, from here on
15 out, the action guide will reflect that title in the document,
16 and Ms. Carly Somerset will be providing that document and
17 presentation today.

18
19 The committee should review the draft document and ask any
20 questions of either SERO or council staff and provide input on
21 the development and next steps, and, if there is no other
22 questions, that concludes the presentation of the action guide.

23
24 **CHAIRMAN ANSON:** Does anyone have any questions? All right, and
25 so we'll proceed then to Item Number IV, Update on Southeast
26 For-Hire Electronic Reporting Program, Tab F, Number 4. Dr.
27 Masi, are you on the phone?

28
29 **UPDATE ON SOUTHEAST FOR-HIRE ELECTRONIC REPORTING PROGRAM**

30
31 **DR. MICHELLE MASI:** Yes, I am. Good morning, everyone. I am
32 Dr. Michelle Masi. I just wanted to take a moment to say, as
33 the new SEFHIER Program Manager, I am excited to be part of the
34 success of the SEFHIER program, and I am certainly looking
35 forward to working with the Gulf Council and our constituents to
36 make this program highly effective. In my presentation today,
37 I'm going to cover SEFHIER program updates and highlights.

38
39 This slide provides an overview of the number of permit user
40 accounts that are set up with each reporting platform. The
41 platform type is listed in the rows, with the permit type in the
42 columns. The numbers in black are the number of active permit
43 accounts as of August 1, and the numbers in orange are showing
44 the increase in the number of accounts since the last time this
45 information was presented to the Gulf Council in June.

46
47 Some major takeaways from this slide are that we do still see
48 the number of accounts increasing since the last time this

1 information was presented to the council, and that's a good
2 thing. The SEFHIER team definitely wants to express our
3 appreciation to all of our constituents who have already
4 registered an account with one of these vendors.

5
6 The bottom row is showing that we have a total of 841 permit
7 accounts that have been set up in the Gulf, and that's an
8 increase of about 127 accounts since mid-June. Also, in this
9 total row for the Gulf, you can see we have about 511 permit
10 holders that have yet to register, but, given we do expect about
11 a 20 to 30 percent permit latency, we're getting pretty close to
12 having about 70 percent compliance with the program in the Gulf
13 at this point.

14
15 In total, for both the Gulf and South Atlantic, we have about
16 1,700 SERO permit holders, including dually Gulf and South
17 Atlantic-permitted vessels who have yet to register with an
18 approved vendor. However, following our June Fishery Bulletin,
19 we did see an increase of around 300 newly-registered vendor
20 accounts.

21
22 As of August, we have over 2,000 registered accounts, but noting
23 here that the number of accounts does include both permit
24 holders and captains, and so the number of registered user
25 accounts to permit holders is really not a one-to-one
26 relationship.

27
28 As I mentioned on the previous slide, we are expecting a 20 to
29 30 percent permit latency. We have seen some permit holders
30 surrendering their permits due to the increased restrictions,
31 but those have mostly been South Atlantic permit holders, to-
32 date, and, in order to improve the industry's understanding of
33 the for-hire regulations and permit holder requirements, both
34 SERO and council staff are continuing to enhance our outreach
35 efforts, and we do anticipate an increase in SEFHIER program
36 participation as permits come up for renewal.

37
38 In regard to specific outreach efforts to reach our constituents
39 who are not complying yet, we have several VMS-regulations-
40 specific webinars that will kick off for our Gulf constituents
41 in September, and those dates are listed here on the slide.

42
43 Also, we'll be announcing these through our SEFHIER Fishery
44 Bulletins, and, if constituents aren't registered yet to receive
45 those bulletins, I do have some information at the end of the
46 presentation that will help explain how to register. Also, in
47 October, SERO will be hosting two SEFHIER constituent calls with
48 our newly-appointed Regional Administrator, Mr. Andy Strelcheck.

1
2 The first call will be on October 7 for Gulf constituents, and
3 the second call will be on October 14 for our South Atlantic
4 constituents, and just to note that these constituent calls are
5 going to be a similar format to how previous red snapper
6 constituent calls were held by SERO, and that's where
7 constituents will have an opportunity to get some one-on-one
8 time with Andy and myself, to discuss any questions or express
9 any concerns that they may have with the SEFHIER program.

10
11 Regarding past webinars, in June, we held one constituent
12 webinar, where we ended up with zero attendees. Now, we do
13 think that this may have been due to the fact that we were
14 holding these webinars monthly, and so people may have
15 forgotten, given that the bulletin went out in May, and so, to
16 attempt to rectify that for upcoming webinars, I will be pushing
17 out a September webinar announcement bulletin towards the end of
18 August.

19
20 In June and July, we held FWC agent webinars, which garnered
21 about twenty participants each, and, in orange here, I just
22 wanted to take a moment to acknowledge that, given the low
23 attendance at these constituent webinars, the SEFHIER program
24 staff are certainly open to any suggestions on how we may better
25 engage with our for-hire constituents in the Gulf, and so, if
26 anyone has any suggestions, please don't hesitate to reach out
27 to me with your feedback. I am easily accessible through e-mail
28 at michelle.masi@noaa.gov.

29
30 In regard to some of our additional outreach efforts, on July
31 12, we sent a reporting requirements letter to our dual
32 GARFO/SERO-permitted vessels, to remind these constituents of
33 their permit requirements. We also worked with VESL and eTRIPS
34 developers, and now both platforms are sending notifications to
35 app users when an update is pushed out to the apps, and we're
36 regularly mailing SEFHIER program toolkits to participants, upon
37 request. You can also find those toolkits on our webpage, under
38 the Guides and Tools section.

39
40 Finally, we're also pushing out regular website updates, and so,
41 for example, we're posting updated answers to frequently asked
42 questions, and those updates are getting added to the SEFHIER
43 website as they're being cleared for release, and, if anyone
44 doesn't have it yet, the SEFHIER website URL is at the bottom of
45 this slide.

46
47 Now let's cover some VMS updates, and so we currently have two
48 cellular VMS, or cVMS, units that have been type approved, and

1 that's the Faria cVMS and the CLS NEMO cVMS units. Also, the
2 Nautic Alert cVMS is currently undergoing sea trials for
3 approval.

4
5 As a reminder, and this is a slight update from what's being
6 shown here, the VMS rule is expected to publish in early
7 September, with an effective date of December 13. For anyone
8 looking for a VMS unit, you can find the list of type-approved
9 VMS units on our SEFHIER webpage or using the link that's
10 provided on this slide.

11
12 To set up a VMS unit, a constituent needs to select a Gulf for-
13 hire approved VMS unit first and contact the vendor and then set
14 up and install the VMS unit with a certified installer. Once
15 installed, the vessel owner will need to verify, with their VMS
16 vendor, whether the unit is operational, and so, if there are
17 any problems with the unit, the constituent should contact the
18 vendor directly, and then the vendor may contact the Southeast
19 VMS helpdesk to work through any technical issues.

20
21 In the future, our updated PIMS, or permit system, will allow
22 for only permit applications and renewals to self-verify that a
23 certified installer installed the VMS unit, but, currently, this
24 is being done using the appropriate form on our website, and,
25 finally, it's important for our constituents to remember that
26 the regulations do require an operating Gulf for-hire approved
27 VMS unit in order to move the vessel on the water. On that
28 point, I just want to note that the council is currently
29 considering a limited equipment failure exemption.

30
31 On this slide, I wanted to review some declaration reporting
32 concerns that we've noticed, as of late. The first bullet here
33 is just a reminder of the regulations, which require a
34 declaration every time a vessel leaves the dock, and so this
35 includes gas, ice, and bait trips, as well as quick stops at a
36 private location.

37
38 We have been seeing some missing declarations for these types of
39 trips. Also, a reminder here that these types of trip
40 declarations should have the appropriate trip activity selected,
41 and so, for example, a getting gas trip would need a declaration
42 with a trip activity of trip no intention of fishing, in which
43 case no logbook would be required.

44
45 Also, recently, we have noticed that vessels that were
46 consistently reporting have now stopped reporting. This is
47 likely a compliance issue, which we are tracking, and, finally,
48 we are seeing logbooks being submitted without a trip

1 declaration, and, on that note, the SEFHIER staff are attempting
2 to reach out at least once to remind our constituents when we
3 come across a non-reporting issue, but it's also important for
4 our constituents to remember that their permit requirements
5 require this, and that's in order to avoid this becoming an
6 enforcement issue.

7
8 This slide covers some general SEFHIER discussion items. The
9 first topic is for the dually-permitted commercial reef fish and
10 for-hire vessels, and the first bullet here is to remind our
11 dually-permitted constituents that, at this time, they must
12 complete both the commercial reef fish and a for-hire trip
13 declaration when going on a for-hire trip.

14
15 We are investigating how to better streamline these declaration
16 submissions for our dually-permitted constituents, but it's
17 important to note that these notifications are serving different
18 purposes for each sector and have different regulatory text, and
19 so, at this time, both must be submitted.

20
21 For constituents catching HMS species, if the constituent is
22 using the VESL app, they will still need to complete the HMS
23 electronic logbook report. If they are using eTRIPS to report,
24 the app will prompt for the HMS-required questions, and so only
25 one submission would be required.

26
27 That was a lot of new and important information on the SEFHIER
28 program and some program milestones to-date. On this slide, I
29 wanted to now take a moment to remind constituents who have yet
30 to register what they should do.

31
32 First, they should select a reporting software and select and
33 install a VMS unit before the effective date. Next, they will
34 need to create a reporting account for each vessel and user.
35 Third, they should review the SEFHIER program website and watch
36 the posted informational videos and read the SEFHIER program
37 toolkit. Finally, they should check that their landing location
38 is approved, and, if it's not approved, then please submit the
39 landing location request form for approval.

40
41 If constituents have questions about the SEFHIER program, we
42 highly recommend that they start on our webpage. I did provide
43 the main SEFHIER website address on Slide 5. On our SEFHIER
44 webpage, under News and Announcements, constituents can sign up
45 to receive the SEFHIER-specific Fishery Bulletins, and we use
46 these SEFHIER Fishery Bulletins to announce useful information
47 to them via email, like outreach events or regulation updates,
48 and, under the Guides and Tools section on our website,

1 constituents can find informational videos and Gulf-specific
2 toolkits. We also list upcoming webinars on our website, and
3 you can find the relevant forms there as well, under the Forms
4 section.

5
6 If constituents still have questions, please feel free to reach
7 out to our customer service staff at the number or email listed,
8 and anyone is welcome to email me anytime as well at the listed
9 email address.

10
11 Finally, I just want to take a moment to acknowledge the
12 dedication of our SEFHIER program staff to helping developing
13 this program. Given that this program is still relatively in
14 its infancy, we expect hurdles to arise, but our program staff
15 continues to remain positive and dedicated to helping our
16 constituents be successful in this program, and, also, a big
17 thanks to council staff, who have been assisting our group with
18 outreach efforts. Last, but, of course, not least, a special
19 thanks to our for-hire constituents, especially the constituents
20 that continue to work with our program staff to improve the
21 SEFHIER program.

22
23 With that, I just want to thank everyone for the attention that
24 they provided today, and, also, I want to say that, given that
25 I'm relatively new to the program still, Jessica Stephen is on
26 the call, and she's much better versed than myself in program
27 history and regulations, and she's going to be answering the
28 council questions today, and so, if anyone has any specific
29 questions, I will attempt to answer, and so, with that, I am
30 opening the floor to questions.

31
32 **CHAIRMAN ANSON:** Thank you, Dr. Masi. I do see a couple of
33 hands. Dr. Stunz.

34
35 **DR. GREG STUNZ:** Thank you, Dr. Masi, for the important
36 presentation. I have a question, and you probably said it and I
37 just missed it, about when is the real sort of drop-dead
38 deadline for them to get their permits, their accounts, set-up
39 and registered and that sort of thing, but my real question is
40 what do you think the reason is that there's so many that
41 haven't registered, and, of course, I'm mainly concerned with
42 the Gulf, but it seems to be a pattern in the Atlantic, and I'm
43 asking that question in the context of, recently, an email went
44 around looking at a lawsuit coming out of the charter fleet in
45 Louisiana, and it seems like they're giving pushback, obviously,
46 based on the basis of that lawsuit.

47
48 I'm trying to get my head around why folks aren't registering,

1 and I think we've been talking about this for a long time, and
2 so I find it hard to believe that -- I'm sure there's some that
3 may not know about it, but, for the most part, surely this group
4 knows that this is in the works, and so I'm really trying to
5 figure out what we can do to get these registrations up.

6
7 **DR. JESSICA STEPHEN:** I will start answering a little bit, and
8 then Michelle can add more information if we need, and so, with
9 regard to the people not complying and the reasons why, I think
10 there are -- You know, we've done extensive outreach, although
11 we were in a pandemic, which means we weren't able to go to
12 places in person, which typically has a little bit better of a
13 resulting compliance going on from that.

14
15 There are people who I think are just uncomfortable reporting,
16 and, with that lawsuit coming out, they might be thinking that
17 this might go away, and so why should they report now, and so
18 it's a little hard to speak for what they're thinking. We do
19 significant outreach to people not reporting, or not
20 registering, in order to help get them involved in the program.

21
22 The other aspect to remember with people who are not signing up
23 for account is it might be that these are latent permits, and so
24 they're not intended to be fishing, and they're going to be slow
25 about signing up for an account, because they're not submitting
26 any information, particularly on the Gulf side, where they don't
27 have to submit information if they're not fishing.

28
29 **CHAIRMAN ANSON:** A follow-up to that?

30
31 **DR. STUNZ:** Just real quick, what's the deadline again that we
32 need to have all of them registered? Sorry, but I can't find
33 that.

34
35 **DR. STEPHEN:** I don't know if -- I mean, they were supposed to
36 be registering in order to start January 1, and so they're out
37 of compliance if they are fishing and not registered with an
38 account to submit reports.

39
40 **CHAIRMAN ANSON:** Ms. Guyas.

41
42 **MS. MARTHA GUYAS:** Thank you for the presentation, and so my
43 question is regarding the latency. At least for the Gulf, if we
44 think that there is 20 to 30 percent latency, are you all
45 keeping track of permit transfer, just to see if that rate of
46 transfer has changed? I'm wondering if one of the consequences
47 of this new requirement is that permits that were latent are
48 transferred to someone who is a new vessel that is not going to

1 be latent and we see some effort shift.

2
3 **DR. STEPHEN:** We do connect our data collection system to the
4 permit system, and Permits, of course, is in the middle of
5 starting to migrate right now, and so we're trying not to build
6 too many more other questions into it, but it's definitely
7 something we can look at, at the transfer rates within those. I
8 haven't seen anything, but I will admit that I haven't really
9 dug into that transfer rate, but we can do that before the next
10 council meeting.

11
12 **CHAIRMAN ANSON:** Mr. Donaldson.

13
14 **MR. DAVE DONALDSON:** Thank you, Mr. Chairman. I appreciate the
15 presentation. At the last meeting, when you gave an update, you
16 mentioned that the validation work, working with the states and
17 the commission, was going to start in September. There wasn't
18 any mention of that in this presentation, and is that still the
19 projected start date, or what's the status of that?

20
21 **DR. STEPHEN:** I can answer that, and so we are still working
22 with the states. We had the pandemic, and there were a couple
23 of problems in developing the app that pushed our start date
24 from September 1 back a little bit. What we were waiting to
25 kind of do is after we had some of those state partners trained
26 up, and then that could give us a realistic start date.

27
28 We're pushing hard for September 15, finishing up kind of the
29 final touches on the application, so we can hold training
30 sessions, and that will all be done through the Gulf Commission
31 coordinating the training sessions. Again, it's a little
32 difficult, because we were hoping to do in-person, and, with the
33 resurgence of the pandemic, we're changing our plans again.

34
35 **CHAIRMAN ANSON:** Ms. Boggs.

36
37 **MS. SUSAN BOGGS:** Thank you. I do have a couple of questions.
38 On Slide 2, where you were referencing the Gulf permit accounts,
39 it says that there is 511 yet to register. When I looked at the
40 Permits website, the FOIAs for the permits, there is 1,299 CMP
41 permits and 1,288 reef fish permits, and so your numbers are a
42 little bit higher, it seems like, than what is reported on the
43 permits website, and that's my first question.

44
45 **DR. MASI:** I think I can probably take this one. Remember that,
46 on Slide 3, the number of accounts is also not a one-to-one
47 relationship with the number of permits.

1 **DR. STEPHEN:** I will add that captains can potentially create
2 accounts, as well as the permit holder, and so, depending on how
3 many vessels a permit holder has, or how many different accounts
4 they're related to, you won't get necessarily a one-to-one match
5 for the permits, and we tend to count things a little bit more
6 by vessels, because, frequently, the CMP and the reef fish are
7 jointly together held in an account.
8

9 **MS. BOGGS:** Okay. I'm not sure I understand that, but I will
10 come back to that later. Then, on Slide 8, it's talking about
11 the declaration for the trips, and that you're seeing some
12 lackluster reporting in some of the non-fishing trips, and you
13 said those are dropping off, or it also said that some of those
14 vessels were reporting without a declaration.
15

16 One of the things that I have noticed on the VESL, because that
17 is the system that we use, and it can get confusing, is you have
18 -- When you declare your trip, you have to declare your
19 departure time, and then you have to declare an estimated trip
20 end, and then you have to declare a return time.
21

22 I can tell you, from experience, it gets confusing having to
23 report all three of those times, and somewhat of a part of that
24 is people getting confused with what it is they need to put in,
25 but my question also is this. When the council passed this
26 modification, it picked a preferred to require a hail-out and
27 the type of trip, and, when departing for a trip, they must
28 include the expected return time.
29

30 I look at this third return requirement as a hail-in, which is
31 something that this council did not require, and I'm wondering
32 if some of your confusion with reporting is -- Because it does
33 get confusing, and it does throw up errors, and it doesn't allow
34 you to finish your fishing reporting. Thank you. I have some
35 slides, if you would like to see them.
36

37 **DR. STEPHEN:** Susan, are you using the VESL application? One of
38 the things we're working on with that application is that they
39 linked the hail-out directly to the logbook form, and they are
40 intended to be separate forms, and so the hail-out, which has
41 the departure time and the estimated return time, as well as the
42 estimated landing location that you will be returning to, that
43 was put in place in order to have enforcement meet you at the
44 docks and work with you.
45

46 What we can see, in the data, is that if you go out, and maybe
47 the weather is bad, or the fishing is good, either direction,
48 your return time that you actually return will be different than

1 your estimated, because, again, it's just an estimate of the
2 return time, so law enforcement can think about how to
3 coordinate their days to meet vessels.

4
5 The return time in the logbook, and that should be a separate
6 form, and we're working on VESL, to split those forms apart, so
7 that it does clear that up, that they're different data fields
8 and for different data purposes. The return time in the logbook
9 is used for analysis, and that's the one that is key for our
10 work at looking at length of trips and comparing that to fishing
11 hours and other information like that.

12
13 **MS. BOGGS:** Well, I guess I go back to, like I said, the
14 document that was passed that you need to put an estimated
15 return time, and a lot of the captains wanted this to be simple,
16 and that's yet one more field that they have to complete. If
17 you come in early, you can edit the estimated return time, and
18 the other issue is that, if you report your return time --
19 Because it's confusing, but, if I have a trip coming in at 1:00,
20 and they report at 11:59, it will not allow them to report.
21 They have to be within one hour of returning to the dock.

22
23 That is confusing, and the other thing, when we passed this --
24 When the council passed this modification, as I remember, was to
25 keep it simple, so that, as the captain is riding in from his
26 trip, he can go ahead and fill out his reports and have
27 everything done, so that, when he gets to the dock, he can
28 unload his fish and go about his day, but, when you require this
29 return, that is basically saying you can't complete this report
30 until you dock the vessel, and I think that goes against the
31 principles of what this council tried to do, which was to
32 simplify this for the captains. Thank you.

33
34 **DR. STEPHEN:** Susan, I think that one-hour requirement is for
35 the Southeast Regional Headboat Survey, and it is not a SEFHIER
36 requirement, and I believe it's been in place for a while, and I
37 don't know if Ken or Kelly is online and can verify that for me.

38
39 **CHAIRMAN ANSON:** Did you have a quick follow-up, Susan?

40
41 **MS. BOGGS:** So are you telling me there is two different
42 screens, versus what I see, versus what the charter fleet is
43 saying, because I am advocating for the charter fleet here.

44
45 **DR. STEPHEN:** There is a SEFHIER form in the VESL application
46 for SEFHIER, but, because of the Southeast Regional Headboat
47 Survey and indices, and the slightly different collection that's
48 been collected for years in the headboat, there remains a

1 headboat form that should fairly match what the headboat survey
2 has been doing in the past. I think Kelly Fitzpatrick will be
3 able to answer, but I'm seeing that she is muted, if we could
4 unmute her.

5

6 **CHAIRMAN ANSON:** She may be self-muted right now.

7

8 **DR. STEPHEN:** I did tell her that she might be self-muted, but
9 she does say she is being muted by the organizer.

10

11 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Jessica, could you introduce
12 her, please, if she speaks?

13

14 **DR. STEPHEN:** Absolutely. Kelly Fitzpatrick works with our
15 Southeast Regional Headboat Survey, and she is one of the main
16 people running the program and is fully available to answer any
17 questions regarding the headboat program.

18

19 **CHAIRMAN ANSON:** We are getting indications that she's still
20 self-muted. While we wait to figure that out, Mr. Strelcheck.

21

22 **MR. ANDY STRELCHECK:** Thanks, Kevin, and thanks, Susan, for your
23 comment. We have received a number of suggestions over the last
24 six or eight months, and, Susan, this is helpful to, obviously,
25 hear some of your concerns. It's one thing to work with the
26 private vendors and develop the software, and it's a whole other
27 thing, obviously, to use it and implement it in real time on the
28 water and on the vessel.

29

30 I just wanted to say that we're committed to, obviously, working
31 with the industry and working with constituents to make
32 improvements, obviously, implemented in accordance with what the
33 council had proposed.

34

35 There are certain things that I've talked to constituents about
36 that are very intentional on our part, in terms of how data has
37 to be entered, or should be entered, to help with data quality
38 control and quality assurance, but we want to, obviously,
39 eliminate hurdles, wherever possible, that are diminishing,
40 obviously, the ability for you to report.

41

42 My recommendation is we've heard your concerns, and let us look
43 into this further and come back to you, to see if there's any
44 solutions. I will say that, obviously, it's not like a change
45 overnight, if you make changes, because we are working with the
46 private vendors, but our intent, obviously, has been to very
47 much work with constituents, and that's why we've been
48 conducting so much outreach, and I'm going to be doing the

1 virtual webinar here coming up in October. We want to continue
2 those conversations, so that we can execute the program
3 effectively, and we continue to accept those suggestions and
4 make modifications along the way.

5
6 **CHAIRMAN ANSON:** Andy, to that point, I guess just a suggestion
7 of something to think about, is webinars can be useful and such,
8 but in-person also is very helpful, and I know, with COVID the
9 way it is, that we are planning to have the meeting in Alabama
10 in October, and so maybe there might be a secondary or an
11 evening workshop maybe, to have folks -- Since it is kind of
12 lots of activity there, is to have kind of a face-to-face kind
13 of outreach, or workshop, to kind of address some of these
14 issues now. As we get into the winter, there might be some time
15 to tweak and then be ready for the spring season next year.

16
17 **MR. STRELCHECK:** Great suggestion, and I'm certainly open to
18 that. We do have quite a few travel restrictions for federal
19 employees, and so that's a limiting factor.

20
21 I did want to get back to, real quickly, Greg's comment earlier
22 and questions about why people aren't reporting. We do know of
23 at least some pockets of charter boats where there is just
24 opposition to reporting, and so that's where we're having to try
25 to break through and get them to report when there is,
26 obviously, resistance to report, and so that's one of, I think,
27 the big hurdles for us, is areas where there is a large number
28 of boats that are intentionally not reporting, and so we'll be
29 working on that as well.

30
31 **CHAIRMAN ANSON:** Leann, I see your name on the board, but maybe
32 Kelly Fitzpatrick -- Are you there, Kelly?

33
34 **DR. STEPHEN:** Can I see if Ken Brennan can answer instead? Ken
35 also works with the Headboat Survey Program.

36
37 **MS. KELLY FITZPATRICK:** I just was alerted that I was unmuted.

38
39 **CHAIRMAN ANSON:** Go ahead, Kelly.

40
41 **MS. FITZPATRICK:** Sorry for the confusion. I was talking --
42 Having a side conversation with Ken, and so, as far as the
43 estimated return time, I just wanted to clarify that, yes, as
44 Jessica said, the one-hour return time validation has been in
45 place on the headboat survey since the e-log began in 2013.

46
47 It was because of the new requirements for submitting trip
48 reports before offload, and that's why Ms. Boggs is encountering

1 this error now, whereas in the past, if the trip report was
2 submitted later in the day, after the trip returned, or the next
3 day, or what have you, she wasn't encountering this message,
4 this error.

5
6 We are potentially open to extending that validation window, but
7 what we don't want to create is a situation where people can
8 submit a trip report before they have actually completed their
9 fishing trip, and, unfortunately, that can't be handled in a
10 vessel-specific manner. It has to be one validation, and so
11 vessels that have longer -- They go out further and have longer
12 run times to get back to the dock, they would encounter that.

13
14 If they have a four-hour return time from when they leave,
15 wherever it is, their fishing grounds, and head back to the
16 dock, they are going to encounter an error, even if they don't
17 fish the whole way in, but, unfortunately, we do have a lot of
18 vessels that don't fish that far out, and so we don't want to
19 give some large window. It needs to be a shorter window, in
20 order to prevent that from occurring.

21
22 Estimated return times, there may have been some confusion about
23 the estimated return time and the return time having to match,
24 and they do not. That's not a validation, and we have also
25 recently tried to clarify the language on the actual error
26 message that our captains are seeing in the VESL error, and
27 we're working with them to edit that, to make it more clear that
28 the return time validation is based on the current time, and so,
29 as Ms. Boggs said in her example, if a trip returns at 1:00, and
30 you try to submit the trip report at 11:59, you will see this
31 error, and there has been some confusion about the return time
32 has to be within an hour of the estimated time, and that is not
33 correct, but the message, I think, was part of the confusion,
34 and so we've worked to clarify that error message, to make it
35 clear that the one-hour return window -- The validation is based
36 on the current time and not being within an hour of the
37 estimated time.

38
39 **CHAIRMAN ANSON:** Thank you for the explanation. Next, we have
40 Ms. Bosarge.

41
42 **MS. LEANN BOSARGE:** Thank you, Mr. Chairman. My question was
43 about the newly-approved cellular devices. I know they were
44 just recently approved, but I wondered -- Has anyone installed
45 some of those yet? I was just wondering how we were coming on
46 that, and I would like to see more information on them, once
47 they get out on the water full-time.

48

1 **DR. STEPHEN:** Leann, I don't think people have installed them
2 yet. If they're looking for the VMS reimbursement for purchase,
3 they need to wait until they get officially put through with the
4 rules, and so my guess is that we will see purchases and buying
5 once we have that.
6

7 **MS. BOSARGE:** A follow-up, Mr. Chairman?
8

9 **CHAIRMAN ANSON:** Go ahead.
10

11 **MS. BOSARGE:** What do you mean by officially put through in the
12 rules? I thought they were approved, and I think I've even seen
13 them on the website.
14

15 **DR. STEPHEN:** When we did the final rule for the program, we
16 said that the VMS portion would be effective at a later date,
17 and so we're going to be posting that information up through the
18 regulatory process, and that is the point in time then when the
19 units can be used for the reimbursement.
20

21 **MS. BOSARGE:** Okay. Thank you.
22

23 **CHAIRMAN ANSON:** Any other questions for Dr. Masi? Mr.
24 Williamson.
25

26 **MR. TROY WILLIAMSON:** I'm wondering if there is a penalty for
27 failure to declare or an erroneous declaration. Is it monetary,
28 or what are we talking about here?
29

30 **DR. STEPHEN:** Failure to comply will be referred to law
31 enforcement, and they have a variety of options available to
32 them to discuss the nature of the failure to comply. If you
33 submit a false hail-out, I think that falls under a different
34 regulation of not submitting true and accurate data, but I will
35 defer to anyone from law enforcement that might be on and able
36 to answer in more depth.
37

38 **CHAIRMAN ANSON:** All right. We'll try to get an answer for you
39 sometime, Troy. Any other questions? I do have one quick
40 question, Dr. Masi. A certified electrician, I can't recall,
41 and that's just industry certification, and that's not a SEFHIER
42 program certification that the electrician would have to go
43 through, correct?
44

45 **DR. STEPHEN:** Correct. That is not a SEFHIER one, and I believe
46 it's a certified marine electrician, and those are required so
47 that -- Wiring electronics around water can be difficult, and
48 they want to make sure it is installed correctly and functional,

1 and that is a general VMS suggestion or requirement, and I'm not
2 quite sure which one it is, but the certified electrician will
3 make sure that it's operational, and then you can start using
4 the unit.

5
6 **CHAIRMAN ANSON:** Thank you. All right. Seeing that there
7 aren't any other questions, thank you, again, Dr. Masi and Dr.
8 Stephen, for the information. That will take us to the next
9 agenda item, Item Number V, and Ms. Somerset.

10
11 **DRAFT OPTIONS FOR ELECTRONIC REPORTING DUE TO EQUIPMENT FAILURE**

12
13 **MS. CARLY SOMERSET:** Thank you, Mr. Chair. I will start with a
14 presentation, and, as Lisa mentioned, we have made a slight
15 modification to the title, but, going forward, it will be
16 "Modification to Location Reporting Requirements for For-Hire
17 and Commercial Vessels".

18
19 I would just like to make a note, before I start this
20 presentation, because we have been discussing the VMS
21 requirements, and, specifically, Dr. Masi mentioned the type-
22 approved units, and we did invite all of the vendors to this
23 meeting, as well as Orange Beach, and we did have four vendors
24 that were able to make it to this one, and they are outside with
25 their tables set up, and I have spoken with all of them, and I
26 highly encourage everyone to go out there and ask them
27 questions. They are more than willing to provide the
28 information on their units, and that would allow everyone to see
29 the units that are actually type-approved, and they did bring
30 the equipment with them, and so I just wanted to let everyone
31 know about that before I started on this presentation for the
32 framework action.

33
34 This is a framework action draft that explores exemptions for
35 equipment failure, specifically the VMS units for the for-hire
36 and commercial vessels. Just to recap where we are currently
37 with this document, the council was given a presentation, at the
38 last meeting in the Keys, that outlines some background for this
39 document and concerns regarding equipment failure and the draft
40 actions and alternatives. We now have a document draft, and
41 that is -- I am happy to go through that after we finish this
42 presentation.

43
44 First, just a reminder of why we're here, some background
45 information for review, and we did see this at the last meeting,
46 but, in May of 2017, the Generic Amendment: Modifications to
47 Charter Vessel and Headboat Reporting Requirements was
48 finalized, and this indicated that requirements for Phase I and

1 Phase II -- The first phase was the electronic trip reporting,
2 which was implemented on January 5, 2021, and, as Dr. Masi said,
3 the location reporting final rule has not -- It's published, but
4 it's not implemented, but you would expect that sometime in the
5 near future.

6
7 Public and council comments expressed concerns about trip
8 cancellations, which would lead to a subsequent loss of revenue,
9 potentially a loss of clients, if location reporting equipment
10 failed, and so the exemption process was requested for the
11 unanticipated failures. The exemption framework action attempts
12 to find a workaround for the VMS equipment failure, but it may
13 not be finalized until after the location reporting final rule
14 is effective.

15
16 As Dr. Masi said, there are type-approved units, and the table
17 is up on the NMFS website, under the SEFHIER program, and there
18 are currently nine satellite and two cellular units approved
19 now. Outside, the vendors do have both satellite and cellular
20 units for everyone to look at.

21
22 Some of the equipment failure concerns are being unable to move
23 on the water or being tied to the dock, and essentially the same
24 thing, but different terms for it, and so, if this occurs, or
25 equipment failure occurs, with no exemption, this could be
26 problematic.

27
28 Just to clarify, moving on the water and being tied to the dock,
29 if a vessel does have VMS equipment failure, even going to get
30 fuel, that would mean the vessel is moving, and so they would
31 have to declare that as a non-fishing trip, and so I just wanted
32 to point out that the vessel is -- Any time it moves, it needs
33 to make a declaration, whether it's going on a non-fishing trip
34 or a fishing trip, and so this could negatively impact both the
35 commercial and for-hire sectors.

36
37 In the commercial sector, the commercial program is well
38 established, and it's been ongoing for a while, and they do have
39 the requirement to have a satellite VMS unit onboard and
40 operational. In the for-hire sector, the location reporting
41 unit, or location reporting using VMS units, is new, and it's
42 unfamiliar to many captains, and so, currently, exemptions for
43 the different sectors are addressed through separate actions,
44 and there are quite a few differences between the commercial and
45 the for-hire fleets, as to why they need to use these VMS units
46 onboard.

47
48 You did see the draft purpose and need at the last meeting, but

1 there have been a few minor modifications, and so this is an
2 updated draft purpose and need, and so I will just read these.
3 The purpose of this action is to establish a mechanism to report
4 a malfunction with a vessel's location-positioning device and
5 provide an exemption to location-positioning requirements. The
6 need is to mitigate trip delays or cancellations and subsequent
7 loss of revenue due to the inability to report and transmit
8 location-positioning information.

9
10 We'll go through the draft actions. You did see these at the
11 previous meeting. I will go through the actions and
12 alternatives, and then we do have some sub-options that are new
13 that I will present to you.

14
15 There are two actions. Action 1 would modify the requirements
16 for for-hire vessels with a charter, headboat, reef fish, and/or
17 coastal migratory pelagic permit, to allow for an exemption to
18 VMS requirements to address equipment failure, and Action 2
19 would modify requirements for vessels with a commercial reef
20 fish permit, to allow for an exemption to VMS requirements to
21 address equipment failure.

22
23 Draft Action 1 for the for-hire fleet, Alternative 1 would be
24 the no action, and so maintain the requirement that vessels with
25 charter/headboat permits for reef fish and/or coastal migratory
26 pelagics have an approved vessel monitoring system onboard,
27 operating at all times, unless exempted by National Marine
28 Fisheries Service under a power-down exemption.

29
30 This is Alternative 2 with the new sub-options. Alternative 2
31 creates an exemption to the VMS requirement to address equipment
32 failure and set a limit on the number of days that the NMFS-
33 approved exemption method is valid, in order to address
34 equipment failure for vessels with charter/headboat permits
35 and/or CMP.

36
37 Option 2a is the exemption will be valid for up to three days
38 from the submittal date. Option 2b is the exemption will be
39 valid for up to seven days from the submittal date, and Option
40 2c is the exemption would be valid for up to ten days from the
41 submittal date.

42
43 Under Draft Action 1, Alternative 3, it would create an
44 exemption to the VMS requirement to address equipment failure
45 and set a limit on the number of times a permit holder can
46 request an exemption each calendar year per vessel. Option 3a
47 is the permit holder may not request more than one exemption per
48 vessel per calendar year. Option 3b is the permit holder may

1 not request more than two exemptions per vessel per calendar
2 year, and Option 3c is the permit holder may not request more
3 than three exemptions per vessel per calendar year.

4
5 Draft Action 2 is -- We split the actions for for-hire and
6 commercial, and so this is considering the commercial fleet.
7 Specifically, all of those with commercial reef fish permits,
8 and so, under Alternative 1, this would be the no action
9 alternative, and it would maintain the requirement that vessels
10 with commercial reef fish permits have an approved VMS unit
11 operating onboard at all times, unless exempted by NMFS under a
12 power-down exemption.

13
14 The Alternative 2 would create an exemption to the VMS
15 requirement to address equipment failure and set a limit on the
16 number of days that the NMFS-approved exemption method is valid,
17 in order to address equipment failure for vessels with
18 commercial reef fish permits, and so the sub-options for both
19 actions are the same, and I will just go through these quickly,
20 but you just saw these in the for-hire.

21
22 Option 2a would be valid for up to three days from submittal
23 date, and Option 2b is the intermediate exemption that is valid
24 for up to seven days, and then Option 2c is the ten-day
25 exemption.

26
27 Again, these are the same alternatives and sub-options, but for
28 the commercial fleet instead of the for-hire, and so it would
29 create an exemption for the VMS requirement to address equipment
30 failure and set a limit on the number of times a permit holder
31 can request an exemption each calendar year per vessel, and,
32 again, the Option 3a, 3b, and 3c would allow one exemption, two
33 exemptions, or three exemptions per vessel per calendar year.

34
35 Finally, and I believe this is my last slide, just some
36 considerations for discussion of this document, and the IPT has
37 met I believe three times so far, and what I go through here I
38 think is relevant for this discussion, and some of these did
39 surface during the IPT discussion, and so I just wanted to put
40 these out there for you to consider.

41
42 First, is the exemption tied to the vessel or the permit? More
43 specifically, how to handle dual-permitted vessels, those with
44 commercial reef fish permits as well as one or both of the
45 federal for-hire permits, and then can we potentially be more
46 efficient with this and have one form submitted, but that would
47 depend on if applied by the vessel and not the permit.

1 Then how to handle the transfer or sale of permit to a different
2 vessel, and so, if Alternative 3 is selected, which pertains to
3 the permit holder requesting an exemption per vessel per
4 calendar year, would that annual count restart? Then, finally,
5 and I noted this at the last meeting, but the implementation
6 timeline. If the equipment failure exemption is allowed, there
7 may be a gap between implementation of Phase II, with the VMS
8 location tracking requirements, and actions within this
9 framework. Mr. Chair, that concludes my presentation. I can
10 stop here for discussion or go through the document, if you
11 wish.

12
13 **CHAIRMAN ANSON:** Let's see if there are any questions first,
14 Carly. I see one hand from Martha.

15
16 **MS. MARTHA GUYAS:** Thanks, Carly. I have a couple of questions,
17 and maybe this is in the document and I just didn't see it, but
18 so how would these, I guess, exemptions be submitted if their
19 system is down?

20
21 **MS. SOMERSET:** That's an excellent question. During the IPT
22 discussions, we have discussed some methods, and they -- I think
23 it's pertinent to mention that some of the units do allow for
24 the submittal of forms along with the location information, but
25 there are other means of supporting or submitting an exemption
26 or that they have equipment failure, and so notifying NMFS
27 through the phone or email or the other methods that they used
28 to report for Phase I, and, if there's any additional
29 information that Dr. Stephen or Dr. Masi would like to provide.

30
31 **CHAIRMAN ANSON:** Dr. Stephen or Dr. Masi?

32
33 **DR. STEPHEN:** I'm sorry. I had stepped away, but what was the
34 question?

35
36 **MS. GUYAS:** My question was, if the vessel system is down, their
37 VMS is down, how would they be submitting this request to not
38 submit reports, because their system is down?

39
40 **DR. STEPHEN:** The request to not submit reports would most
41 likely be tied to an internet page, and we haven't kind of
42 worked out the mechanism, and so, while the VMS unit may be
43 down, most people typically have a phone, or some other
44 mechanism, in order to get online and be able to submit
45 something.

46
47 We're in the early stages, and so we may want to be cognizant of
48 additional ways in which we can collect the data and see how

1 that can happen. If it like happens on off hours, and they want
2 to give a phone call to us, that might be a different path that
3 we have to consider.

4
5 **CHAIRMAN ANSON:** Just to follow-up on that, Dr. Stephen, when
6 you say collect the data, it's the actual fishing information
7 too that they would need to fill in for the time that the unit
8 is down, and so is that what you were also referring to, is some
9 sort of website or some location that they would be able to go
10 to report that in the interim?

11
12 **DR. STEPHEN:** Correct, and so, when you think about the form,
13 the VMS unit -- We have VMS units that have forms for the hail-
14 in and hail-out declaration and VMS units that do not. The ones
15 that do not are typically the cellular, but some cellular also
16 have the form. Because we do have other vendors and ways to
17 enter the data, they would submit their logbook or hail-out
18 using one of those other mechanisms, and so we do kind of
19 suggest that someone sets up an account, with either eTRIPS or
20 VESL or any other vendor that we have, as a backup, in case the
21 VMS goes down and they can't submit the data collection portion
22 of it.

23
24 The request for the power-down would be a form, and we're hoping
25 to make it an electronic form, for submission and not a form
26 that would be submitted directly through the VMS unit.

27
28 **CHAIRMAN ANSON:** Martha, a follow-up?

29
30 **MS. GUYAS:** Yes, and so this is my other question. Just to be
31 clear, if a vessel submits this request that their system is
32 down and they need a couple of days or whatever to rectify that,
33 but they're still running for-hire trips, the expectation would
34 be that they are still submitting their trip reports in the same
35 timeframe as they would if their VMS was actually functioning,
36 or would there be -- I don't know. Or would they be submitting
37 late reports, once their system is back online?

38
39 **DR. STEPHEN:** They would be submitting them through an
40 alternative mechanism in the time that they have to, and so not
41 submitting late reports, because there are alternative ways to
42 submit logbooks and hail-outs and not just through the VMS.

43
44 **CHAIRMAN ANSON:** Ms. Levy, to that?

45
46 **MS. MARA LEVY:** I think Jessica covered it, but just to make
47 sure that this is only addressing the VMS part, and it's not
48 attempting to create an exemption to the fishing report

1 requirement.

2

3 **CHAIRMAN ANSON:** Thank you. Susan. Did you have another one,
4 Martha? Sorry.

5

6 **MS. GUYAS:** One more. Sorry. If a vessel submits this, I
7 guess, request that their system is down, I assume that law
8 enforcement would also be able to validate that somehow, that
9 they would have access to the system, to see that, yes, this
10 person has got an issue and they have done their best to report
11 that?

12

13 **DR. STEPHEN:** When they submit the form, what we're intending to
14 do is have that electronically interfaced with the SEFHIER
15 interface for law enforcement, and so they would be able to pull
16 up who has these equipment failures, as well as also who has
17 power-down exemptions, and so they can see who should and should
18 not be out on the water operating with or without an operational
19 VMS unit.

20

21 We are intending to eventually build a lot of this into the new
22 permit system, so it will be able to connect with law
23 enforcement and the SEFHIER database, and it gives a secure
24 transmission from the permit holder, in order to make the
25 request. That system is in a cloud environment, and so it's
26 operational 24/7.

27

28 **CHAIRMAN ANSON:** Thank you. Susan.

29

30 **MS. BOGGS:** It's somewhat similar, but a little different than
31 what Martha was asking, and so -- Carly, I appreciate this, but
32 I think the main thing that, at least the charter fleet is
33 looking for, is I get to my boat this morning, and I'm ready to
34 go fishing, and my VMS is not operational.

35

36 As Jessica mentioned, they still have a means of filing their
37 fishing report, and they could do the declaration, but that
38 should not prohibit them from leaving the dock to go fishing,
39 because they didn't realize that their unit was down, and that's
40 my first concern.

41

42 The power-down exemption, if you do it somewhat like the
43 commercial fishery, you will have to be a little more expedient,
44 because that can take two to three days. I also called for my
45 registration number with law enforcement for my VMS that we do
46 have on the vessel, and, after three weeks, I had to call them
47 and get them to do it, because I hadn't received the
48 information, and so there can't be a big gap in the timing of

1 the request and the power-down that prohibits these fishermen
2 from fishing, both commercial and charter/for-hire. Thank you.

3
4 **CHAIRMAN ANSON:** All right. Any other questions or comments?
5 Carly, does the document have any other information that's
6 different than what you provided in your presentation? Do you
7 suggest that we move through the document?

8
9 **MS. SOMERSET:** We can go through it quickly, if we have time,
10 for the committee, and there is just some additional, more
11 specific information, and less of a -- I just wanted to give
12 more of an overview in the presentation and make sure that you
13 saw the sub-options.

14
15 **CHAIRMAN ANSON:** We probably have some time. Susan, do you have
16 a question?

17
18 **MS. BOGGS:** Well, one of the other questions, and I should have
19 brought it up in the previous presentation, but, when you have
20 leave the dock for fuel -- I mean, I don't know if you have to
21 have your VMS powered-up to do that or not, but some of these
22 boats -- Like, at our marina, they leave their slip, and they go
23 a hundred feet to the fuel dock, and I know a lot of them don't
24 report that, because they're still within that location, and I
25 didn't know if there was a way to get an exemption for something
26 like that, and that may not be directed more to you, Carly, but
27 maybe Jessica, and I apologize that I didn't bring that up
28 earlier. Thank you.

29
30 **MS. SOMERSET:** That's a good point, and I can attempt to provide
31 an answer, and if Jessica or Michelle would like to follow-up
32 with additional information. As I understand it, and I know
33 many fuel docks, or where they go to get fuel, is very close to
34 their slip, and so I'm not sure if there's a point at which they
35 can move, but they're still within that area that wouldn't
36 qualify as them actually moving their boat, but, if they do have
37 to go any distance to fuel up, if they decide to get fuel and
38 then go on a trip, it would be considered a fishing trip as the
39 declaration. If they decide to go get fuel and then come back
40 to their slip, it would be considered a non-fishing trip, but
41 that would still be part of the trip declaration, and they do
42 have to make sure that they do that. That goes back to why I
43 wanted to just specify that, and it is in the document as well,
44 when I say moving on the water or tied to the dock.

45
46 **DR. STEPHEN:** I will just add to this a little bit, and so we
47 are creating frequently-asked questions, and one of the ones
48 that we took a lot of time with was explaining different

1 circumstances when a fisherman is moving their vessel to get
2 fuel and then go on a trip or to get fuel and come back and go
3 on a trip and how to appropriately use each of those
4 declarations.

5

6 **CHAIRMAN ANSON:** Mara.

7

8 **MS. LEVY:** Just to clarify, there are two separate things,
9 right? There's the VMS that has to be on all of the time,
10 unless, right now, you have the power-down exemption, and you're
11 looking at creating a different type of exemption, and there's
12 the declaration, which has to be entered for every trip, which
13 as defined as every time you leave the dock or seawall or
14 whatever, and so just to make clear that those are two separate
15 things.

16

17 **CHAIRMAN ANSON:** I don't want to belabor the point or bog down
18 everyone, but just Dr. Stephen mentioned that there are some
19 FAQs that kind of provide some examples and such, but I'm
20 curious, and Carly mentioned that, if you went to the fuel dock
21 and tied up and got your fuel and then went fishing, that it
22 would be under a fishing trip, but, as you just explained, it
23 would be from tie-up-to-tie-up, and so I would see that as two
24 declarations then, at that point, is you would have to declare
25 that I am going to this dock to get fuel, and then I have to
26 declare that I am going fishing then immediately thereafter, and
27 so is that how the regulations are?

28

29 **DR. STEPHEN:** Yes, that's correct. Every time you move the
30 vessel and tie up again, that is considered a trip, and so you
31 would be moving the vessel on water, and so, if they're leaving
32 from where they are docked to pick up fuel, that would be a
33 declared non-fishing trip.

34

35 Then, once they leave from the dock to go out fishing, that
36 would be declared as the start of the fishing trip, and so that
37 would be your declaration that you are going out fishing, and
38 these matter, because we will look at some of these times for
39 analysis and comparisons along the way. We do have a lot of the
40 more complicated ones that have come up in the for-hire industry
41 laid out, and it's the same way it works in commercial. Any
42 time they move that vessel on the water, it requires a
43 declaration.

44

45 **CHAIRMAN ANSON:** Thank you. All right. Carly, we do have some
46 time, if you want to go through the document and particularly
47 cover those areas that you want the council to review.

48

1 **MS. SOMERSET:** Thank you, Mr. Chair. I just wanted to go over a
2 few areas in the document, just to point out that we didn't
3 explicitly cover in the presentation, and so if you could go to
4 the background, Bernie. Thank you.

5
6 I just wanted to mention here that a lot of what is in the
7 document has been discussed through Dr. Masi's presentation and
8 then discussion here with Jessica and some of my presentation,
9 but I just wanted to point out the purpose, and so this is
10 different than the purpose and need, but it's just more
11 background that the purpose of electronic reporting, and so
12 including the VMS requirements, for the for-hire fleets and the
13 commercial is different.

14
15 For the for-hire fleet, the purpose of the VMS requirements is
16 to improve accuracy and timeliness of the landings, discards,
17 effort, and socioeconomic data, and so, essentially, the for-
18 hire effort data can be validated through the onboard VMS,
19 because it's verifying vessel activity.

20
21 In the commercial sector, the purpose for having an onboard VMS
22 is to improve enforceability of area restrictions, in order to
23 prevent excessive fishing pressure in stressed areas, and also
24 to enhance the ability of enforcement agencies to detect and
25 prevent the use of fishing gear in closed areas, and so I just
26 wanted to put that out there as a reminder.

27
28 Then, if we could go to Table 1.1.1. I just wanted to point out
29 the tables in the document, since we didn't talk about them in
30 the discussion, although these were mentioned by Dr. Masi that
31 these are the type-approved -- Currently, these are the type-
32 approved VMS units for the SEFHIER program, and so this just
33 specifies the vendor name, the unit, whether they are satellite
34 or cellular, and there are currently two cellular options that
35 have been type approved, and whether you can submit forms with
36 the unit or if you have to use an alternate method, like a phone
37 or a tablet.

38
39 Then Table 1.1.2 is the same format, but this is specifying the
40 type-approved units for the commercial reef fish fishery, again
41 by vendor unit, data transmission, and whether it is available
42 with forms, and so I want to point out that the forms are only
43 approved for use in the SEFHIER program and also that the only
44 approved units in the commercial reef fish fishery are satellite
45 VMS units, and this does not include cellular.

46
47 Then if we could go to Table 1.1.3. This table shows the total
48 number of permits by permit type and vessel homeport state and

1 not the mailing address of the permit, but the vessel homeport,
2 and these are all of the ones that may be affected this
3 framework action, and just to note, again, and I believe that
4 Dr. Stephen did, that the total number of permits does not equal
5 the total number of vessels, because permit holders can hold
6 multiple permits on one vessel.

7
8 Then if we could go to the Chapter 2, the management
9 alternatives, and I will just briefly go over some of the
10 discussion behind the alternatives and actions. Under Action 1,
11 again, this is for the for-hire fleet, those with
12 charter/headboat for reef fish and/or coastal migratory pelagic
13 permits. The Alternative 1 is no action, and so, under this,
14 the submission of a VMS power-down exemption request could
15 provide time needed for equipment repair. Essentially, if you
16 do not have that power-down exemption form approved, you will
17 not be able to move on the water.

18
19 Alternative 2 and Alternative 3 would provide options for an
20 exemption, with reasonable constraints to the vessel owner or
21 operators, allowing them to begin or continue a trip, should
22 their onboard VMS unit malfunction or fail. Alternative 2
23 specifically, if the VMS data used for validation of trips and
24 effort estimates is missing for a substantial period of time,
25 the resulting accuracy of the effort estimates for this
26 component of the fishery could be reduced, and so this was --
27 This reasoning was used to come up with the Options 2a through
28 2c, and we want to, obviously, mitigate the amount of data that
29 could be lost due to equipment failure, VMS unit failure, but
30 also allow some time for the captains to repair their unit and
31 to go on their trip or continue their trip.

32
33 Option 2a through 2c allows the vessel owner or operators
34 reasonable time to either install a new unit or repair, with
35 Option 2a being the shortest amount of time, allowing an
36 exemption to valid for three days from the submittal date, and
37 2b and 2c may ease the burden on the owner or operator, by
38 providing a longer period of time to complete repairs without
39 compromising business operations, but, again, this may have more
40 of a detrimental effect on the accuracy of the effort
41 estimation, if there are any data gaps that exist.

42
43 We can move to Alternative 3, and so just to point out here that
44 this is the one that creates an exemption to the VMS requirement
45 to address equipment failure and constrains the exemption by
46 setting a limit on the number of times that a permit holder can
47 request an exemption each calendar year per vessel, and so here
48 just to point out that the failure rate for the for-hire

1 reporting program is anticipated to be similar to the commercial
2 fleet, which has been using satellite VMS units for some time.
3
4 However, the SEFHIER program is new, and so it will also be new
5 to many captains using these units, and we currently don't have
6 an idea on the failure rates for cellular units, and so allowing
7 permit holders one, two, or three times per vessel per calendar
8 year to submit an exemption would allow them time to either,
9 again, repair their unit or potentially get a new one, but we
10 expect that the failure rate will be low, or at least similar to
11 what is being done in the commercial fleet. I can stop here for
12 discussion on Action 1.

13

14 **CHAIRMAN ANSON:** Go ahead, Robin.

15

16 **MR. RIECHERS:** So, when we're thinking about failure rate, you
17 said you think it might be similar, and do we -- I mean, do you
18 have some rates per thousand units or something like that per
19 day that we can think about? I am just trying to figure out, in
20 the numbers that we have here, have we bounded the upper end of
21 the problems that we might see, because, if someone is truly
22 having a problem, then our goal is not to say, well, no, you
23 asked for your three exemptions, and sorry, but you've already
24 had three problems, and, because you now have a fourth, you
25 can't leave. I mean, that's not -- I don't think that's what
26 we're attempting to do. If it's a real problem, it's a real
27 problem, and so do we have any notion of -- You mentioned that
28 you thought it would be similar, but what would that rate look
29 like, or, if you don't have it with you, maybe we can try to
30 figure something out there.

31

32 **MS. SOMERSET:** Right, and I can definitely look into that, and I
33 don't have a specific limit or number, and I would defer to
34 Jessica, as far as the commercial, and she's much more familiar
35 with that, obviously, than I am, but we anticipate -- Even
36 though it's a new program, the failure rate, in just speaking
37 with the commercial captains, it doesn't -- The satellite units
38 don't fail often, but it's still unknown with the cellular
39 units.

40

41 **MR. RIECHERS:** We all have experienced those failures, and so we
42 kind of know that that can occur, and so yes.

43

44 **MS. SOMERSET:** To that point, you anticipate always that there
45 could be a failure, and hopefully it's rare, but these sub-
46 options, through discussions of the IPT and SEFHIER team, still
47 provide a reasonable range, from one to three times, that would
48 allow them to make the necessary either repairs or getting a new

1 unit installed.

2

3 **CHAIRMAN ANSON:** Susan.

4

5 **MS. BOGGS:** Thank you, and thank you, Carly. I think this
6 action addresses what I am going to call a catastrophic failure,
7 but what I don't think this document addresses is if you've got
8 a cellular -- Some of these units, from what I understand, are
9 battery-based, and you have a battery failure, and so you need
10 to run out and buy a new battery, or change your battery charger
11 on the boat, or something that's a simple fix, and you don't
12 necessarily need to go through this power-down exemption to do a
13 simple fix.

14

15 I can only speak from our experience in the headboat, and, of
16 course, it was satellite based, and, to your question, Robin, I
17 mean, it was periodically that we would have a failure, and it
18 could be just that it wasn't connecting, a bad connection, and,
19 I mean, it was just simple fixes, but it shouldn't prohibit a
20 captain from leaving the dock and going fishing, and so I think
21 this addresses if we have a lightning strike, and it just takes
22 the system out completely, something like that, but I think we
23 need to figure out some kind of action that is an immediate
24 notification that, hey, my system is down, and I'm here at the
25 boat, and I'm going to make this fishing trip. As soon as I get
26 back, I will go buy the new battery, or I will find out where
27 the connection is missing.

28

29 I think we need to -- I can't think of the word, but just an
30 immediate fix, versus, as I see this, a catastrophic, and I
31 think that may be the same on the commercial side too, and it
32 may just be a simple connection or something as such. Thank
33 you.

34

35 **CHAIRMAN ANSON:** All right. I see several hands here. Mara.

36

37 **MS. LEVY:** Well, I hear what you're saying, Susan, but the
38 problem with that is how do you monitor and enforce and not
39 create a loophole that just allows people to ping every time
40 there is some little problem, and then they get to go, and, I
41 mean, I think the intent here is to make this immediate.

42

43 Meaning we fill out a form, and you say your unit is not
44 working, and you do some certification, and then these time
45 limits kick in, and you get to go, and I hear what you're saying
46 about littler things, but, if you don't put a limit on the
47 number of times that people can do this, and how long it lasts,
48 then you open up the door to people doing it and not being able

1 to actually constrain that exemption.
2

3 **CHAIRMAN ANSON:** Susan.
4

5 **MS. BOGGS:** To that point, Mara, I understand what you're
6 saying, but this is a new program, and we have a lot of new
7 equipment on the water, and a lot of people don't know how it's
8 going to react to what we're doing, and so, if you limit, and
9 I'm going to speak to this motion, but, if you limit -- Okay,
10 you can have a power-down exemption for three days, and you can
11 only do it one time a year -- Well, a lightning strike or
12 whatever, it may cause you to have another situation, different
13 than the situation that you had before.
14

15 If you're telling me that I can get to the dock, or my husband
16 gets to the dock tomorrow morning, and his VMS is not working,
17 and he has to cancel his trip to go online to fill out a form
18 and wait for law enforcement to respond to him, you're going to
19 have a lot of mad captains, and that's what I hear you saying.
20 There has got to be some way that they can notify and they can
21 continue to go out on that fishing trip, and so please explain
22 to me, because I am not understanding that.
23

24 **MS. LEVY:** I mean, I think how this gets implemented needs to be
25 worked out, but I think the way we've been talking about it is
26 you submit a form and you're done, meaning I don't think there's
27 any -- At least in the discussions that I've had, that there's a
28 requirement that, other than getting maybe an automatic reply
29 that your form has been submitted, and, therefore, it's
30 considered as whatever, that law enforcement actually has to
31 look at your form and actually respond to you before you can go.
32

33 I don't think that's the intent. I think the intent is you fill
34 it out, and you do whatever certification they're asking you to
35 do to certify that your vessel VMS is not working, and then this
36 applies, and you go under the time limits established by the
37 council.
38

39 If you think that one exemption per year at the council is too
40 few, then there are options for two or three exemptions per
41 year, and so, I mean, I just -- But I think there needs to be
42 some bound, because, if there are no bounds, then there's no way
43 to actually enforce this program.
44

45 **CHAIRMAN ANSON:** Dr. Stephen, to this point?
46

47 **DR. STEPHEN:** To this point, I do want to make it clear that the
48 power-down exemption form is a different and separate form with

1 different needs than what we're talking about in this amendment.
2 This is talking about an equipment failure, and I will second a
3 lot of what Mara said.

4
5 We intend this to be easily submitted and able to go on with
6 your business and not waiting for necessarily a reply, because
7 we recognize that these failures can occur during non-
8 traditional working hours, and we want to give them the
9 opportunity to submit the form and then go out fishing.

10
11 **CHAIRMAN ANSON:** Thank you. Troy.

12
13 **MR. WILLIAMSON:** Perhaps I missed it, but are the exemptions for
14 the commercial fleet similar, or are they different? Do we have
15 some information about that?

16
17 **MS. SOMERSET:** I can speak to that. I do -- Actually, in the
18 document, under the appendices, there are the power-down
19 exemption forms for both the for-hire and the commercial, and
20 they are similar. The form for the for-hire, I believe, if you
21 submit that request, you have to remain -- You can't be moving
22 on the water, and you have to remain stationary for at least
23 seventy-two hours, but the exact forms that are used are in the
24 document, and they are similar between the for-hire and the
25 commercial.

26
27 **CHAIRMAN ANSON:** We're getting close to running out of time. I
28 had Martha and then Leann.

29
30 **MS. GUYAS:** Just thinking about how, I don't know, IT works,
31 just in general, and so there's -- I hear what Susan is saying,
32 that there are certainly going to be hiccups, some update that
33 didn't install right, and I just don't have a connection today,
34 and like what's the deal, and so I guess my question is, if
35 somebody has this equipment, and they encounter that problem, I
36 assume, but I just want to confirm that their first call is to I
37 guess the VMS company, or to somebody else, and are they
38 available 24/7, and like what is the response rate for that, and
39 so I feel like that's a consideration here as well. Susan
40 probably can answer that, and maybe others as well, but just
41 whoever can answer that question.

42
43 **CHAIRMAN ANSON:** Andy.

44
45 **MR. STRELCHECK:** As part of our type approval standard for VMS,
46 which I know Leann is a big fan of, it's 24/7 customer service,
47 and so how responsive they are when you call them, I don't know,
48 and it probably depends on the company, but there is a

1 requirement for 24/7 customer service.

2

3 **CHAIRMAN ANSON:** Leann.

4

5 **MS. BOSARGE:** Thank you. I had just kind of a response to
6 Robin's general question about how often this happens, and I
7 can't, obviously, speak for the entire fleet, but I can -- I do
8 talk to our guys here in Mississippi, and Mississippi, generally
9 speaking, our reef fish boats are mainly center console open
10 fishermen, and so I guess what some people refer to as dayboats.

11

12 Because of that, the unit is out in the elements, right, and
13 there is no enclosed cabin, and so they have satellite units,
14 and they told me, you know, that there's a few pieces on that
15 unit that just really, I guess, don't hold up well to being in
16 the elements 24/7 like that, and so those pieces -- One of those
17 pieces, they generally have to replace every year. It goes out
18 every year, and they have to replace it at some point, when it
19 fails, and it might fail in the middle of a trip, when they're
20 offshore, or maybe they realize it before they leave, but so
21 that's just -- I would say at least once a year, minimum, just
22 for that piece, Robin. I didn't get to talk to them very long
23 about the rest of it.

24

25 **CHAIRMAN ANSON:** Andy, to that point? No? Okay. Again, we're
26 running out of time here. Mr. Chair, we've got five minutes
27 left allotted to my committee. Can I have a few minutes extra,
28 or do I need to wrap this up?

29

30 **DR. FRAZER:** Go ahead and see if you can work through the rest
31 of the agenda.

32

33 **CHAIRMAN ANSON:** Thank you. Dr. Stephen.

34

35 **DR. STEPHEN:** I was just going to add to Andy's discussion about
36 the vendors and the customer support, and so one of the things
37 we do in IFQ that I will be doing for the SEFHIER program as
38 well is getting a frequently-asked question that is suggestions
39 from the vendors on what the captain can do to the unit first,
40 to try and get it reset and start it again before they realize
41 that it might be something more catastrophic that they can't
42 work, and so we will have that available for the SEFHIER group a
43 well.

44

45 **CHAIRMAN ANSON:** Okay. Andy.

46

47 **MR. STRELCHECK:** I wanted to go back to Susan's concerns, and,
48 Susan, I think here is an opportunity, if you don't feel like we

1 have a reasonable range of actions and alternatives, for you to
2 suggest additional ideas.

3
4 What we're trying to balance, and Mara spoke to this a little
5 bit, is making sure that we're accommodating these exemptions
6 for those that truly are having problems with those that might
7 not want to participate or function within the system that we've
8 set up, right?

9
10 You heard earlier today the challenge of just getting people to
11 register for the program, or participate in the program, and so
12 there is certainly at least a contingent out there right now
13 that isn't wanting to participate in this program and may be
14 incentivized to come up with ways to look for those loopholes,
15 and so that's the balance I think we're trying to strike.

16
17 Also, I guess I am concerned with, given kind of the success of
18 the commercial VMS program and the limited amount of failures
19 that we're experiencing in the commercial VMS, that we're so
20 hyper-focused on all of these failure problems for the charter
21 industry and not recognizing that this should be fairly rare,
22 and, in the event that it is rare, we do have some solutions and
23 ways that we can accommodate, obviously, those captains with
24 exemptions, but within the constraints of not, obviously,
25 blowing this up and allowing for too many loopholes.

26
27 **CHAIRMAN ANSON:** To that point, Susan?

28
29 **MS. BOGGS:** I appreciate that, Andy. What I envisioned, when we
30 started having this conversation, was not something so, I guess,
31 detailed, and what I mean by that -- I agree with what you're
32 saying, and I have had very little experience with the
33 commercial fishery, but, in the charter/for-hire, it needs to be
34 that, when a captain experiences a failure, that there is a way
35 that he can quickly notify, with an email or a text or whatever,
36 and, again, I go back to this Headboat Collaborative.

37
38 If we had an issue, I would email law enforcement, and I would
39 email Alabama DCNR, and I think I emailed you, and said, hey,
40 this is the problem, and we're going fishing, and you knew. I
41 mean, it didn't stop that vessel from leaving the dock and going
42 fishing, and I think this document needs something, and I
43 understand what Mara is saying, and you're going to -- You're
44 going to know who your bad apples are.

45
46 I mean, if the same person repetitively is asking for an
47 exemption, then probably someone in law enforcement or whomever
48 needs to go have a conversation with this person. I agree with

1 you that, if they're not going to report, they're certainly not
2 going to have the VMS unit on their vessel, but I think there
3 needs to be something in this document that seems a little less
4 restrictive, and I understand, and I don't have an option to
5 add, and I'm thinking through that, because, again, if it's a
6 battery failure, or a connection, you don't need a three-day or
7 four-day or ten-day exemption.

8
9 You just need thirty minutes to go fix your problem and go
10 ahead, or, as Martha said, if you have a software update that
11 didn't update, shut your system down, and you have time to get
12 on the phone and get that resolved, but you don't need to
13 prohibit, especially on the charter fleet side, these captains
14 from being able to go out and complete their trip, and I will
15 try to come back at Full Council with some options that I think
16 are reasonable.

17
18 I mean, I'm not asking for an open book, and please don't think
19 that. I just want these captains to know that they can go
20 fishing and not worry about receiving a fine or something as
21 such. Thank you.

22
23 **CHAIRMAN ANSON:** I guess, Andy, part of your internal process,
24 or as part of the certification process to approve those
25 companies, will they be required to maintain a log of any of the
26 phone calls that they receive and issues that they diagnose
27 pertaining to each captain that might help them if they get into
28 a situation where at least they made these attempts, or at least
29 they kind of understand the breadth of the issues they may be
30 having, as far as helping with you internally or with the
31 industry in maintaining a good program that minimizes those
32 chances of equipment failure or software failure or those types
33 of things that would keep them from proceeding with their trips
34 on a timely basis?

35
36 **MR. STRELCHECK:** Kevin, thanks for the question. I would have
37 to check-in with our Office of Law Enforcement, and so they're
38 the ones that type approve the units and monitor and maintain
39 the program, primarily, and so let me check-in with them, and I
40 can get back to you at Full Council.

41
42 **CHAIRMAN ANSON:** Thank you. We did have a few minutes to carry
43 on, but we are at 10:00, and I am just wondering, Carly -- You
44 kind of covered at least Action 2, I believe, or, I'm sorry,
45 Action 1, but Action 2 has similar issues and such, and is there
46 anything else that is pressing or that you need? I anticipate
47 that we will kind of work on this, and then it will probably
48 come back up at the next Data Collection Committee meeting, the

1 document for further input, but did you have anything else that
2 you wanted to bring to the committee at this time?

3

4 **MS. SOMERSET:** No, Mr. Chair. For the sake of time, the options
5 for the Action 2, the commercial, are the same, currently, and
6 just I wanted to reiterate that and make sure that the council
7 is comfortable with the current options as they are, but we can
8 flesh this out more in Full Council.

9

10 **CHAIRMAN ANSON:** Mara.

11

12 **MS. LEVY:** Thank you. I know that you're at the end of the
13 committee, but I did want to let you know that Duane Smith from
14 the NOAA GC Office of Law Enforcement is on the line, and he can
15 answer Troy's question about penalties, if you want to do that
16 now, or we can have him circle back at Full Council.

17

18 **CHAIRMAN ANSON:** Yes, and I think that would be helpful at this
19 stage of the document and the information, and is he able to
20 speak?

21

22 **MR. DUANE SMITH:** I can.

23

24 **CHAIRMAN ANSON:** Thank you.

25

26 **MR. SMITH:** Again, sorry for the delay in getting you the
27 answer, but I wanted to look it up. Just quickly, as I
28 understand, the question was failing to provide required
29 reports, and failing to provide required reports of any nature
30 that are a violation of agency regulations can be the basis for
31 monetary penalties.

32

33 Basically, when we have a violation, we have a whole enforcement
34 continuum that starts with compliance assistance, and so we
35 might -- An OLE officer might decide to deal with it as
36 compliance assistance, and they can also issue written warnings
37 from my office, and the Office of Law Enforcement can issue
38 summary settlements, if that's an option. They tend to be
39 lower-level amounts for smaller violations, which this would
40 fit. Then, finally, my office can issue a Notice of Violation
41 with an assessment of civil penalties and also permit sanctions.

42

43 The summary settlement options that would apply, they are on our
44 national summary settlement schedule, and this is all available
45 to the public on our website. Failure to submit any VMS
46 reports, when required to do so by regulations, is a \$400
47 summary settlement for the first offense and a \$500 summary
48 settlement for the second offense.

1
2 There is another offense on the national summary settlement
3 schedule for failure to maintain, make, keep, submit, or
4 complete required dealer reports, logbook reports, trip reports,
5 or catch reports in compliance with required deadlines, if there
6 is no related violations, and so many some of those trip report
7 issues, and not the hail-out or whatever, but that would be \$500
8 for the offense, \$750 for the second, and \$1,000 for the third.

9
10 Of course, they could always come to my office for a Notice of
11 Violation and assessment of a civil penalty, if, for some
12 reason, a summary settlement wasn't issued or wasn't
13 appropriate. On our penalty schedule, we say that failure to
14 comply in a timely fashion with logbook reporting, record
15 retention, inspection, or other requirements is a Level 1 or a
16 Level 2 offense, based on its impact on the regulatory regime
17 and whether or not there is an economic benefit.

18
19 Most of these would fit, I think, as a Level 1 offense, and a
20 Level 1 offense -- The options for a Notice of Violation and
21 assessment of civil penalty would range from a written warning
22 all the way up to \$10,000 for an intentional violation, and the
23 gradients there are based on the degree of culpability and
24 whether someone was negligent or reckless or intentional. I
25 would just stop there and field any questions, if that helps.

26
27 **CHAIRMAN ANSON:** We do have one question from Troy.

28
29 **MR. WILLIAMSON:** I am just wondering if there's a point at which
30 you take the permit away for violations, say multiple violations
31 or whatever.

32
33 **MR. SMITH:** That's an option that's on the table, and it is an
34 available penalty. It tends to be used far less frequently than
35 other penalties. That's the death sentence, if you will, right,
36 and so we have a policy of kind of attempting to do graduated
37 enforcement.

38
39 The goal is not to collect penalties, and the goal is to get
40 compliance, and so what we try to do is to sort of -- In the
41 Coast Guard, we would have called it pain compliance. You only
42 apply the pain necessary to compel compliance. Well, in this
43 particular case, if we can get people to comply by just
44 educating them and telling them what to do, that's fine, and we
45 stop. If, on the other hand, they need a little bit more stick
46 and a little less carrot, then we could work our way up to
47 actually taking away the permits, but the permit sanctions would
48 be sort of a remedy reserved for the worst of the worst, I would

1 say.

2
3 The only exception to that rule is if someone is given a penalty
4 and doesn't pay the penalty, and we might sanction a permit for
5 failure to pay, but that's a separate issue. Does that help,
6 Troy?

7
8 **MR. WILLIAMSON:** Yes. Thank you.

9
10 **CHAIRMAN ANSON:** Thank you, Duane. I appreciate the
11 information.

12
13 **MR. SMITH:** Thank you, all. Bye.

14
15 **CHAIRMAN ANSON:** We did have one last quick item in Other
16 Business. Dr. Hollensead, you had some information that you
17 wanted to share?

18
19 **OTHER BUSINESS**

20
21 **DR. HOLLENSEAD:** Thank you, Mr. Chair. The committee had made a
22 few motions to convene the Data Collection AP, and I just wanted
23 to let you know that that meeting will occur, and so we're going
24 to convene that AP on September 14. There are two things on the
25 docket, and one will be the SEFHIER program, and so presenting
26 that to the AP and getting their feedback on that, and that will
27 be dedicated to -- Probably most of the morning will be
28 dedicated to that discussion, and then, in the afternoon, we
29 will have discussion about the proposed modifications to the
30 electronic logbooks for the commercial fishery.

31
32 **CHAIRMAN ANSON:** Thank you for the information. Seeing that
33 there was no other business, that concludes Data Collection.

34
35 (Whereupon, the meeting adjourned on August 25, 2021.)

36
37 - - -