

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

DATA COLLECTION COMMITTEE

Perdido Beach Resort Orange Beach, Alabama

October 27, 2021

VOTING MEMBERS

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

NON-VOTING MEMBERS

Billy Broussard.....Louisiana
 Dale Diaz.....Mississippi
 Phil Dyskow.....Florida
 Tom Frazer.....Florida
 LTJG Adam Peterson.....USCG
 Robin Riechers.....Texas
 Bob Shipp.....Alabama
 Joe Spraggins.....Mississippi

STAFF

Assane Diagne.....Economist
 Matt Freeman.....Economist
 John Froeschke.....Deputy Director
 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
 Carrie Simmons.....Executive Director
 Carly Somerset.....Fisheries Outreach Specialist

OTHER PARTICIPANTS

Lui Barbieri.....FWC
 Julie Brown.....NOAA
 Major Jason Downey.....AL

1 Michelle Duval.....
2 Tim Griner.....SAFMC
3 Michelle Masi.....NMFS
4 Clay Porch.....SEFSC
5 Jessica Stephen.....NMFS
6 Matt Walia.....NOAA OLE

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[PAGE 62](#): Motion in Actions 1 and 2, Alternative 2, move Options 2a to Considered but Rejected. [The motion carried on page 62.](#)

[PAGE 63](#): Motion in Actions 1 and 2 to add an option for fourteen calendar days exemption and define the other options as calendar days. [The motion carried on page 63.](#)

[PAGE 65](#): Motion in Actions 1 and 2, Alternative 2 to remove Options 2a, 2b, and 2c and add the exemption will be valid for up to fourteen calendar days. [The motion carried on page 65.](#)

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1 The Data Collection Committee of the Gulf of Mexico Fishery
2 Management Council convened on Wednesday morning, October 27,
3 2021, and was called to order by Chairman Susan Boggs.

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

9 **CHAIRMAN SUSAN BOGGS:** I would like to call the Data Collection
10 Committee to order. The new members of the Data Collection are
11 myself, Susan Boggs, as Chair, Greg Stunz is Vice Chair, Chris
12 Schieble, Kevin Anson, Leann Bosarge, Dave Donaldson, J.D.
13 Dugas, Bob Gill, Martha Guyas, Andy Strelcheck, and Troy
14 Williamson.

15
16 The first item on the agenda today is the Adoption of the
17 Agenda. Are there any changes or additions to the agenda?
18 Seeing none, may I get a motion to adopt the agenda?

19
20 **MR. BOB GILL:** So moved.

21
22 **DR. GREG STUNZ:** I will second that.

23
24 **CHAIRMAN BOGGS:** Thank you. Item Number II is Approval of the
25 August 2021 Minutes. Are there any changes or additions to the
26 minutes? I do have one change. On page 14, line 43, "seine"
27 should be "seeing". May I get a motion to approve the August
28 2010 minutes with changes?

29
30 **DR. STUNZ:** So moved.

31
32 **MR. GILL:** Seconded.

33
34 **CHAIRMAN BOGGS:** Thank you. The next item on the agenda is
35 Action 3, Action Guide and Next Steps, and Dr. Hollensead is
36 going to take us through that this morning. Thank you.

37
38 **DR. LISA HOLLENSHAD:** Thank you, Madam Chair. The first agenda
39 item that we have today is we're going to have a presentation by
40 Dr. Luiz Barbieri, and he was a member of an ad hoc committee
41 convened by the National Academy of Sciences to assess the
42 progress of updating MRIP, and so sort of assessing those
43 modifications and improvements, specifically to the Fishing
44 Effort Survey, and so the FES.

45
46 That committee was also tasked with identifying any potential
47 areas for improvements or modifications to the program that
48 would increase the timeliness and quality of the data for

1 sustainable fisheries management, and they have completed that
2 report. The report considers the use of alternative management
3 options that have the potential to address management challenges
4 associated with recreational fisheries, for the ACLs, while
5 serving broader social and economic management objectives.

6
7 The committee is then tasked with listening to the presentation
8 and reviewing the report materials, and an executive summary and
9 that full report is available in the briefing book materials.
10 Ask any questions of Dr. Barbieri about the report and then
11 provide any insight on those results.

12
13 **CHAIRMAN BOGGS:** Thank you, Dr. Hollensead. Dr. Barbieri, are
14 you with us this morning?

15
16 **DR. LUIZ BARBIERI:** Yes, Madam Chair. Good morning. I am here
17 and ready. Thank you. Should I go ahead?

18
19 **CHAIRMAN BOGGS:** Yes, sir. Go ahead.

20
21 **PRESENTATION FROM THE NATIONAL ACADEMY OF SCIENCES ON DATA AND**
22 **MANAGEMENT STRATEGIES FOR RECREATIONAL FISHERIES WITH ANNUAL**
23 **CATCH LIMITS**

24
25 **DR. BARBIERI:** Thank you, Madam Chair, and good morning,
26 everyone. Before I get started on the presentation, let me
27 thank the council for the invitation to provide this briefing.
28 It's really great to be here, and I look forward to the
29 discussion this morning.

30
31 Also, I think it will be good for me to point out that the study
32 report is about 200 pages long and covers a lot of material, and
33 so please keep in mind that this just a brief overview of the
34 main study takeaways, and I would encourage all of you to look
35 through the full report for more details on the study's
36 conclusions and recommendations, because that's the meat,
37 really, of the study and the results, the outcomes, of these
38 results in the report.

39
40 Bernie already put up my first slide there, which you can see
41 the study title of *Data and Management Strategies for*
42 *Recreational Fisheries with Annual Catch Limits*. This title
43 points out the fact that, in that title, there are indications
44 of the two main dimensions of the study, one that deals with the
45 recreational fisheries data, and so that means looking at data
46 or survey improvements to address in-season management.

47
48 A second dimension of this study looks at alternative management

1 strategies that could be used in situations where these
2 potential improvements to the data may not be sufficient to
3 support in-season management, and I'm sure this is obvious to
4 you, as council members, but, to others listening to the
5 presentation, note that the study is focused on recreational
6 fisheries managed with ACLs, and so many of the study results
7 will have applications to other recreational fisheries, but the
8 main focus is on in-season management of council-managed
9 species.

10
11 A brief introduction here that I know is not going to be news to
12 you either, but we know that marine recreational fishing is a
13 popular and economically-important activity conducted across the
14 nation, and we know that it is distinct from commercial or
15 subsistence fishing and that, by the very nature of being
16 diverse and dispersed, recreational fisheries are difficult to
17 assess, and, therefore, they have a number of data collection
18 challenges, but, also, when you think of these challenges, think
19 of them in terms of the different ways that recreational
20 fisheries data are used.

21
22 When we think about these, stock assessments, ACL monitoring,
23 and in-season management, they have different data requirements,
24 and so, when we think about changes and improving the data
25 programs, we need to weigh the potential impacts of these
26 potential changes to each of these uses, and you see this issue
27 come up a few times in the presentation, as we move along, and
28 it's something that the committee had to grapple with throughout
29 the study process.

30
31 A bit of context and background on how the study originated. In
32 2017, the National Academies completed a review of MRIP, and,
33 although that review noted the implementation of MRIP resulted
34 in significant improvements to the survey, in-season management,
35 and this is because of it high demands, was still a big
36 challenge.

37
38 In 2018, the Modernizing Recreational Fisheries Management Act,
39 and you know that's known as the Modern Fish Act, or MFA, was
40 signed into law and called for a National Academies study on how
41 well MRIP meets the needs of in-season management of fisheries
42 managed with ACLs, and so this study was actually conducted in
43 response to this call from the MFA.

44
45 Here is a review of the committee charge, and this is the
46 equivalent of our terms of reference, but just the Academies
47 calls this statement of tasks, and this is a pretty important
48 part of the presentation, because this is really what outlines

1 what we focused on and what we were aiming towards, in terms of
2 the outcomes of the study, and so this statement of tasks can be
3 summarized by the three main bullet points that you see there on
4 the screen.

5
6 First, if and how the design of MRIP, for the purposes of stock
7 assessment and the determination of stock management reference
8 points, can be improved to better meet the needs of in-season
9 management of annual catch limits. Second, what actions the
10 Secretary, the councils, and the states could take to improve
11 the accuracy and timeliness of data collection and analysis to
12 improve or supplement MRIP and facilitate in-season management.

13
14 Lastly, what alternative management approaches could be applied
15 to recreational fisheries, consistent with requirements for
16 fisheries with ACLs, for which MRIP is not sufficient to meet
17 the needs of in-season management. As we can see, in line with
18 that language, right out of the Modern Fish Act, this study was
19 very much focused on in-season management of council-managed
20 species, council-managed fisheries.

21
22 Here is the study committee that was assembled for this, the ad
23 hoc committee that was assembled by the National Academies to
24 conduct this study, and the committee included a wide range of
25 expertise, and we had a total of ten committee members with
26 expertise in fisheries science and management, statistics, human
27 dimension of fisheries, as well as natural resource economics.
28 You can see their names and affiliations right there on the
29 screen, and I am sure that you recognize several either formal
30 or present members of the Gulf SSC.

31
32 Sean Powers, Steven Scyphers, and I are current members, and Kai
33 Lorenzen is a former member, and so, even though the committee
34 was structured to have a national-level perspective,
35 fortunately, we had very good representation from the Gulf, but
36 I would also like to mention that we were very lucky to have
37 Michelle Duval, a former South Atlantic Council member, and she
38 is now a current member of the Mid-Atlantic Council, as part of
39 our committee, because our committee composition was relatively
40 light on the management side of things, and so having the
41 breadth of fisheries management experience that Michelle brings
42 to the table was really a major asset to our committee.

43
44 Let me point out now that both Michelle and Kai Lorenzen are
45 listening in this morning, and they have graciously agreed to
46 join us for the post-session Q&A discussion, and so I will
47 complete the presentation, but, when we start the Q&A session,
48 Madam Chair, I would ask that they be allowed to join us in

1 addressing some of the questions, or join the discussion.

2
3 A brief overview of the report structure, and now this is really
4 our table of contents, so that you can have an overview of all
5 the items that we covered in the study and the organization
6 structure of this report, and so the report is organized in five
7 chapters.

8
9 There is a general introduction in Chapter 1, and Chapters 2 and
10 3 are really focused on providing background information on the
11 U.S. fisheries management and assessment framework, but also
12 providing an overview of the existing recreational fisheries
13 survey programs in different regions of the country, and so keep
14 in mind this was a national-level study, and so we had to look
15 at all the council regions.

16
17 Chapter 4 explores different survey design and methodology
18 options for improving or supplementing MRIP, and Chapter 5
19 discusses the main alternative management strategies that have
20 been proposed for recreational fisheries, and then, finally,
21 there are eight fairly detailed and highly technical appendices
22 that provide more details and examples on the statistical
23 methods that are discussed in Chapter 4.

24
25 To give you an idea of the challenges we face with national-
26 level recreational fisheries data collection, and I know that
27 this figure is a little busy, but it really serves the purpose
28 of providing you with an at-a-glance view of recreational
29 fisheries surveys in different areas of the country, from the
30 regions, and each one of those light-colored bubbles, or circles
31 that are on or near the map there represent a different
32 recreational fisheries survey or data collection program.

33
34 The majority of the surveys are, at least in part, supported by
35 MRIP, either financially or just through technical support, but
36 others are completely independent of MRIP, and so, looking at
37 that Gulf region, I'm sure you recognize a number of the surveys
38 there covering different fleets, different species, and
39 different sectors of the recreational fisheries. Of course, as
40 you know, the State of Texas and the State of Louisiana are not
41 part of MRIP any longer, and they conduct their own substitute
42 recreational fisheries survey, while Florida, Alabama, and
43 Mississippi participate in MRIP, but also have their
44 supplemental surveys that are focused on recreational fisheries.

45
46 When we look at this picture, going beyond the Gulf, what we
47 see, at that national-level perspective, is that management
48 needs vary by region and by fishery, and, because of this, it

1 has actually evolved to be informed, at that national level, by
2 a combination of MRIP plus other more specialized recreational
3 fishing surveys, and so, when you think about this from this
4 big-picture perspective, one of the main issues that our study
5 dealt with how do we address the need to obtain consistency with
6 stability in data collection at this national level while, at
7 the same time, trying to address this finer-scale regional
8 management, because there are specialized fisheries that need
9 specialized surveys, and so you're going to see that this is
10 another topic that, as we go through the presentation, it will
11 be coming up again and again.

12
13 Getting into the main study takeaways, we're going to start with
14 the data issues, and remember that we talked about the two
15 dimensions, one focused on data and one focused on management,
16 and so I am starting with the data side of things.

17
18 The study confirmed that MRIP was designed to be a general
19 survey, and, therefore, it's not well suited for in-season
20 management. The main issues here, as we know, are the lack of
21 sufficient timeliness and spatial resolution to properly inform
22 in-season management.

23
24 However, having said that, it's important for us to know that
25 the consistent, long-term catch monitoring provided by MRIP is
26 still critical for fisheries assessment and management, and so
27 the report emphasizes the point that, if possible, new methods,
28 or new surveys, should aim to add to or improve MRIP, instead of
29 just replacing it.

30
31 In other words, ideally, we will consider adopting an integrated
32 approach, where MRIP serves as a general-level survey to provide
33 information at that broader scale, but having specialized
34 supplement surveys that are like add-ons that can be used to
35 improve sampling of more specialized fisheries, and so this
36 would be something like a module approach. Ideally, you would
37 have a general survey like MRIP, but you would add those modules
38 on top of it to boost sampling of those more specialized
39 fisheries.

40
41 Then, looking in more detail at the issue of timeliness, we are
42 all well aware of the fact that MRIP is not meeting the
43 standards of timeliness for tracking quota in-season, and so the
44 committee looked into a number of potential options for
45 improving the timeliness of MRIP, and, for example, currently,
46 and we know this, MRIP provides estimates on a bimonthly basis,
47 that two-month wave, and the committee felt that transitioning
48 the survey to monthly estimates would not just benefit in-season

1 management for those council-managed species, but it would also
2 improve the survey in general, by providing additional data that
3 can support management of species that are not managed in-
4 season, but they are not managed by the council. This would be,
5 again, a major improvement in the timeliness of the survey, but
6 providing, at the same time, additional data that would be
7 beneficial to multiple stocks at a multiple-jurisdiction level.

8
9 The main concern here would be cost, because moving to this
10 monthly estimate would most likely require a big increase in the
11 funding, the resources, to the MRIP program.

12
13 Then the second bullet there is another option that the
14 committee looked at for increasing the timeliness for in-season
15 management, and the committee recommended that MRIP explore the
16 possibility of providing its regional and state partners access
17 to the continuous stream of raw data as it's being collected.

18
19 For example, as the data are coming in in a more real-time
20 fashion, and we use electronic means of collecting data and then
21 having faster transferability of that data to databases and
22 accessibility to the data, and then that data could be used in
23 developing now-casting forecasting models that could help inform
24 in-season management, and, yes, we do have projection models
25 that are used in-season now, and the idea here would be to
26 improve those models by improving their timeliness, by having
27 the data come in faster, and it can be more responsive to that
28 timeliness issue for specific fisheries that need that kind of
29 timeliness.

30
31 You may remember that I mentioned earlier in the presentation
32 that, while considering improvements or changes to MRIP or to
33 other surveys, we need to take into account how the data coming
34 out of the surveys, each area of the surveys, will be used, and
35 so, despite its value and statistically soundness, we actually
36 have to recognize that MRIP was designed as a general survey,
37 and, because of that, its precision is greatest for annual
38 estimates that are generated at the regional level, and, in
39 other words, at a broader temporal and spatial scale than
40 sometimes is needed for some of those more specialized
41 fisheries.

42
43 Compared to MRIP, alternative and supplemental surveys, because
44 they are designed for these specific purposes, they have been
45 able to achieve greater timeliness, greater spatial resolution,
46 and, in most cases, greater precision than MRIP. For example,
47 there have been timeliness improvements that were brought about
48 through the use of new technologies, or the more comprehensive

1 use of new technologies, like mobile apps and tablets, but there
2 is also the issue of reduced lag times in data processing and
3 release that facilitates the use of that data in-season.

4
5 The concern here with some of these surveys, and we are well
6 aware of this, is that, in many cases, the surveys have been
7 shown to provide different estimates for the same fishery in the
8 same area and that we haven't been able to fully explain the
9 reasons behind these differences, and you know this, and this
10 issue has generated a lot of controversy in the Gulf, and we
11 feel it's something that needs to be resolved.

12
13 On the point of regional coordination, the coordination of
14 general and specialized surveys, the committee felt that it was
15 important to emphasize that implementation of the supplemental
16 surveys should be, number one, based on close coordination with
17 all the partners in the region, and, two, a calibration of
18 different surveys should be a priority.

19
20 The point here is that, since stock assessments, as you know,
21 rely on long time series of consistently-collected data, and we
22 know that most council-managed stocks straddle state and survey
23 boundaries, and so calibration of the surveys is essential when
24 that single survey in that particular area is not sufficient to
25 support all assessment and management needs for that particular
26 stock at a regional level.

27
28 Again, on ways to achieve this regional coordination, although
29 there are different ways to achieve this, the committee
30 emphasized the potential use of the MRIP Regional Implementation
31 Team structure, which, as you probably know, operates in the
32 Gulf under coordination and oversight of the Gulf States
33 Commission's GulfFIN program, and FIN stands for Fisheries
34 Information Network.

35
36 This is a framework that is already in place and we felt has a
37 record of success for integrating partner input and can be used
38 for prioritizing and coordinating regional needs, and so,
39 basically, having this as a form, a main form, for identifying
40 regional priorities, as well as ensuring that regional-level
41 coordination for addressing stock assessment and management
42 needs, and so, because you have all the partners around the
43 table, we can coordinate and address those priorities, identify
44 what those priorities are, and start developing recommendations
45 of programs that can be developed to address those needs for
46 assessment and management, but do this in a coordinated fashion.

47
48 As I mentioned before in that overview, in the table of contents

1 for our report, Chapter 4 provides a discussion of a variety of
2 novel statistical approaches and survey methods, as well as
3 recommendations on the use of additional data sources as ways to
4 both improve or optimize the use of MRIP data for in-season
5 management, but let me take a minute here to point out that this
6 statistical approach is represented not in a prescriptive way,
7 but what we felt is that it should be used as a reference-type
8 resource that folks in different regions of the country that are
9 facing different challenges for recreational fisheries data in
10 their region can use to address their region and fisheries-
11 specific issues.

12
13 For example, in that chapter, there are some recommendations and
14 approaches for better defining and managing outliers, which we
15 know can be a problem with MRIP data, as well as incorporating
16 supplementary or ancillary data as a way to improve the quality
17 of estimates or also for catch projections.

18
19 Now moving on to that second dimension of the study that has to
20 do with the management side of things, and so the Modern Fish
21 Act specified that NOAA Fisheries and the councils can implement
22 alternative management approaches that are more suitable to the
23 nature of recreational fisheries, as long as they still adhere
24 to the requirements established by the MSA, the Magnuson-Stevens
25 Act.

26
27 Chapter 5 addresses this issue and provides a fairly in-depth
28 discussion of the pros and cons of several of these alternative
29 management strategies that are currently being discussed, and
30 you can see, on that slide, a list of the main ones that have
31 been included in our report, those being harvest rate
32 management, harvest tags, depth and distance-based management,
33 conservation equivalency, and the use of permits, endorsements,
34 and stamps.

35
36 One of the key recommendations in Chapter 5 that our report
37 produced was that NOAA Fisheries, the councils, interstate
38 fisheries commissions, and states should work together to pilot
39 test two approaches. Number 1 is the use of harvest tags for
40 low-ACL, rare-event species or other species that may not be
41 well suited for sampling by a general recreational fisheries
42 survey like MRIP.

43
44 For example, think about tilefish here, or some of these other
45 species that we know are relatively low ACL, and they qualify as
46 rare-event species, and they are difficult to sample with
47 traditional fisheries surveys. In some cases, even specialized
48 surveys may not be sufficient to really capture the signal for

1 those small-scale, rare-event species, and so, in this case, we
2 felt that the potential use of harvest tags should be tested in
3 different areas of the country, including the Gulf, to see if
4 they provide some information.

5
6 Another approach that we recommended the councils pilot test is
7 the implementation of a private recreational license
8 endorsement, and so this is basically a permitting program that
9 is focused on identifying the subset of anglers that target
10 council-managed species, and so the idea here is that this
11 license registry could then be used to assist in the development
12 of specialized surveys for sampling domains that are now
13 challenging for MRIP to effectively sample.

14
15 In this case, the idea is to pilot test the implementation of
16 surveys that are similar to the large pelagic survey or other
17 specialized programs that are focused on species that are not as
18 commonly encountered in the general MRIP survey, but that need
19 additional improvements in timeliness and precision, and so,
20 obviously, we know that we have the specialized state surveys in
21 place for Gulf red snapper in the Gulf, right, but the
22 recommendation here is to perhaps go beyond that approach and
23 test the possibility of implementing these surveys more broadly
24 and focus not just on one species, but on a suite of species
25 that are not commonly encountered in the general MRIP survey,
26 and so do something that is not as specialized as going one
27 species at a time and developing an approach that better
28 identifies the universe of anglers to develop more specialized,
29 more effective surveys, but at a broader level, including a
30 suite of reef fish species.

31
32 Now on the issue of in-season management, a more general
33 recommendation on this issue, and the committee discussed the
34 fact that a lot of what drives the need for increased timeliness
35 in recreational fisheries data is the fact that, in many cases,
36 ACLs are set and they are monitored on that strictly annual
37 basis, and so we felt that a generalized carryover provision for
38 recreational ACLs, for underages and overages, could reduce the
39 need for precise catch management on an annual basis, by
40 allowing those deviations to be corrected the following year.

41
42 There is some modeling, some simulation modeling, that has been
43 developed on some of these approaches, and they have found that,
44 when well implemented, when taking account of all the right
45 criteria, these approaches can be sustainable.

46
47 You may remember that we had some simulations conducted by the
48 Science Center a few years back that the SSC reviewed, when we

1 were looking and discussing this issue for Gulf red snapper, and
2 so this option may not be viable in all cases, or for all
3 fisheries, but the committee thought that there could be further
4 exploration of the use of this approach for situations where its
5 use might actually reduce the need for that precise catch
6 management on a strictly annual basis, and it's something to be
7 explored, to be looked at.

8
9 At a bigger-picture level, the committee felt that some of the
10 dissatisfaction in the recreational fisheries sector actually
11 may be reflective of the need for more explicit integration of
12 angler satisfaction and other socioeconomic factors in the way
13 that we manage recreational fisheries, and so, to that point,
14 one of the report's recommendations was that NOAA Fisheries and
15 the councils should develop a process for engaging recreational
16 fishery stakeholders in a more in-depth discussion of optimum
17 yield and how that framework, the framework for optimum yield,
18 can be used to identify and prioritize management objectives of
19 the angling community.

20
21 In other words, considering the diversity of motivations that we
22 see in the recreational fisheries sector, our thinking was that
23 the conceptual framework will give us, potentially, the greatest
24 potential to identify the many, and we believe likely
25 conflicting, priorities in the recreational fisheries and at
26 least acknowledge the diversity of opinions and preferences.

27
28 The idea is that the recreational fisheries community, going
29 through this process, can be assured that those priorities are
30 being here, and hopefully better incorporated into the council
31 process and the fishery management needs.

32
33 Again, thank you, Madam Chair and council members, for the
34 opportunity to provide this briefing, and, on behalf of the
35 committee, I would like to thank NOAA Fisheries, as well as the
36 National Academies' staff, for all the support throughout the
37 study, and, also, a big thank you to all the participants and
38 contributors to our regional meetings, and we held a number of
39 regional meetings, including for the Gulf, and those meetings
40 had great presentations, and we had a lot of all of you, as well
41 as some of your staffs, participating and helping address
42 questions and engage in the discussions, and so that was super
43 helpful to the study, and we really, really appreciate it.

44
45 Right there on the screen is a reminder that the report is
46 available for download, and there is a free publication format
47 of the report for the National Academies Press website, the
48 nap.edu, and so, if you haven't had a chance to look at the

1 report yet, please download it and take a look, and there should
2 be some good stuff there, and, Madam Chair, this completes my
3 presentation. Michelle and Kai are available to address any
4 questions that you might have.

5
6 **CHAIRMAN BOGGS:** Thank you, Dr. Barbieri. I appreciate that.
7 It's very insightful and kind of interesting ideas, and does
8 anyone on the committee have any questions for Dr. Barbieri or
9 Dr. Lorenzen or Dr. Duval? Kevin Anson.

10
11 **MR. KEVIN ANSON:** Dr. Barbieri, thank you for the presentation.
12 I'm just curious to the comment, or finding, that stated the
13 MRIP survey, recreational survey, the APAIS survey, was good for
14 long-term trends, and particularly within the year for providing
15 estimates of catch, but not good for monitoring ACLs. Was there
16 any discussion as to how to go forward with addressing that
17 issue, as it relates to management, because that's how -- We're
18 using that recreational survey to monitor and manage or try to
19 use that to manage our species. Is there any discussion that
20 the group had in relationship to that issue or problem?

21
22 **DR. BARBIERI:** Yes, Mr. Anson, and thank you for the question.
23 That's a very good point. Yes, that was front and center in our
24 discussions, and let me explain a few things. Because this
25 study was really conducted to look at that broad, national-level
26 picture, and so it was looking at all the council regions in the
27 country, it really was impossible for us to zero-in on specific
28 regions and develop specific recommendations, region-by-region,
29 and so we tried to not be prescriptive in that way, and so we
30 discussed the concept of some of those issues, including, as I
31 mentioned, that that was a main conclusion of the study, is that
32 MRIP is not really suitable for in-season management of these
33 fisheries managed with ACLs.

34
35 What we recommended was that each one of the regions, through
36 their regional process, and so I brought up the regional MRIP
37 Implementation Team process, that all of us participate through
38 the Gulf States Commission's GulfFIN, through the GulfFIN
39 Committee and the committees therein, and that they kind of use
40 that forum to attempt to discuss their specific needs in each
41 region, including the Gulf, and then see how to better
42 coordinate development of those specialized surveys that could
43 serve as supplemental surveys, and remember the modules that I
44 mentioned, that would be icing on the cake.

45
46 You say, okay, if we are using MRIP right now as a general
47 survey that provides that broader, coarser level of resolution,
48 in terms of their estimates for some of these species, then

1 let's add something on top of it, the icing on that cake, that
2 can help us address those other fisheries that need a more
3 specialized approach. Does that make sense, Kevin?

4

5 **MR. ANSON:** It does. Thank you.

6

7 **CHAIRMAN BOGGS:** Dr. Stunz.

8

9 **DR. STUNZ:** Thank you, Madam Chair. Luiz, thank you for the
10 informative presentation, and I wanted to follow-up a little bit
11 maybe on Kevin's point, and I understand the nature of the
12 report that you guys had, because of the sort of prescriptive
13 nature that you talk about, that it's very broad, and there's a
14 lot of other regions than the Gulf and Gulf red snapper and the
15 things that we focus on.

16

17 I understand that you can't get into too many details, and so
18 this committee -- It was the last meeting that we discussed,
19 well, what are the options, kind of what Kevin is saying. If
20 the large majority of the state programs have been MRIP
21 certified, and we clearly recognize that MRIP is not appropriate
22 for in-season management, for all the reasons we've been
23 discussing, and what really are the next steps.

24

25 One option we had, that we had talked about, was, essentially,
26 National Standard 6 and the use for alternative measures for
27 management, and so I'm -- Luiz, I guess maybe this isn't a
28 question for you now, as I'm sort of talking through this, and
29 maybe it's a question for Mara, but what is -- I made a motion
30 at the last council meeting to get some written guidance from
31 NOAA General Counsel regarding when is it appropriate to use
32 those alternate management strategies, because then that would
33 give us a tool, outside of MRIP and how we're constrained now,
34 to maybe move forward with this, and so I was just wondering
35 what is the update regarding that guidance for the use of
36 National Standard 6.

37

38 **CHAIRMAN BOGGS:** Mara.

39

40 **MS. MARA LEVY:** It's being worked on. I know that's not what
41 you want to hear, but there was just not enough time between the
42 last council meeting and this council meeting to get any written
43 guidance done and through the appropriate channels. I mean, I
44 will say though that that question seemed to be specific to the
45 state management, right, and what you're asking now seems to be
46 a bit broader, and so --

47

48 **DR. STUNZ:** To that point, Madam Chair, certainly that was what

1 that was about, and what I think was more concerning to this
2 council at that time, and so it certainly would apply here, but,
3 also, in the context of this committee, and I mean, obviously,
4 this might come up on other issues in the future, and who knows,
5 and so some general guidance as well, and so do you know what's
6 -- I mean, are we talking the next meeting, or what's the
7 general timeline for that information?
8

9 **MS. LEVY:** I don't want to make any promises. I mean, I think
10 the intent is to try, to the best of our ability, to get you
11 something by the next meeting, but, I mean, I just will say, as
12 a general matter, and I will reiterate what I said, is that all
13 options are open to the council, in terms of trying to find ways
14 to do things to address contingencies and variations and
15 whatever situations you feel need to be addressed, but those
16 things need to be consistent with the other provisions of the
17 Act and all other applicable laws, and so I don't think there
18 are any limits to what you can think about doing, but they all
19 have to be consistent with the law.
20

21 **DR. BARBIERI:** Madam Chair, if I may jump in.
22

23 **CHAIRMAN BOGGS:** Go ahead, Dr. Barbieri.
24

25 **DR. BARBIERI:** Thank you. Greg, thank you, and that's another
26 good point, and, although our report was not really super
27 specific, it did deal, and it did handle, some of this
28 discussion, and so, Bernie, if we could put it on Slide 14.
29

30 Greg, are you thinking about some of these alternative
31 management approaches here? I mean, do you have something
32 specific in mind, and, before you answer, let me explain. The
33 committee looked at all of those, right, and, again, it wasn't
34 really prescriptive, and it didn't weigh-in heavily one way or
35 the other, but, in Chapter 5, there is a fairly extensive
36 discussion of the pros and cons of each one of those approaches,
37 and, collectively, our committee looking into this felt that
38 most of these approaches would not really provide a significant
39 improvement to the status quo, meaning there would be other
40 issues, other problems, that could be associated with each one
41 of these approaches that would either generate additional
42 uncertainties that we're not thinking about right now or
43 difficulties in having those overcome, or implemented, in a way
44 that would make it meaningful.
45

46 When we looked at this list, we thought, well, harvest tags seem
47 to have a shut off, but even that would have to be applied to a
48 fairly narrow slide of stocks that have that low ACL and rare-

1 even species that are very difficult to sample with any kind of
2 a survey, and then the use of those permits, endorsements, and
3 stamps would be really a way to better identify the universe of
4 anglers and develop specialized surveys that are focused on that
5 specialized sector of the fisheries.

6
7 I mean, obviously, for those of you, and other council members
8 listening, I mean, obviously, this is how we handle a lot of the
9 sort of variability in the fisheries that we deal with, and so
10 we know that, for example, MRIP has a private recreational
11 sector, and, I mean, that survey has the APAIS, and it has the
12 FES, but it has a separate survey that is specialized, and it's
13 called the for-hire survey.

14
15 That was developed to address that sector of the fishery that
16 they felt, at one point or another, was not being properly
17 addressed by a general survey like MRIP, and so that survey has
18 its own intercept-based program, and it has its own effort
19 survey process, and they are separate, completely separate, from
20 the MRIP survey, and, of course, we know that there is something
21 called the headboat survey, the Southeast Regional Headboat
22 Survey, and that's another specialized survey.

23
24 A few years back, you, as the Gulf Council, also directed NOAA
25 Fisheries for the development of an even more specialized
26 portion for the for-hire sector called the SEFHIER program that
27 we're going to be hearing about, I guess, after this
28 presentation, and Dr. Michelle Masi, I guess, is going to be
29 giving that summary.

30
31 This is because, in my understanding of how the SEFHIER program
32 was originated, it was really because, looking at the for-hire
33 survey, you felt that you needed higher resolution and higher
34 timeliness, and so you developed something that would have, by
35 the ability to collect to information at that more higher
36 resolution spatial scale, and have the electronic reporting
37 component as mandatory, to increase the timeliness, even though
38 we all know that MRIP has run, for decades, has run the for-hire
39 survey that covers that sector.

40
41 Again, it's this idea of developing more specialized surveys,
42 modules, that can be added on and integrated, hopefully, into
43 the existing process, so they are comparable and they cover the
44 spatial scale that needs to be covered for those broad-level
45 assessments. Greg, does that make sense?

46
47 **DR. STUNZ:** To that point, Madam Chairman?
48

1 **CHAIRMAN BOGGS:** Yes, Dr. Stunz.
2

3 **DR. STUNZ:** Yes, Luiz, and thanks for that answer, and I guess
4 my bigger concern, and I understand the constraints of the
5 report, and I think you all did a good job, and what you have
6 here, in terms of the alternative management, are very viable,
7 in terms of particularly looking at depth and distance-based
8 management. With the new data coming out, there may be some
9 options there, but I guess the broader concern is we do have an
10 ability to use these alternative managements.
11

12 Your report is clearly showing that MRIP is not responsive at
13 these time scales that we need it on, in many cases, and so my
14 broader question, which wasn't anything against the report,
15 because you couldn't get that detail, and we're dealing with
16 very specific issues here, obviously, at the Gulf, and we
17 wouldn't expect this team would get down at that level, and it
18 was just when and where we can use those, and what are those
19 options, and that's kind of where I was going with that, and I
20 think you fully addressed my question. Thank you.
21

22 **CHAIRMAN BOGGS:** Dr. Porch, did you have a comment?
23

24 **DR. CLAY PORCH:** Yes. Thank you. Dr. Barbieri, I think an
25 implication was made that, in cases where you cannot use
26 something like MRIP for in-season monitoring, then it might not
27 be useful for ACL management, but I wonder if the panel talked
28 at any length about using multiyear averages, because that's
29 another way you can go forward if you don't have an alternative
30 monitoring program, is to actually work on say three-year
31 running averages, or five-year, as the subcommittee that was put
32 together had recommended, looking at MRIP data, and so I wonder
33 if you could comment on that as a possible alternative
34 management approach.
35

36 **DR. BARBIERI:** Thank you, Dr Porch. That's another good point,
37 and so not specifically, and the committee did not look into
38 this in much detail. We had a presentation from MRIP, and,
39 actually, it was Dr. Sean Opsomer, who serves as a consultant,
40 statistical consultant, for the MRIP program, and he came and
41 gave us a presentation on the use of this multiyear approach.
42

43 That was mostly focused, as I remember, and, Kai and Michelle,
44 jump in and refresh my memory here if I'm not getting this
45 correct, but that was focused on rare-event species, and there
46 wasn't really, the way that I understood it, and I looked at the
47 report, but the issues had not been resolved, and you didn't
48 really generate a multiyear estimate that seemed to show

1 significant increases in precision, and there were some
2 tradeoffs, in terms of biases, that Dr. Opsomer pointed out.

3
4 There would have to be, if we're using those approaches, some
5 compromises in accepting potential impacts of hopefully minor
6 biases, but some impact of biases, instead of having that higher
7 lack of precision at the annual level.

8
9 Clay, we actually then tried to approach this more from that
10 carryover provision type of perspective, to say, okay, perhaps,
11 instead of tracking all of this on a strictly annual basis, we
12 allow for some overages and underages to be corrected the
13 following year, and, obviously, this is tricky, because, if you
14 have your ACL equal to ABC, you don't actually have room there
15 to allow those overages to happen, and so this would require,
16 potentially, some modifications to the ABC Control Rule, and it
17 would have to require the council to get more engaged in this
18 discussion, but it is possible, as a way to try and account for
19 those underages and overages, and kind of relax that requirement
20 for that strictly annual basis monitoring.

21
22 Lastly, obviously, for that to work, it would have to take into
23 account not just the underages, but the overages as well, and so
24 it would have to be an even split type of process, where, when
25 you go under, you have more to carry over for next year, but,
26 when you go over, you're going to have to really strictly pay
27 back, for that to, over the long term, be considered
28 sustainable. Does that address your question, Clay?

29
30 **DR. PORCH:** Yes. Thank you, and I do think you could probably
31 effect the same thing with the carryover of underages and
32 overages provisions, as you say, although you have to be a
33 little bit clever about how you implement it, but I just wanted
34 to follow-up with saying that the National Standard Guidelines
35 do allow for managing with three-year averages. That is
36 explicitly written in there, and so it is a possibility that
37 could be considered when you have imprecise data and you can't
38 really operate on an annual basis.

39
40 **DR. BARBIERI:** Exactly. Madam Chair, I'm sorry, but just that
41 point, and exactly, Clay, and this is why we wanted to put this
42 on the table, because it's something that we don't see a lot of
43 councils actually taking advantage of, and we don't really
44 completely understand why that is the case, but we felt it's a
45 resource that perhaps could be used to help relax some of that
46 year-to-year monitoring.

47
48 **CHAIRMAN BOGGS:** Thank you. Dr. Frazer.

1
2 **DR. TOM FRAZER:** Thank you, Madam Chair. Luiz, again, I
3 appreciate you taking the time to share the overview of the
4 findings and the recommendations with the council. One of the
5 take-homes was that you might be able to provide monthly
6 estimates as part of the MRIP survey, and I appreciate why you
7 would want to do that, and it doesn't necessarily alleviate some
8 of the problems, and so I am wondering if the committee had a
9 discussion, or a dialogue, about how it might prioritize
10 resources moving forward, and is that the best investment of any
11 additional resources that might be allocated for data
12 collection, or would it be better to invest in these other,
13 finer-scale sampling programs that are more specific in nature?

14
15 Again, I think everybody appreciates that there's a need for
16 more data collection to manage fisheries, but the agency is
17 certainly constrained in that regard, and it would be helpful, I
18 would think, if the committee could provide some guidance to the
19 policy makers who might ultimately send resources our way, and
20 so I'm just curious what your thoughts are, if you can provide
21 some insight on that topic.

22
23 **DR. BARBIERI:** Thank you, Tom. Yes, very good point. Well,
24 actually, if you look at the report, and you look at all the
25 conclusions and recommendations, we did not -- For those
26 specific topics that you brought up, we did not go with
27 either/or. Again, not being prescriptive, but we felt that
28 moving from a two-month wave to a one-month wave would be kind
29 of a no-brainer on how to not necessarily resolve all the issues
30 with the timeliness of MRIP, because that won't do it, as you
31 said, but at least to improve, by quite a bit, what we have on
32 the table now, and, at the same time, generate some spillover
33 effects over -- Imagine all the other species, the inshore and
34 state-managed species, that are sampled by MRIP.

35
36 Moving to that monthly estimate would increase that timeliness,
37 but because, if you want to keep the precision level at that
38 monthly scale low, you're going to have to increase sample size
39 as well, and so it's really something that would have the
40 benefits of increased timeliness as well as increased sample
41 size, which increases precision, but, as we look to MRIP, there
42 is a lot of tradeoffs that need to be taken into account.

43
44 The committee felt, really, that improvements to MRIP, as it is
45 right now, there would be few improvements that could be applied
46 there that would be sufficient, in and of themselves, to achieve
47 that more effective in-season management for recreational
48 fisheries, and so that was one that we felt that could be

1 applied.

2
3 Then the more specialized fisheries, like the supplemental
4 surveys, we felt, again, that the combination of having those,
5 those module approaches implemented at the regional level,
6 combined with the monthly time step for the MRIP waves, would be
7 the most bang for the buck.

8
9 **DR. FRAZER:** Thanks, Luiz.

10
11 **DR. BARBIERI:** Does that answer your question, Tom?

12
13 **DR. FRAZER:** Yes. Thank you very much.

14
15 **CHAIRMAN BOGGS:** Ms. Bosarge.

16
17 **MS. LEANN BOSARGE:** Thank you, Madam Chair. I just wanted to
18 mention, and Luiz had talked about this module approach on top
19 of MRIP for a specialized species, kind of boosting MRIP, and I
20 think that's really what we were just talking about with
21 yellowtail, and that's a fairly specialized species, as far as
22 where it's harvested and where it's landed, down towards the
23 south Florida area.

24
25 I think we may be exploring something very similar to that, as
26 we get into that document, and that is a proactive approach, and
27 we don't actually have a problem yet. The stock is not
28 overfished or undergoing overfishing, and we're not exceeding
29 ACLs. However, we see the potential for that to happen, with
30 some of the variability that staff highlighted for us in those
31 recreational landings, just given the infrequency of them being
32 landed compared to some commercial landings of that species.

33
34 So we're looking at that, and the other thing I wanted to
35 mention, if staff could move that little box over to the other
36 side of the screen, is that all of these -- I like all of these
37 ideas, but I do understand, from a recreational perspective,
38 those are big changes in how they have been managed, right, and
39 making big changes like that can be scary, number one, but it's
40 certainly never pleasant, right, and, when you get to the point
41 where you make those big changes, at least as history has shown
42 it to me from a commercial perspective, is when you really get
43 down to the wire, when your back is against the wall.

44
45 I would say that we actually have a species in front of us at
46 this point where it's probably time, and I don't see us being
47 able to do anything else, and that being gag.

48

1 If we are able to get a quota at all for gag, something above
2 zero, for both commercial and recreational, we'll be developing
3 a rebuilding plan for that species, and it's depleted to a point
4 where it's bad, and we're going to have to have a significant
5 amount of accountability for both sectors to allow harvest and
6 rebuild that stock.

7
8 The system we have right now, on the recreational side, just
9 does not have the accountability that we're going to need to
10 feel confident that we can rebuild that stock. I foresee us
11 having to go to one of these types of options, and so I look
12 forward to the discussions around this table, and I hope the
13 recreational members will begin to think about it and figure out
14 which one of those they think best fits their needs.

15
16 I realize that's a Florida-centric species, and so it would be
17 mainly Florida anglers, and it's the private angler landings
18 that we're really having some issues with in that particular
19 fishery, and we know now that we haven't really had a great
20 handle on it for thirty years, and, when you put that level of
21 harvest into the model for thirty years, you get what we've got,
22 that this stock is severely depleted, and we have to do
23 something about it, and so we have to have confidence in what
24 they're really landing, to make sure that we're actually holding
25 everybody to any ACL that we get, and that's the only way that
26 we will rebuild that stock, and so I look forward to having
27 those discussions on gag.

28
29 **CHAIRMAN BOGGS:** Thank you, Ms. Bosarge. Mr. Diaz, and then
30 we'll wrap it up after that. Thank you.

31
32 **MR. DALE DIAZ:** Thank you, Ms. Boggs. Thank you, Dr. Barbieri
33 and Dr. Lorenzen and Dr. Duval and other members of the
34 committee. I know you all put a lot of work into this. Dr.
35 Barbieri, I am going to go back to one of the bullets you have
36 on your slide, and it's defining and managing outliers.

37
38 I recently asked one of the DMR staff to give me a definition of
39 an "outliner", because, when we were talking about it, I wasn't
40 sure that we both understood it the same way, and the definition
41 that he sent me was an outlier, in terms of a harvest estimate,
42 should be defined as an estimate which falls well outside the
43 norm of what could be expected or what is even possible to
44 attain from the fishery.

45
46 Anyway, that was the definition that he sent me, and I think we
47 were on the same page, but can you go a little bit further about
48 maybe some of the discussions that you all had about outliers

1 and the appropriate way to manage them and handle them, Dr.
2 Barbieri?

3
4 **DR. BARBIERI:** Yes, Mr. Diaz, and thank you for the question,
5 and that's a very good point. Slide 13, and I bring that up
6 because, in that slide, I mentioned that our Chapter 4 in the
7 report goes into a discussion of all those statistical issues,
8 and then we have an appendix, or eight appendices, actually,
9 that go into even more detail about those statistical issues.

10
11 I know, for a fact, that one of the appendices deals
12 specifically with outliers, and so, again -- Yes, Defining and
13 Managing Outliers, and so, again, Mr. Diaz, as a recommendation
14 to folks to look into that Chapter 4 and the associated appendix
15 for more specific discussion of this, in terms of statistical
16 treatment of that data, but, in general, we felt that, and the
17 report includes some language to this effect, but we felt that
18 this issue of addressing outliers and identifying them and
19 defining what they are and managing them is something that needs
20 to be -- That process needs to be improved, and so we need to
21 have more of it, because, right now, the stock assessment
22 analysts really don't have the bandwidth to deal with each one
23 of those different stocks to deal with this issue.

24
25 At this point, it looks like some of this is dealt with from the
26 MRIP office issue, that they handle some level of outliers, but
27 definitely not most of them, and some of them, as we know, have
28 become problematic in assessments, and, actually, specifically,
29 for the gag assessment, and we had identified this in the very
30 beginning of the stock assessment panel discussions, and we had
31 identified some recreational fisheries outliers that were
32 really, really difficult to deal with.

33
34 The Science Center, because they really didn't have the
35 personnel and the time and the opportunity to dedicate -- Or
36 they time they needed to look into this, and they couldn't
37 handle all of this, and the committee felt -- The stock
38 assessment panel made some general recommendations on this, but
39 it really couldn't be dealt with at the level that it needed to
40 be, and so, in our report, there is something there talking
41 about developing additional capacity, hopefully at the regional
42 level, to deal with some of these outlier issues that need to be
43 handled before stock assessments can be conducted, and I don't
44 know, Dale, and does that address your question?

45
46 **MR. DIAZ:** It does, Dr. Barbieri. Thank you very much.

47
48 **CHAIRMAN BOGGS:** Okay. Dr. Barbieri, I have two more questions,

1 and then we're going to move on SEFHIER. Troy Williamson.

2
3 **MR. TROY WILLIAMSON:** Dr. Barbieri, correct me if I'm wrong on
4 this, but it's my understanding that the Pacific Council does
5 not participate with MRIP anymore, and I was wondering if your
6 group had a conversation regarding their success or failures in
7 meeting the objectives that you were trying to accomplish in
8 this report.

9
10 **DR. BARBIERI:** Mr. Williamson, thank you for that question.
11 Yes, and, to confirm, the Pacific states do not participate in
12 the MRIP survey, and they coordinate with the MRIP program,
13 through their regional interstate commission process there, and
14 it's called the RecFIN program, and so they interact and
15 coordinate with the MRIP program, and they are trying to get
16 their surveys MRIP certified, and it's taking longer than they
17 expected to get that process completed, but they have been going
18 through it, and, over time, they have been receiving some sort
19 of consultant advice on improvements of their own surveys there
20 and trying to address some of the issues, but conversations --

21
22 We had a regional meeting, Troy, with them that specifically
23 addressed their fisheries and their issues, and they were very
24 explicit about the fact that, if they had to rely on MRIP, they
25 wouldn't be able to really meet the management demands that they
26 have to meet for, for example, salmon fisheries and halibut,
27 Pacific halibut, and so some of these fisheries are very short
28 seasons, or sometimes they're a matter of days to weeks long,
29 and they need something that is focused and much more directed
30 at those fisheries, and they feel that the MRIP program is not
31 addressing their needs, and so they have elected not to
32 participate.

33
34 Earlier this week, actually on Monday afternoon, I gave this
35 same briefing, slightly modified, to their RecFIN program, and
36 they reemphasized, again, the idea that they would like to do
37 something more in line with MRIP, but they still don't feel that
38 that program can address their more specific management needs,
39 and I see that Michelle raised her hand there, and so I will let
40 her supplement my answer here, Troy. Thank you.

41
42 **CHAIRMAN BOGGS:** Dr. Duval.

43
44 **DR. MICHELLE DUVAL:** Thank you, Madam Chair, and apologies for
45 not having participated much in the conversation prior to this.
46 I think, as Dr. Barbieri noted, I'm also a Mid-Atlantic Council
47 member, and I'm currently doing double-duty on another webinar
48 right now, and so I apologize for that, but, with respect to the

1 Pacific Council, and the Pacific coast fisheries, the fisheries
2 on the Pacific coast also are at least an order of magnitude, if
3 not more, lower with respect to effort, and so the system that
4 they have developed out there with respect to monitoring for the
5 fisheries that Dr. Barbieri pointed out, has been able to evolve
6 and has been, you know, somewhat successful for them, just due
7 to the much lower level of participation, and so I did just want
8 to point that out. Thank you very much.

9

10 **CHAIRMAN BOGGS:** Mr. Strelcheck.

11

12 **MR. STRELCHECK:** Dr. Barbieri, thank for the presentation, and I
13 think this is the third or fourth time I've seen it, and so it's
14 always good to be reminded of the contents, and I've also looked
15 through the report, and I think, as you're well aware, we've had
16 some really good conversations at the council meetings in recent
17 months about the importance of state and federal coordination
18 and how this, obviously, integrates into science and management.

19

20 You noted that in your presentation, and, in the report, you
21 also note, obviously, that there is processes in place for
22 transition planning and that kind of this work is ongoing, and
23 it's highly salient, I think is the term used in the report, and
24 I'm just curious, from your perspective, and the committee's
25 perspective that put together the report, if you have any
26 specific recommendations on kind of how to enhance and improve
27 that state and federal coordination, and I think there'
28 recognition, going forward, with some of our planning meetings
29 with Gulf States, and the states themselves, that we need to
30 provide greater clarity with regard to the transition process,
31 but was there any more detail or discussion that came out of
32 this work with respect to especially the integration of state
33 surveys into science and management?

34

35 **DR. BARBIERI:** Thank you, Andy. Yes, and we had quite a bit of
36 discussion on this point, and, again, we couldn't go down to the
37 level of specificity to be discussing this on a region-by-region
38 basis, and so we really didn't discuss this too specifically, in
39 terms of the Gulf, but, in general, and, Bernie, if you could
40 put up Slide 11 there, or 12, and so, yes, Andy, we think that,
41 for stocks, and I think red snapper is one example, stocks that
42 span the geographic expanse of the Gulf, and are not really on a
43 single-state basis, and the landings are distributed throughout
44 the Gulf, when you conduct a stock assessment, you're going to
45 have to have something that is cohesive at that scale.

46

47 For those regionally-managed fisheries that require that level
48 of geographic scale, yes, identifying those coordination efforts

1 that need to be in place, and, as you know, for quite some time,
2 we have been trying to do this in the Gulf, and, I mean, I was
3 in that first meeting, at the breakfast meeting, and I think it
4 was either late 2012, or early 2013, in San Antonio, the council
5 meeting in San Antonio, Texas, when NOAA Fisheries stepped up to
6 the plate and said, okay, if states are going to start talking
7 about regional management and developing their own quota
8 monitoring systems, we would like to engage and help you
9 throughout this process.

10
11 Since then, as you know, Andy, we've had a number of meetings,
12 and I guess a total of six, perhaps, or maybe four or five, or
13 anyway, but it doesn't matter, but a number of meetings since
14 then, since 2013, to try to get this issue addressed.

15
16 I am not going to say that we haven't made progress, but I have
17 to say, and I have to take off my National Academies hat here,
18 and say that, personally, I am incredibly disappointed with our
19 ability to handle this issue in the Gulf of Mexico. I
20 understand that there are complications and constraints
21 associated with where we are and where we need to go, but I
22 don't feel, at this point, and this is the point that I am
23 trying to make here, that our regional process, at this regional
24 level, is actually working.

25
26 I don't see significant progress and a roadmap that is well
27 established to show us that, okay, here is the light at the end
28 of the tunnel, or here is the destination point that you want to
29 achieve. As you know, most of us, all the different states,
30 have engaged in this process and invested a significant amount
31 of resources, and it's disappointing to get to this point and
32 not see that any of these issues have been properly addressed.

33
34 To your question, I think that having a strengthening of that
35 regional process and having our partners, the councils included,
36 be more invested in that GulfFIN program and more invested in
37 working in sync with the MRIP Regional Implementation Teams,
38 would help everybody understand where we are and where we need
39 to go and then plan together on how to get there. Does that
40 address your question, Andy?

41
42 **MR. STRELCHECK:** Thanks, Luiz. It does, and I agree with you.
43 I think greater clarity and work toward the partnership is
44 needed, and we, I think, have done a lot of good work up to this
45 point, but more specificity and more engagement by all is needed
46 at this point to move this forward more effectively, and so
47 thanks for your comments.

48

1 **CHAIRMAN BOGGS:** Thank you, Dr. Barbieri, for the presentation
2 and answering all the questions. It's a lot for us to think
3 about and new ideas, as we venture into some uncharted waters,
4 if you will, with, as Leann said, gag. If you don't mind, we're
5 going to move on now to Agenda Number V, and, again, thank you,
6 Dr. Barbieri, Dr. Lorenzen, and Dr. Duval. We appreciate it.
7 Dr. Hollensead.

8
9 **PRESENTATION: UPDATE ON SOUTHEAST REGIONAL FOR-HIRE INTEGRATED**
10 **ELECTRONIC REPORTING (SEFHIER) PROGRAM**

11
12 **DR. HOLLENSEAD:** Thank you, Madam Chair. The next agenda item,
13 we are going to have a presentation from Dr. Michelle Masi from
14 the Southeast Regional Office, and she's going to be providing
15 an up-to-date presentation on the program, as it's developing.

16
17 If you all recall, Phase 1 of the program was implemented on
18 January 5 of this year, and the Phase 2 of the program, which
19 will require a vessel monitoring system, will be implemented on
20 December 13, and so that's right around the corner, and so she's
21 going to give a presentation that will give us sort of up-to-
22 date numbers and things like that, so that you can be informed
23 about that, as also thinking about the deadline for that Phase 2
24 implementation.

25
26 The committee should be prepared to discuss this information and
27 ask questions regarding details of the program and offer any
28 insights on how these changes would affect the for-hire industry
29 in the Gulf. Madam Chair.

30
31 **CHAIRMAN BOGGS:** Thank you, Dr. Hollensead. Dr. Masi, are you
32 with us this morning?

33
34 **DR. MICHELLE MASI:** Yes, I am. Thank you.

35
36 **CHAIRMAN BOGGS:** All right. We are ready when you are, please.

37
38 **DR. MASI:** Okay. Great. Thank you. Good morning, everyone. I
39 am Dr. Michelle Masi, the SEFHIER Program Manager. Today, what
40 I want to do is just show you a few updates on where we're at
41 with the implementation of the SEFHIER program. This slide
42 provides an overview of the number of permit user accounts that
43 are set up.

44
45 **CHAIRMAN BOGGS:** Dr. Masi, if you're speaking, we cannot hear
46 you. Should we move on to our next agenda item, and we'll work
47 through our technical difficulties? We'll move on to Agenda
48 Item Number VI. Dr. Hollensead.

1
2 **DRAFT FRAMEWORK ACTION: MODIFICATION TO LOCATION REPORTING**
3 **REQUIREMENTS FOR FOR-HIRE AND COMMERCIAL VESSELS**
4

5 **DR. HOLLENSHAD:** The next agenda item is also going to be
6 dealing with SEFHIER, but it's going to be looking at a draft
7 framework action that would modify the location reporting
8 requirements for the for-hire and commercial vessels as well as
9 some information that was provided by the Data Collection
10 Advisory Panel, which met last month, and so we are going to
11 have Ms. Carly Somerset give a presentation about that document,
12 and what she's going to do is she's going to give a little bit
13 of a brief background, but she's also going to highlight what
14 those Data Collection AP recommendations were and how they work
15 into the document, and she will provide those for you.

16
17 We have the document in the background of the meeting materials,
18 if you would like to pull that up as well, but, for now, we were
19 just going to focus on the Data Collection AP recommendations on
20 that document.

21
22 **MS. CARLY SOMERSET:** Thanks, Dr. Hollensead. I will try and
23 move through this pretty quickly, so we can have time for
24 discussion and hopefully get Dr. Masi back online. Just
25 quickly, some background. This draft framework action was
26 started in April, and has been brought before the council since
27 then.

28
29 We're approaching the Phase 2 implementation date on December 13
30 for the location reporting requirements. The framework action
31 draft is, as Lisa said, in the meeting materials, as background,
32 and so we will encourage everyone to reference it, if needed,
33 but, so that we'll have time for discussion, I'm just going to
34 focus on the recommendations that came from the Data Collection
35 Advisory Panel.

36
37 They did meet on September 14, as well as I do have some
38 recommendations from the Law Enforcement Technical Committee to
39 put before you, and they met fairly recently, and so I included
40 those, because we didn't have time to get it into the briefing
41 book before this meeting, and so they made a few recommendations
42 as well that I will present.

43
44 Since you saw it last time, there have only been some minor
45 changes to the document, mostly some additional information and
46 then edits for clarification. The two actions, Action 1 would
47 modify requirements for vessels with a charter/headboat reef
48 fish and/or charter/headboat coastal migratory pelagics permit

1 to allow for exemption to VMS requirements to address equipment
2 failure. Action 2 would modify the requirements for vessels
3 with a commercial reef fish permit, to allow for an exemption.
4

5 Following discussion of the draft document as a whole, the Data
6 Collection AP recommended that the council split the current
7 framework action into two separate frameworks, in order to move
8 the for-hire action separately from the commercial action, in
9 order to ensure the speed of the for-hire document isn't slowed,
10 since the commercial requirement is established and it may take
11 more time to alter their rules, and so, essentially, to keep
12 this document moving forward as quickly as possible, they
13 recommended splitting the document and continuing work on the
14 for-hire, leaving the commercial to a separate document.
15

16 These recommendations were discussed in an IPT meeting, with
17 discussion centered around potential pros and cons of splitting
18 this document, and so I've listed some here. One of the pros
19 could include simplification of the document, if it's limited to
20 one document for for-hire and one for commercial.
21

22 However, that may also increase the workload, because there
23 would be two documents instead of one moving through this
24 process, but removing the action for the commercial fleet
25 exemption could expedite the exemption for the for-hire fleet,
26 but this could negatively impact any dual-permitted vessels,
27 because any vessels with federal for-hire permits and a
28 commercial reef fish permit would no longer be allowed to use an
29 exemption for for-hire trips, because the exemption would not
30 apply to the commercial permit.
31

32 They would still be required to have a functioning VMS unit
33 whenever the vessel moves, and so a question that was brought up
34 at the IPT is what is the proportion of for-hire and commercial
35 trips taken on these dual-permitted vessels.
36

37 Splitting the document may be beneficial to tailor the exemption
38 alternatives to each sector, especially since the purpose and
39 need for the VMS requirements differ between the sectors. If
40 the actions are split, and this framework action proceeds for
41 the for-hire sector, there is no potential for a commercial
42 sector exemption until a later date, and then one last
43 consideration for splitting the document is the upcoming VMS
44 requirement implementation date on December 13 and the time to
45 take final action on this framework action, and then keeping in
46 mind that there will be a gap between the implementation of
47 Phase 2 and when captains would be able to make use of an
48 exemption if they need one.

1
2 The Data Collection AP expressed concerns about this gap, and
3 they discussed response times with NOAA and the software and
4 hardware vendors and then average time to affix the units, and,
5 even if everyone responded as quickly as they possibly can,
6 there seemed to be supply chain issues and slow shipping rates,
7 currently, and so that's just something to keep in mind.

8
9 Draft Action 1 for the for-hire sector, Alternative 1 is the no
10 action, and this would maintain the requirement that the vessels
11 with reef fish and/or CMP permits have an approved vessel
12 monitoring system onboard, operating at all times, unless
13 exempted under a power-down exemption.

14
15 Alternative 2 would create an exemption to the VMS requirement
16 to address equipment failure and set a limit on the number of
17 days that the exemption method is valid. There are three
18 options. Option 2a is the exemption would be valid for three
19 days from the submittal date, and then 2b and 2c extend that to
20 seven and then ten days.

21
22 Both the LETC and the Data Collection AP weighed-in on this
23 alternative. The LETC supports this exemption for the federal
24 for-hire fleet, but also supports a requirement that the permit
25 holder provide documentation to support the failure and then
26 subsequent repair, following provisional approval of the
27 exemption.

28
29 The LETC recognized that the exemption would be provided
30 immediately to captains leaving at 5:00 a.m., and then they
31 would apply for the exemption through whatever approved method,
32 to state that they need it, and then proceed to go fishing, but
33 the LETC would like to see some sort of documentation that the
34 equipment did indeed fail and that the exemption was approved,
35 and then, specifically, to the options and the alternatives, the
36 Data Collection AP recommends defining the days in the
37 alternatives as business days and not calendar days, and this
38 came after discussion of if the equipment fails on weekends or
39 holidays.

40
41 Alternative 3 would create an exemption to the VMS requirement
42 and set a limit on the number of times a permit holder can
43 request an exemption each calendar year per vessel, and, again,
44 there's three options. Option 3a is the permit holder may not
45 request more than one exemption per vessel per calendar year,
46 and then 3b and 3c extend that to two and three exemptions.

47
48 The Data Collection AP had two recommendations. Specifically to

1 Alternative 3, the AP recommended that, in the document, when a
2 permit is transferred or sold, the number of times an exemption
3 is given resets, and then, more broadly, the AP picked
4 preferreds in Action 1, to make Alternative 2, Option 2c, as
5 amended in the previous motion, the preferred, and, in
6 Alternative 3, to make Option 3c, as amended in the previous
7 motion, the preferred, and that amending is what we just
8 discussed with having the exemption reset and also referring to
9 business and not calendar days.

10
11 Draft Action 2 applies to the commercial fleet, specifically
12 those with commercial reef fish permits, and Alternative 1 is
13 the no action, maintaining the requirements to have a working
14 VMS unit at all times, unless under a power-down exemption.
15 Then, essentially, Alternative 2 and Alternative 3 are the same
16 that we went over in Action 1, with the same options, but they
17 just apply to vessels with commercial reef fish permits.

18
19 After discussion of the draft document, the LETC was in
20 consensus that it does not support providing an exemption for
21 unexpected equipment failure for the commercial fleet.

22
23 Just a few other considerations for the council before
24 discussion of whether there's a potential for concurrent
25 exemptions, and so, for example, as the draft is written
26 currently, there is nothing precluding allowing an exemption to
27 be taken and then, immediately following the expiration of that
28 exemption, taking another one, and so this could cause an issue
29 with larger gaps in data, if say you had a ten-day exemption,
30 and then you allowed three of those, and that could be
31 potentially up to a month of the time that a vessel has an
32 exemption.

33
34 There's also the issue with shipping times and possibly supply
35 chain issues, that perhaps one exemption isn't enough time, and
36 maybe that's something that the permit holder can work with NOAA
37 Fisheries and the SEFHIER team, if that's the case, and there's
38 also been discussion clarifying whether the exemption is tied to
39 the vessel or the permit, and so this may apply more to the
40 backend and keeping track of the number of exemptions taken per
41 permit, if the unit fails, and so just a few things to think
42 about, and would this apply to the vessel regardless of permit
43 ownership changes or per vessel, with the same permit holder?

44
45 Dual-permitted vessels would potentially have more exemptions
46 per vessel, if the exemption is applied to the permit, even
47 though the unit, the VMS unit, is affixed to one vessel.

48

1 The AP, I think, was just trying to anticipate possible
2 scenarios that may affect them and other permit holders when the
3 VMS regulations are implemented. They recommended that the
4 exemption provision apply to the vessel and its permits.

5
6 The last consideration stems from an AP recommendation made
7 pertaining to the use of COLREGS demarcation lines, and this was
8 specifically to modify the reporting requirements that went into
9 place in early January, the trip reporting requirements,
10 including trip declarations, in an attempt to ease the burden on
11 captains having to make multiple declarations, and so if they
12 have to move for ice or bait.

13
14 Even though this isn't in the scope of the current framework
15 action for consideration, the exemptions to the VMS failure, it
16 does pertain to the SEFHIER reporting requirements, and the
17 council could consider attempting to add to this framework
18 action or development of another document, if you wish to pursue
19 it.

20
21 The AP recommended the council take whatever necessary action to
22 work with NMFS to revise the SEFHIER program to allow vessels to
23 move within the COLREGS demarcation line without declaring. If
24 a vessel intends to fish inside or landward of the COLREGS
25 demarcation line, the requirement to hail-out would apply. If
26 seaward of the demarcation line, regardless of the intent to
27 fish, the requirement to hail-out would apply.

28
29 This is just I pulled an example of the COLREGS boundaries, and
30 so they follow the barrier islands pretty closely, and it's not
31 restrictive of the Gulf of Mexico, and these follow all the
32 coast, and so they go all the way up the Atlantic coast. I know
33 of at least one state, North Carolina, that uses the COLREGS as
34 their own lines for designating inland and offshore waters.
35 Essentially, it delineates the international regulations for
36 preventing collisions at-sea, which were established by the
37 Coast Guard to designate where international rules separate
38 inland rules.

39
40 This is just another example near Texas and Louisiana, and then
41 I believe that concludes my presentation, if there any
42 questions. Dr. Lasseter is online, if there are any specific to
43 the LETC, and I am happy to take any as well.

44
45 **CHAIRMAN BOGGS:** Thank you, Ms. Somerset. I would like to ask
46 if Dr. Masi is back on the line, if we could go back to Agenda
47 Item VI, because this all kind of deals with SEFHIER reporting
48 and VMS, and it all kind of meshes together, and would that be

1 appropriate, and then we can take our break and ask some
2 questions, and, to me, it all just kind of works together, is
3 why I think that might be a good thing to do. Dr. Hollensead,
4 do you have an idea of how that might work?

5

6 **DR. HOLLENSEAD:** Yes, I think that would be fine.

7

8 **CHAIRMAN BOGGS:** Dr. Masi, are you with us?

9

10 **DR. MASI:** I believe so. Can you hear me?

11

12 **CHAIRMAN BOGGS:** Yes, ma'am. Please go ahead.

13

14 **DR. MASI:** On this slide, I am providing an overview of the
15 number of permit user accounts that are set up with each of the
16 different reporting platforms, and so you can see the platform
17 type listed in the rows, with the permit type in the columns,
18 and then the numbers in black are the number of active permit
19 accounts, as of October 8, and the numbers in orange are showing
20 the increase in the number of accounts since the last time that
21 I presented the information to the council in August.

22

23 Based on these numbers, we do still see the number of accounts
24 increasing, and, on that note, of course, we want to express our
25 appreciation to all of our constituents who have a registered
26 vendor account now and are reporting.

27

28 In the bottom row there, you can see that we have a total of 894
29 permit accounts that have been set up in the Gulf, and that is
30 an increase of forty-nine accounts since August 1, and, also, in
31 that total row for the Gulf, you can see we have 504 permit
32 holders that have yet to register, and noting that that was 511
33 the last time that I presented the information.

34

35 Now, given that we expect about a 20 to 30 percent permit
36 latency, we are getting pretty close to having about 70 percent
37 compliance with the program in the Gulf at this point, based on
38 those numbers.

39

40 In total, for both the Gulf and South Atlantic, we have 1,583
41 permit holders, including dually Gulf and South Atlantic
42 permitted vessels, that have yet to register with an approved
43 vendor. However, since August 1, we did see an additional 151
44 accounts that got activated. As of October 8, we have over
45 2,400 registered accounts, but noting here that the number of
46 accounts does include both permit holders and captains, and so
47 the number of registered user accounts and permit holders is
48 really not a one-to-one relationship. As I mentioned on the

1 previous slide, we are expecting that 20 to 30 percent permit
2 latency.

3
4 Now, in order to improve the industry's understanding of the
5 for-hire regulations and permit holder requirements, both SERO
6 and council staff have held a series of outreach events
7 recently, and I will review some of the ways that we are working
8 to engage our constituents on the new few slides. As a
9 reminder, we are anticipating an increase in SEFHIER program
10 participation as permits come up for renewal.

11
12 In regard to specific outreach efforts to reach our constituents
13 who are not yet complying with the program, we held a series of
14 weekly VMS-regulation-specific webinars throughout September,
15 and each of those webinars garnered about ten participants each,
16 and we fielded some really great questions from our constituents
17 about the VMS requirements during those webinars.

18
19 In October, SERO also hosted two SEFHIER constituent calls with
20 Andy Strelcheck, our Regional Administrator, and those
21 constituent calls offered callers some direct one-on-one time
22 with Mr. Strelcheck, to discuss questions or express concerns
23 about the SEFHIER program, and so we definitely appreciate the
24 folks that called in during those days and asked some really
25 thoughtful questions.

26
27 Also, in October, council staff hosted two VMS vendor webinars,
28 where our constituents were given information on the available
29 type-approved VMS options that are available to them, including
30 how they work and what the associated price and transmission
31 fees are for each. Each of those webinars had about fifty
32 participants at each, and so we definitely want to thank council
33 staff for hosting those webinars for our constituents.

34
35 Then, finally, in October, we're hosting SEFHIER validation
36 surveyor training for the state surveyors. So far, we have held
37 three training sessions, and then, once those surveyors are
38 trained, the states will be surveying our for-hire captains
39 across the Gulf. In fact, Florida and Alabama have already
40 begun surveying federal for-hire vessels in those states, and,
41 as a reminder to the constituents, the survey is mandatory for
42 federally-permitted Gulf for-hire vessels.

43
44 In regard to some of our additional outreach efforts, SERO
45 recently posted an updated permit renewal letter to our SEFHIER
46 website, which was also mailed out by council staff. In the
47 update letter, it explains the SEFHIER VMS requirements, and it
48 also provides some useful links for constituents to find the

1 information they need to get in compliance with the program.

2
3 Regarding the validation survey, we recently posted a rack card
4 to the SEFHIER website, and the rack card is available at the
5 link provided under the second bullet, for anyone who has yet to
6 see it, and, in the rack card, it explains why the validation
7 survey is meaningful and how that survey data will be used by
8 the SEFHIER program to finalize the landings estimates for the
9 for-hire fishery.

10
11 Then, finally, as we hear from our constituents and colleagues,
12 we will definitely try to improve our website and the materials
13 that we post there, and so, for example, we now have over sixty
14 helpful questions and answers posted at the link provided at the
15 bottom of the slide, and those questions and answers cover
16 topics that range from how and why do you need to report to
17 questions and answers specific to the validation survey, and so
18 our SEFHIER website has really been adapted to being an
19 incredibly useful outreach tool in itself.

20
21 Finally, one last slide, and, on this one, I just wanted to
22 highlight some general SEFHIER discussion items, and so the
23 first topic is a reminder for dually-permitted commercial reef
24 fish and for-hire vessels that you must complete both the
25 commercial reef fish and the for-hire trip declaration when
26 going on a for-hire trip, but we are still actively
27 investigating how to better streamline this for our
28 constituents, but, at this time, it's important to remember that
29 these notifications are serving different purposes for each
30 sector, and each have different regulatory text, and so both
31 must be submitted.

32
33 As a reminder for constituents catching HMS species or who are
34 dually GARFO and SERO permitted, if the constituent is using the
35 VESL app to report, then they will still need to complete the
36 HMS or GARFO report separately, as VESL is not currently
37 approved for either HMS or GARFO. If the constituent instead
38 used the eTRIPS app to report, then that app will prompt for the
39 HMS or GARFO-required questions, and so only one submission
40 would be required in order to satisfy the reporting requirements
41 for these various programs.

42
43 With that, I just want to wrap up today by highlighting the
44 dedication of our SEFHIER program staff and colleagues,
45 including council staff, who are helping our for-hire
46 constituents get into compliance with the program, and, last,
47 but definitely not least, a special thanks to our for-hire
48 constituents, especially the ones that continue to reach out to

1 us with feedback, in order to try and improve the program. With
2 that, thanks, everyone, for your attention, and I will open the
3 floor to questions, and, council staff, if you could please
4 allow Jessica Stephen, and I think she's still on for a little
5 bit, to speak, and she'll be helping with questions today.
6 Thank you.

7
8 **CHAIRMAN BOGGS:** Thank you for your presentation. The slides
9 that we have, there were a couple more slides dealing with OLE,
10 and was that intended to be a part of this presentation or not?

11
12 **DR. MASI:** The slides following the acknowledgement slide?

13
14 **CHAIRMAN BOGGS:** Yes, ma'am.

15
16 **DR. MASI:** Those are just there for extra information, if anyone
17 had questions about it.

18
19 **CHAIRMAN BOGGS:** Okay. Thank you, ma'am. We've got about nine
20 minutes before our scheduled break. Does anybody have any
21 questions? Kevin Anson.

22
23 **MR. ANSON:** Thank you, Dr. Masi, for the update. It's come to
24 our attention that there might be some discrepancies in the type
25 of data, or the questions, that are being asked on the various
26 apps or units that are currently being used for SEFHIER
27 reporting, specifically as it relates to the number of dead
28 discards.

29
30 From what I'm told, it appears that that question is asked on
31 some units, but is not asked through other applications or
32 units, and do you have any information about that, or are you
33 aware of that issue?

34
35 **DR. JESSICA STEPHEN:** I can speak to that issue, and so, as
36 Michelle mentioned in one of the slides, eTRIPS is an
37 application that we use and a vendor that is also serving GARFO
38 and HMS. Because of that, it is a type of one-stop reporting,
39 and they do -- GARFO and HMS may have questions about discards,
40 and then they will show up, if they are using eTRIPS, because of
41 that.

42
43 **CHAIRMAN BOGGS:** Thank you, Dr. Stephen. Anyone else with any
44 questions on either presentation that we have just heard? We've
45 got a quiet group today. Any questions about the document that
46 Ms. Somerset presented? Dr. Simmons.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. After

1 break, we're going to come back and go through that document,
2 correct?

3

4 **CHAIRMAN BOGGS:** Yes, ma'am. We can, but I just was trying to
5 see if we had any questions, while we had just a few minutes
6 before break, but, yes, we can go back through it. Mr. Gill and
7 then Ms. Bosarge.

8

9 **MR. GILL:** Thank you, Madam Chair. I do have a number of
10 questions, and I don't know whether you want to do break and
11 then get into a Q&A period or not.

12

13 **CHAIRMAN BOGGS:** Well, if this is a multiple-part question, I
14 suggest that we go to break and come back, but, Leann, go ahead.

15

16 **MS. BOSARGE:** Mine is for Dr. Stephen, and it's really just a
17 follow-up on Kevin's, because I'm not sure that I understood the
18 answer, and so it is important that we're getting all the same
19 pieces of data, regardless of the platform or software
20 application being used, and so are we in fact getting with that
21 with the discards that Kevin was referring to or not? I am
22 confused.

23

24 **DR. STEPHEN:** Leann, discards, just as general discards, is part
25 of the catch for SEFHIER, but other programs ask for additional
26 information about the disposition of those discards, such as
27 dead discards, and that's what you will see in eTRIPS, to
28 satisfy the other reporting requirements and not force a
29 fisherman to report multiple times on the same trip.

30

31 **CHAIRMAN BOGGS:** Ms. Bosarge, is that satisfactory?

32

33 **MS. BOSARGE:** I guess so. I guess, in the Gulf, we don't ask
34 about dead discards, and just discards, and we don't ask about
35 disposition, and is that what you're saying, Jessica?

36

37 **DR. STEPHEN:** Yes, that's correct. That's what had been decided
38 through the process, that we were only going to ask about
39 discards, but not disposition.

40

41 **CHAIRMAN BOGGS:** A follow-up to that, Leann? Kevin Anson.

42

43 **MR. ANSON:** I had my hand up for another question, but, to that
44 point, if we're not asking that question, it appears that we
45 have some inconsistencies as to how we are currently collecting
46 the data and how that data is then used to help to manage and
47 monitor harvest in-season, and so I think it ought to be
48 something that should be addressed, in order to make it

1 compatible with what we currently have in the fishery, would be
2 my comment.

3
4 Then, second to that, is there any outreach, or any
5 communication, that is occurring amongst NMFS staff about these
6 unregistered permits? Is that being communicated to local state
7 enforcement officers, to help with trying to deal with the
8 outreach question and try to get those folks registered?

9
10 **DR. STEPHEN:** Yes, we are reaching out to people that have not
11 reported. One of the challenges we're seeing is that the
12 vendors allow registration of captains, which may not be permit
13 holders, and so we're working through how to kind of match up
14 all the accounts to the correct permitted vessels, and it's a
15 little bit of a challenge right now, as our permit system is
16 migrating and we're trying to get the connection back to some of
17 the other vendors, so that we can make that match.

18
19 **CHAIRMAN BOGGS:** A follow-up to that?

20
21 **MR. ANSON:** So an individual can register, but they're not
22 supplying their vessel information, which is part of the permit
23 application, as well as the documentation that goes with the
24 permit, and I lost you there, as to how you're not able to
25 account for registration associated with the permit, which is
26 then tied to a vessel.

27
28 **DR. STEPHEN:** Correct, and so, when we go with ACCSP with
29 eTRIPS, they have a broader way to create an account, to allow
30 captains to register for accounts, and that does not necessarily
31 relate it in the eTRIPS system to the permitted vessel, because
32 we don't collect and capture the captain information, unless the
33 captain is also the permit holder.

34
35 With one of the other applications, VESL, we worked a little bit
36 differently, and they have a system where the permit holder then
37 allows sub-accounts, and so that relation is linked more clearly
38 in the VESL account. What we're trying to do is gather the
39 information from the different sources and match it to our
40 permits data and make conclusions about how many people have or
41 have not registered for an account and how many vessels that is
42 related directly to.

43
44 One of the challenges is that, if they open an account, and they
45 haven't submitted a logbook on the ACCSP side, we may not be
46 able to link that person directly to the vessel at this time, if
47 they are a captain instead of the permit holder.

48

1 **CHAIRMAN BOGGS:** Mr. Anson, a follow-up to that?
2

3 **MR. ANSON:** There's kind of lots of information here to process,
4 and I'm just curious, because we've had some discussions about
5 being able to track IFQ accounts and holders and all this, and,
6 Dr. Stephen, you've been part of those conversations previously,
7 and are very familiar with that program, and do you feel like,
8 with eTRIPS and these other programs that have been developed to
9 help monitor or track and register accounts, are we going to
10 have similar issues with trying to find out information specific
11 to how accounts and vessels and permits are able to account for
12 their landings, or are we going to have an improvement with this
13 going into for-hire?
14

15 **DR. STEPHEN:** The main difference between the two systems is IFQ
16 is all housed internally, with no external partners, and,
17 working with the for-hire, we wanted to allow external partners
18 to be able to create the applications.
19

20 We are actively working to solve some of these issues, and we're
21 proposing different ideas to work through it, and so I think we
22 will solve this in the future, but we're just a little bit
23 challenged right now, as we move to what we need exactly to make
24 more of that linkage automated rather than manual.
25

26 **CHAIRMAN BOGGS:** Thank you, Dr. Stephen. Just, real quickly,
27 Mr. Gill, if I afford you the time, is it related to this, so we
28 can let Dr. Masi and Dr. Stephen go, or is it relation to the
29 other document we'll be discussing?
30

31 **MR. GILL:** My questions are to the presentation by Ms. Somerset.
32

33 **CHAIRMAN BOGGS:** Okay. Then we'll hold that until after our
34 break, if that's okay, Mr. Chair.
35

36 **MR. DIAZ:** Let's go ahead and take a fifteen-minute break, and
37 we'll come back at 11:00.
38

39 (Whereupon, a brief recess was taken.)
40

41 **CHAIRMAN BOGGS:** Mr. Gill, let's have your nine-part question,
42 sir.
43

44 **MR. GILL:** Thank you, Madam Chair, and so the first one relates
45 to the AP recommendation to split the document into two, which
46 was addressed in Carly's presentation, and I am probably not
47 smart enough to see it, but, at this point, I don't quite
48 understand whether it's a valid concern or not, and so I would

1 like to ask staff whether that concern has merit, and, if so, if
2 it does, what duration difference are we talking about between
3 delays because of commercial considerations versus the for-hire?
4

5 **CHAIRMAN BOGGS:** If I could, Mr. Gill, ask that we let Carly go
6 through the document and give a chance for everyone else to come
7 back to the table, and I apologize for that, but I think maybe
8 we can address it as we go through the document and get to that
9 item.

10
11 **MR. GILL:** I thought we went through the document.
12

13 **CHAIRMAN BOGGS:** Well, I think we were going to start with the
14 first action and discuss it and work our way through the
15 document, if you don't mind.
16

17 **MR. GILL:** Yes, ma'am.
18

19 **CHAIRMAN BOGGS:** Dr. Hollensead or Carly, either one.
20

21 **MS. SOMERSET:** That sounds good, and we can bring up the
22 document and go through actions and alternatives and then take
23 these as we get to them.
24

25 **CHAIRMAN BOGGS:** Dr. Hollensead.
26

27 **DR. HOLLENSEAD:** Madam Chair, thank you. I also wanted to bring
28 it up to the committee that we have Captain Dylan Hubbard on the
29 webinar, and he's the Chair of the Data Collection AP, as well
30 as Captain Eric Schmidt, who is the Vice Chair, and, also, in
31 the room, we have Jason Downey, and he is on the Law Enforcement
32 Technical Committee, and so any of these recommendations from
33 these various groups, as Carly goes through that, if you would
34 like some specific information from those folks, they would
35 probably be the best ones to provide information on the
36 rationale for those motions.
37

38 **CHAIRMAN BOGGS:** Thank you. Ms. Somerset, if you will, please
39 take us through the action items.
40

41 **MS. SOMERSET:** All right. Thank you, Madam Chair. The first
42 action, again, is for the for-hire sector, specifically those
43 with charter/headboat reef fish and/or charter/headboat coastal
44 migratory pelagic permits, and this would allow for an exemption
45 to the VMS requirements to address equipment failure.
46

47 Alternative 1 is the no action, and, potentially, that would
48 maintain the requirements as they are now, but the vessel would

1 not be able to move on the water unless they are under a power-
2 down exemption, and so the VMS has to be onboard and operating
3 at all times.

4
5 The first exemption would be under Alternative 2, and that would
6 create one to address equipment failure by setting a limit on
7 the number of days that the NMFS-approved exemption method is
8 valid, and, essentially, Option 2a, the exemption would be valid
9 for up to three days from the submittal date, and then Option 2b
10 and 2c extend that exemption to seven days and then ten days,
11 and so I believe there was one recommendation by the Data
12 Collection AP to specifically state business days rather than
13 calendar days, and I can stop there, if we have any questions
14 related to that.

15
16 **CHAIRMAN BOGGS:** Thank you, Ms. Somerset. I do have a question,
17 and then, Mr. Gill, I will get to you. Something that I would
18 like to clarify, and this was actually brought to my attention,
19 is, in Alternative 1, it's referred to as a power-down
20 exemption, which you can power your system down, and you can't
21 move the vessel, and you can't fish. Is there going to be a
22 difference in a power-down exemption and this equipment failure
23 exemption, meaning your equipment is not working, but you're
24 still allowed to go fish, and that was something that I was
25 asked to clarify, and I kind of want to make sure that's correct
26 as well.

27
28 **MS. SOMERSET:** Yes, ma'am. The way I understand your question,
29 the power-down exemption is essentially, and I believe we talked
30 about a bit yesterday in the Q&A session, but, if you apply for
31 a power-down exemption, and it is granted, you are not allowed
32 to move on the water for a minimum of seventy-two hours.

33
34 You use the power-down exemption if you are going in the yard,
35 or if you know you're not going to use your boat for a while, at
36 the very minimum seventy-two hours, and so that is different
37 than this exemption for equipment failure, and you would be
38 allowed to go fishing, even though your VMS unit is not working,
39 and so it's not -- Knowing that you won't be using your vessel
40 for a while, even though your unit is working properly, and you
41 apply for the power-down exemption, because you won't be using
42 your vessel. The equipment failure exemption is because your
43 unit has failed, or is malfunctioning, and you still need to
44 move on the water, to go on your trip or do whatever else you
45 need to do.

46
47 **CHAIRMAN BOGGS:** Thank you, Ms. Somerset, for that
48 clarification. All right. Mr. Gill.

1
2 **MR. GILL:** Thank you, Madam Chair, and I guess this question
3 goes to the overall need for the document. One of the things
4 that I did not see in the document is any of the data from the
5 longstanding commercial VMS units and where they had failures,
6 et cetera, and I would guess there is a long history of
7 frequency and duration of failure, and I think they're handled
8 on a case basis, if I remember correctly, but it would seem to
9 me that, although there is distinct differences between that
10 system and what is being proposed here, a wide number, it does
11 provide, if you will, some baseline of comparison that says to
12 what extent do we have a problem, and to what extent do we need
13 to work around it and help address the questions in both Action
14 1 and Action 2. I don't know why it's not here, but my
15 suggestion is that we ought to include it in this document
16 before we go final.

17
18 **CHAIRMAN BOGGS:** Thank you, Mr. Gill. Ms. Bosarge.

19
20 **MS. BOSARGE:** Well, I think the problem is where would you find
21 the data, because we get no allowances, and so it's happening,
22 but would we track phone calls to OLE saying can we please get
23 some sort of leniency here, and, I mean, do you see what I'm
24 saying? We have no -- Or do you want to get with the VMS
25 vendors and ask them how many times they get calls to repair
26 stuff, or -- I don't know where you would pull the data from.

27
28 I mean, I just talked to a guy in the hall that told me that,
29 yes, just here recently, I had a boat fueled and iced up and
30 ready to go, and they told us it would be four to six weeks for
31 the parts for the VMS, and, I mean, we can get you anecdotal
32 data, but I don't know where you're going to get hard data,
33 because nobody has ever agreed to work with us on that.

34
35 **MR. GILL:** Well, correct me if I'm wrong, and I may well be, but
36 they stay powered up all the time, unless they get a power-down,
37 right, and so, if they want to go out on trips and the equipment
38 fails, then they call them up and say I've got a problem, and
39 then OLE and SERO knows that there's a problem with that boat.
40 My guess is there's a good record of that, and that would help,
41 I think, shape this discussion, if it's available. If I'm
42 wrong, I stand corrected.

43
44 **CHAIRMAN BOGGS:** Leann.

45
46 **MS. BOSARGE:** Staff is shaking their heads no. I mean, maybe
47 you might have some power-downs that you would go try and
48 interpret as to why was the reason for that power-down, whether

1 it was because of equipment failure and they were waiting for
2 parts, but I think it's going to be very hard to parse out.

3

4 **CHAIRMAN BOGGS:** Ms. Somerset.

5

6 **MS. SOMERSET:** Thank you. To that point, I have had, when
7 drafting the document, discussions with Jessica Stephen, and,
8 overall, anecdotally and observed, there seems to be a low
9 failure rate for satellite VMS units, and so those are the ones
10 on the commercial, but, because of the complexity of how the
11 program is -- How complex the program is and how it's run, as
12 well as VMS being a national program with NOAA, it's hard to get
13 that data.

14

15 Specifically, vendors are third-party contractors, and so do you
16 pull it from the vendors, and that's if they keep the data, and
17 I don't think they have to, but they have to be available to
18 appear and answer questions on units, but I don't think they
19 have to collect that. Possibly law enforcement has some, but
20 that may be a privacy concern, and so there's a lot more going
21 on there than just getting the data from one agency or person
22 and sending it.

23

24 **CHAIRMAN BOGGS:** Okay. I don't know that there's much that we
25 can with that, and I'm going to ask the question, and Officer
26 Downey is in the audience, and is there any input that you might
27 have or know?

28

29 **MAJOR JASON DOWNEY:** As far as the law enforcement input, we
30 talked about it, and, as long as the captain is able to show us
31 where they have an exemption that we can verify, we're good with
32 it, because we have no idea how long it will take for them to
33 get repairs or anything like that, once they ask for it, and so,
34 from a law enforcement standpoint, as long as they can show us
35 their exemption, and it's approved, and it's dated of how long
36 the exemption is good for, I think we're good with that, but we
37 didn't have a lot of information to go by, as far as technical
38 stuff.

39

40 **CHAIRMAN BOGGS:** Kevin.

41

42 **MR. ANSON:** I know we have a relatively small commercial fleet
43 here off of Alabama, but do you have a sense as to -- I mean, is
44 it fairly frequent, or it hardly ever happens, and do you have
45 any idea as to how many of those you see, those exemptions?

46

47 **MAJOR DOWNEY:** Very rare has it happened. I know of one boat
48 this past year that had an issue that was out of Dauphin Island,

1 out of our commercial fleet.

2
3 **CHAIRMAN BOGGS:** All right. Thank you. Pertaining to -- Bob,
4 did you have other questions? I'm sorry.

5
6 **MR. GILL:** No. Go ahead, Madam Chair.

7
8 **CHAIRMAN BOGGS:** Okay, and I do understand what you're saying,
9 and I think this is new for all of us, and we're going to have
10 to work through it, and so we'll go back to Action 1 and the
11 alternatives, and so, Carly -- I'm sorry, but I completely lost
12 track, and can you tell us what the AP recommended?

13
14 **MS. SOMERSET:** The first one, it's Slide -- Actually, starting
15 with Slide 4, and, I mean, there is the overall broader
16 discussion, and this does pertain to Action 1 specifically, of
17 splitting the document to only include the exemptions for for-
18 hire within this current framework action, and so the Data AP
19 recommended that two separate documents be used, one for the
20 commercial and one for the for-hire. Then, specifically, to
21 Action 1, Alternative 2, it was to add, or to clarify, business
22 days instead of calendar days, and so I will stop there.

23
24 **CHAIRMAN BOGGS:** Okay. I want to address the first thing that
25 we touched on, and that was the splitting of the two documents,
26 because I think that's what Mr. Gill was trying to ask to begin
27 with, and I look at the pros and cons, and I would like to get
28 some feedback from the table, and then we'll move forward from
29 there, and so, Mr. Gill, do you want to continue with your
30 thoughts on that?

31
32 **MR. GILL:** Thank you, Madam Chair. Yes, and the question, in my
33 mind, is if that's a valid concern, and I don't know that it is
34 or isn't, other than it's been expressed by the AP, but what
35 magnitude are we talking about, in terms of delay difference
36 that seems realistic? If it's a short period of time, it's not
37 an issue, but, if it's a long period of time, then maybe that
38 gives greater weight to separation.

39
40 **CHAIRMAN BOGGS:** Well, in looking at the pros and cons that
41 Carly put up, I mean, I guess the main con to it is, like she
42 had it, is if you're a dually-permitted vessel, and it can keep
43 you tied to the dock. Without any data from the commercial
44 fleet, and we don't have any data from the charter fleet, I
45 think we just move them together, because, if neither one of
46 them has any history, and so I'm not sure what really the
47 difference would be in keeping the two actions in the same
48 document. Mr. Gill and then Mara.

1
2 **MR. GILL:** Thank you, Madam Chair, and so my read on the pros
3 and cons, and they don't address this, and they're addressing
4 that why should we do it and why should we not, and that's good,
5 and that's helpful. The question I'm asking, however, is that
6 that's based on a perception that the commercial, Action 2, will
7 take a longer time and drag the document out, and thereby hold
8 Action 1 back, and that may be valid, and it may be not, and I
9 don't know, but I'm asking staff, if that's in fact the case, if
10 they agree that there is concern, how long are we talking, in
11 terms of that difference?

12
13 If we split them, because that takes more work too, and that's
14 another workload issue, and where are in balance? I am trying
15 to respond to the AP's recommendation and understand where it's
16 based from and where we see it and whether or not it's
17 significant, in the grand scheme of things.

18
19 **CHAIRMAN BOGGS:** I understand your comments, and I appreciate
20 them, and, I mean, right now, I just don't think we really know,
21 and, Dr. Hollensead, is it to his point, and then I will get to
22 Ms. Levy?

23
24 **DR. HOLLENSEAD:** Yes, ma'am. During the Data Collection AP, one
25 member's concern was the idea of potentially some sort of
26 exemption could allow for loopholes in the commercial industry,
27 that we may have somebody that is offloading at various fish
28 houses without saying anything, or these kinds of things, but,
29 anyway, it was such a nuanced thing that law enforcement would
30 have to come in, and it would have to be looked at in a little
31 bit more detail.

32
33 Now, in terms of the magnitude of time that would take, I'm not
34 sure, but the idea that it would require a lot more
35 investigative analysis than necessarily just pulling a dataset
36 or something like that could delay the document.

37
38 Another thing we're sort of looking at is the idea that Phase 2
39 will be implemented very soon, and I know, for the SEFHIER
40 folks, we would like to have that back-to-back as quickly as
41 possible, as soon as that implementation, and this exemption
42 application, and so sort of running along those two things and
43 how to thread that needle, and if Captain Hubbard would like
44 chime-in, as the Chair, he would be more than welcome to at this
45 point, but that's the discussions that were had at the Data
46 Collection AP.

47
48 **CHAIRMAN BOGGS:** Ms. Levy.

1
2 **MS. LEVY:** Thank you. I mean, I was just going to add that I
3 really think it depends on the council, right, and so, if there
4 is some -- This points to the differences between the commercial
5 VMS requirement and the for-hire VMS requirement, and if, at the
6 council level, there's going to be more discussion and need for
7 information about exempting commercial VMS, then I think the
8 idea was that you could deal with the for-hire, which is the new
9 program that seems to me that want it the most, and then look at
10 commercial. It's what Lisa said, but I think, ultimately, you
11 all decide how fast things move.

12
13 **CHAIRMAN BOGGS:** Mr. Anson.

14
15 **MR. ANSON:** I think that it ought to be split. Although there
16 may have been comments made previously from the commercial
17 industry about that, it really didn't come on until we started
18 talking about SEFHIER and the inability of captains,
19 potentially, to be able to take their customers and how to be
20 able to still get the trip going, and so that brought on other
21 questions related to equipment failure and such.

22
23 I guess, just to talk about it, or provide my opinion, I think
24 we ought to consider splitting them, just for speed purposes,
25 and trying to at least address the issue as it relates to those
26 problems in the for-hire sector.

27
28 **CHAIRMAN BOGGS:** Officer Downey.

29
30 **MAJOR DOWNEY:** I just want to be clear that, at the Law
31 Enforcement Committee, we didn't -- We think the IFQ system is
32 working on the commercial side the way it is, and it's a totally
33 different business model than the for-hire, and the issue with
34 the for-hire is, like Kevin said, they're at the dock and ready
35 to go, and the customers show up, and, all of a sudden, they
36 can't declare their trip, and what do they do?

37
38 The commercial side is a little more -- If they're there fixing
39 to fish and they can't declare, and they don't have customers
40 waiting on them, and they can reschedule the trip a few days
41 later or something like that, and so it's totally two different
42 business models, and so we're not favor of allowing the
43 exemption for the commercial. It's working, and it's been in
44 place for a while.

45
46 **CHAIRMAN BOGGS:** Okay. Ms. Bosarge.

47
48 **MS. BOSARGE:** It's a pretty streamlined document. I mean,

1 there's an action item for for-hire, and there's an action item
2 for commercial. We just went through the fact that you don't
3 have any data for commercial, and you don't have any data for
4 for-hire either, because you haven't implemented it yet, and
5 it's the same premise.

6
7 You can't leave the dock, and so it doesn't matter, to me,
8 whether it's somebody going to fish for fun or it's somebody
9 trying to make a living, and it's a big problem. It's a
10 significant impediment, regardless of your purpose for catching
11 the fish, and to say that it doesn't matter to commercial, if
12 you had to sit at the dock and wait on parts for a month, well,
13 would it matter if anybody around this table, if I told that I
14 just cut your paycheck off for a month?

15
16 I mean, I think it matters, and, as far as not hearing much at
17 that podium, I've been on the council for nine years, and I have
18 heard it some at the podium, and I have heard it very much so
19 outside of this council room, but, every time we ask, we get the
20 same answer, that there is no consideration, and there is no
21 discussion, and it's just like what you just heard from law
22 enforcement, is a resounding no, that we won't even consider it.

23
24 Now, at this point though, it's going to affect the for-hire
25 fishery, because so many of them are dually-permitted, and so,
26 if you split this document, the only people in the for-hire
27 industry that will have an exemption to be able to take their
28 customers fishing are those that have no commercial permits,
29 because my crystal ball says, when you split it, you won't see
30 that document for commercial come back before this council
31 anytime soon.

32
33 To me, they are linked at the hip at this point, just because of
34 the makeup of the for-hire fishery, which I'm excited about, and
35 maybe, commercially, we can get some consideration, because I
36 have to sit here and wonder. You know, if a fisherman was
37 sitting there with his boat fueled and iced and crew ready to
38 go, and they told him, I'm sorry, your parts will be here in
39 four weeks, and I'm wondering what's happening. I am certainly
40 not going to pick up the phone and call law enforcement and talk
41 to them, but I'm wondering if he really sits there with no
42 income for four weeks, and what kind of position are we putting
43 them in, and do you see what I'm saying?

44
45 They have backups, right, and they can still call and hail-out,
46 and we have other systems other than that VMS, and they can
47 still hail-in, and they still will have to meet law enforcement
48 at the dock, to have law enforcement watch them offload the

1 catch, and they still have to offload at a permitted dealer, and
2 they still have all these other requirements, and the only piece
3 that we would be missing is that little ping that tracks them
4 every hour, so law enforcement can see exactly where they're
5 going every single hour, to make sure that they're not in a
6 closed area or they're not here or they're not there, and, I
7 mean, really, you can't fish unless we can track you every
8 single hour, even if you tell us before you leave the dock and
9 tell us before you come in and we meet you at the dock, and
10 you're permitted, and the dealer is permitted, and he's filling
11 out trip tickets, and you're filling out trip tickets, but the
12 device wouldn't ping, and so we couldn't see you every hour you
13 were on the water, and that seems pretty rigid for an equipment
14 failure.

15
16 I do think there should be an exemption there, given all the
17 other accountability mechanism built into that system, and so I
18 would say leave the document like it is, and let's see if we can
19 make some traction.

20

21 **CHAIRMAN BOGGS:** Ms. Somerset.

22

23 **MS. SOMERSET:** Thank you, Madam Chair. Just a request that if
24 we could go through a few of the other recommendations that may
25 take less discussion and then come back to this one.

26

27 **CHAIRMAN BOGGS:** That's what I was going to suggest, that we
28 basically look at Action 1 and discuss if we want to consider
29 the suggestions by the AP, if we want to pick any preferreds,
30 and I will say this, before we get started, that, after our
31 August meeting, I talked to one -- Actually, I talked to two
32 vendors, and they said that, if I called them today and needed
33 service on my VMS, I was going to be anywhere from three to six
34 weeks.

35

36 If I called them today and told them that my VMS was not
37 working, and they determined that it was a failure in equipment,
38 it could be months before they get equipment, and I talked to
39 some of the vendors yesterday that are here, and they said
40 they're not equipped to produce these new units by December 13,
41 unless NMFS extends that, because of the pending lawsuit, and so
42 my issue here in Alternative 2 is I don't know that three,
43 seven, and ten days does anything for anybody, and so I don't
44 know where we go with this.

45

46 Yes, this may change in a year, and it may change when they open
47 the ports in California, but we don't know when that change is
48 going to take place, and so I'm concerned on us coming in here

1 and picking any of these alternatives that are before us at this
2 time, and I don't know if we can, in the state that we're in now
3 in this country, with the supply chain, and is this something
4 where we can leave it open-ended and you get a letter from your
5 supplier, or from your vendor, or your repairman, and say, okay,
6 this is what I'm expecting for the length it could take, and I
7 don't know what we do, but, if we select three, seven, and ten
8 days, I don't think anybody is going to be able to comply with
9 that. Ms. Somerset, with that, do you want to read the
10 alternatives, and we can have some more discussion?

11
12 **MS. SOMERSET:** Thank you, Madam Chair. That sounds great, and
13 that's very helpful as feedback for continuing with this
14 document. To the point of Alternative 2, as well as the issues
15 that you just stated with supply chains and maybe the current
16 options, as they stand right now, may not be the best, the Data
17 Collection AP did recommend, for the three options, 2a, 2b, and
18 2c, in Alternative 2, as they currently are written, to define
19 the days as business days and not calendar days, and so if we
20 could discuss that as well.

21
22 **CHAIRMAN BOGGS:** Any discussion about the recommendation from
23 the AP of calendar days versus business days? Andy.

24
25 **MR. STRELCHECK:** I was distracted by something else, but I heard
26 you talking about calendar days versus business days, and I
27 guess I'm confused about that, because business days, maybe for
28 government office hours, are different than business days for
29 your business, which is different from business days for someone
30 else's business, and so they are recommending the use of
31 business days, but I don't know how that would be defined, and,
32 to me, calendar days seems to be much more straightforward.

33
34 **CHAIRMAN BOGGS:** Ms. Somerset.

35
36 **MS. SOMERSET:** Thank you, and, just for clarification, and
37 that's a great point, Andy, and I think the discussion that the
38 AP had was just to at least make sure that, if their equipment
39 failed or malfunctioned on a holiday or a weekend, that they
40 would have time to -- Additional time to get that fixed, and so,
41 if you're not counting weekends, five days would be -- If it was
42 over a weekend, it would be three business days, and I know, to
43 your point that federal holidays don't always apply to other --
44 There's a difference, and so that may need to be worked out,
45 but, in general, a sense that the time allotted for three days
46 is essentially three days that includes weekends or holidays.

47
48 **CHAIRMAN BOGGS:** Mr. Gill.

1
2 **MR. GILL:** Thank you, Madam Chair, and so I guess my reaction
3 is, if we're going to take to heart the AP's recommendation, it
4 would be simpler if we leave it as calendar days and just extend
5 the days that are in the options, if that's where we want to go,
6 but I think that Andy's point relative to business days is a
7 valid one, and, if we want to lengthen the time, because of
8 those considerations, I think it's pretty simple, and you just
9 change the three, seven, and ten to whatever.

10
11 **CHAIRMAN BOGGS:** Mr. Strelcheck.

12
13 **MR. STRELCHECK:** I just wanted to add, with regard to the supply
14 chain issues, we did ask, and I am trying to get staff to send
15 it to me, for information from the vendors in terms of kind of
16 what their normal response time is, right, and so that might
17 have changed over time, and it might be longer or shorter, and
18 so I think the point is well taken as well that is three, seven,
19 or ten days sufficient, and does it need to be longer, given
20 kind of the current situation we're in, and so we can at least
21 go back and probably discuss with the vendors that information,
22 but, to the extent we can get you also the information we have
23 received, I think that would be helpful, or put it in the
24 document for council consideration.

25
26 **CHAIRMAN BOGGS:** Ms. Somerset.

27
28 **MS. SOMERSET:** Thank you. Not to add a wrench to this
29 discussion, but, if we scroll down a bit to Alternative 3, just
30 to tie-in Alternative 3 to what we're discussing now, this would
31 apply a number of exemptions per vessel per calendar year, and
32 so, in my presentation, there is nothing in the framework to
33 prevent multiple exemptions happening back to back, and so that
34 kind of ties into Alternative 2, that essentially you could have
35 -- Say, as an example, you picked a preferred of ten days, and
36 you picked Option 3c, a preferred of three exemptions per vessel
37 per calendar year, that's up to thirty days of having an
38 exemption. That's just something to think about as you work on
39 these two alternatives, that that would also allow additional
40 time for someone to fix the equipment. Of course, they would
41 run out of exemptions, but it would allow for more time, if
42 needed.

43
44 **CHAIRMAN BOGGS:** Okay. If I am not mistaken, the AP also had
45 some recommendations that might go along with this alternative
46 about tying the exemptions to the vessel as well as to the
47 permits, and then, also, if someone were to sell their permits,
48 the exemptions would restart, and I don't know if it would come

1 into play here or if it would be a separate alternative, and is
2 there any feedback on how we would handle that, Carly?

3
4 **MS. SOMERSET:** You're correct, and so the Data Collection AP did
5 make a recommendation that the permit, when it's transferred or
6 sold, the number of times an exemption is allowed would reset,
7 and so, if they were given one exemption per vessel per calendar
8 year, and they sold the vessel, then that would start over, and
9 I believe that was the only recommendation that the AP made for
10 Alternative 3, specifically, but another consideration you
11 stated is whether it's tied to the vessel and the permit or just
12 the permit, and, if the permit changes hands, the unit is still
13 attached to the vessel, and then dual-permitted vessels would
14 have six exemptions, or more than -- Because they have two
15 permits on one vessel, and I'm just adding more things for you
16 all to think about when we discuss these alternatives.

17
18 **CHAIRMAN BOGGS:** Well, I don't think this is a document that
19 we're going to finish today, and so does anybody have any
20 suggestions? Would you like to add any of these ideas for
21 alternatives or additional alternatives? I mean, Carly,
22 probably the best thing is to ask you to maybe either add to the
23 current alternatives, if it fits, or create additional
24 alternatives to incorporate those ideas and suggestions and
25 bring it back to the council, but would we be able to see it in
26 January?

27
28 I kind of look back to Andy, and I know there was some
29 discussion yesterday, in the Q&A, about a possibility that we
30 would delay the start of the VMS requirements, and,
31 unfortunately, there's a lot of moving parts here, and I know
32 that the charter fishermen are hopeful to have this in place
33 when that comes into play, but I don't know that we can do
34 something here today, or at this council meeting. Andy, any
35 thoughts?

36
37 **MR. STRELCHECK:** Whether we're talking December 13 or any sort
38 or delay, by the time we would do rulemaking and get this in
39 place, there would be a lag time, or gap, between the rule
40 implementation and when this would take effect, and so, the
41 sooner we can get resolution on the alternatives and actions,
42 the better, and then there's also, potentially software and IT
43 development on our end that we would have to do in order to
44 allow for the exemption and paperwork or whatever other
45 information that would need to be provided for validation.

46
47 **CHAIRMAN BOGGS:** Kevin.

48

1 **MR. ANSON:** I am just curious what the process is, Andy, if you
2 can answer the question, or Dr. Stephen or Dr. Masi, but
3 thinking of supply chain issues, and I know you had mentioned
4 about new units and that they're having some problems with -- I
5 am not suggesting this to take anything away from the document,
6 but I am just trying to think for the immediate term, seeing
7 that we are going to have a gap if the December 13 stays in
8 place, which it sounds like it will, before we get this
9 framework action done and it being in place, and so I'm just
10 curious as to, if a captain wanted to use a whole new unit, if
11 there was a two or three-month issue with a part, at that point,
12 as far as the business and operation of the business, and it's a
13 relatively minor expense, in order to be compliant, to just swap
14 out the unit.

15
16 How difficult is it to change the unit and then get that unit
17 registered and that vessel assigned to it and everything, so
18 that's functioning, so that, if they were to ask for an
19 extension, or request a new unit, that that would get them into
20 this kind of a transition period?

21
22 **CHAIRMAN BOGGS:** Andy.

23
24 **MR. STRELCHECK:** I can't answer that. Matt Walia from our
25 Office of Law Enforcement -- I hate to put him on the spot, but
26 maybe he can talk to that, in terms of swapping out units. I
27 will note, real quickly, that, before we moved forward with the
28 December 13 deadline, we did reach out to the vendors, all the
29 VMS vendors, but in particular the cellular ones, knowing that
30 there was going to be high demand for those, and we determined
31 that they had sufficient units in stock, obviously, to meet the
32 needs of the Gulf for-hire fishery.

33
34 That's one issue, and the other issue is, obviously, getting
35 them on vessels and making sure there is enough people to
36 install them, and so there's not only supply chain issues, but I
37 think there is demand issues right now that we're facing.

38
39 Then I do want to speak, just briefly, and so for those that
40 weren't at the Q&A last night, I did mention that we have
41 litigation before the agency. Shortly after we announced the
42 December 13 deadline for VMS unit requirements, we were
43 petitioned by the litigants to extend that deadline out to March
44 of next year, to allow for time for the judge to render a
45 decision.

46
47 That is before the agency right now, and no final decision has
48 been made, but we are seriously considering that extension, and,

1 if we do extend the deadline, we hope to make a decision here
2 within the next few weeks. I don't know if Matt is able to
3 speak about Kevin's specific question about changing out the
4 units.

5
6 **CHAIRMAN BOGGS:** Is Matt on the line? While we're waiting to
7 get Matt on the line, Ms. Somerset.

8
9 **MS. SOMERSET:** Thank you. Just to that point, to follow-up on
10 Andy's, while they're getting Matt, I have talked to the vendors
11 some too, and they, I believe at one of our outreach webinars,
12 said that, if there is any issue with a unit, even if it could
13 be repaired, to get it to them quickly, they would just ship a
14 whole new unit, and so they will potentially do what they need
15 to to make sure that their equipment is functioning as quickly
16 as possible, and whether that's getting someone to repair it or
17 just shipping a new unit while they figure out what's going on
18 with it.

19
20 **CHAIRMAN BOGGS:** Thank you. Okay. Matt, we're ready for you,
21 sir.

22
23 **MR. MATT WALIA:** Thank you. I appreciate it. Kevin, would you
24 just mind please repeating the question, to make sure I have the
25 right answer for you?

26
27 **MR. ANSON:** The question is how quickly can one be able to
28 comply with the reporting regulations if they were to swap out a
29 new unit? If a new unit goes bad, and they notify the vendor,
30 and the vendor has the unit available, and how quickly can that
31 unit then be recognized in the system, so to speak, and the
32 vessel owner be able to use it for reporting purposes?

33
34 **MR. WALIA:** Sure, and so I think the problem in all of this is
35 the supply chain, and so, as soon as that owner can get the
36 unit, it's a pretty quick process, and so it's up to vendor-
37 specific. As long as they have it on the shelf and in stock,
38 they have overnighted it, in the past, to owners, and then it's
39 a matter of getting it installed properly, and, once it's up and
40 running, the electrician will contact our help desk at
41 Headquarters, and we get it registered fairly quickly, and, I
42 mean, it can be the same day that we get contacted, and we
43 register that we see it in our system down here in the
44 Southeast, and they're up and running and pinging and ready to
45 go.

46
47 As long as they have it, it's quickly, and, if I could just
48 speak to the matter of -- I was trying to get recognized

1 earlier, and there was a lot of questions about data
2 availability and failure rates, and that is something that OLE
3 has attempted to get, and we've run into some difficulty,
4 because we do oversee the contract with the third party that
5 then has the contract with the vendors.

6
7 A lot of that is confidential, and they have different
8 requirements tucked into what we don't require that's in type
9 approval. What we were able to get is letters of robustness
10 from the vendors that show how their units are able to handle
11 and replace, and so that was provided to the IPT as well, and
12 the council should have those letters.

13
14 We do have data of how many units are registered and how many
15 are deactivated, but the reason is not specified, and so it
16 could be failure rate, or it could be just a permit transfer or
17 a different owner coming into the boat, and so it's kind of hard
18 to nail down the exact number from the number of units that we
19 see registered and deregistered, and I just wanted to make note
20 of that.

21
22 **CHAIRMAN BOGGS:** Mr. Anson.

23
24 **MR. ANSON:** Matt, to follow-up on the registration process, you
25 mentioned that, as long as once that initial, I guess,
26 communication upload or whatever I sent, and that your team is
27 able to verify that, that's -- I hate to bring this up, but that
28 would be during a weekday, or do they work weekends as well?

29
30 **MR. WALIA:** At our help desk, we have staff stationed at
31 Headquarters up in Silver Spring, and they have extended hours,
32 and it's still weekdays, but I believe they work until 11:00
33 p.m. at night, and so they do get activations coming their way,
34 and there is still staff on hand that's working extended hours
35 past normal business hours of 5:00 p.m. or whatever, and so
36 there is a possibility to work a little later in the evening,
37 but, yes, it's Monday through Friday.

38
39 **MR. ANSON:** Thank you.

40
41 **CHAIRMAN BOGGS:** Ms. Bosarge.

42
43 **MS. BOSARGE:** This question is for Matt, too. In this
44 particular case that we're describing, I would foresee that
45 permit holder or vessel owner actually having two VMSs assigned
46 to the same permit at the same time, right, because one is in
47 the process of being repaired, and you don't want to take that
48 off of your permit, and it's going to go right back on and ping

1 again, and the other one is the temporary replacement device
2 that the vendor is sending you to put on the boat to keep you
3 going until they can get you parts for the old one, and so can
4 your system handle two VMSs being assigned to the same permit
5 number at the same time?
6

7 **MR. WALIA:** Yes, ma'am, it can, and that has already happened in
8 the past, due to conflicting requirements, if there's a boat
9 that may be dually-permitted in say the Northeast and Southeast,
10 with different permits, and, at times in the past, they have had
11 to carry different VMS units, from what was type approved in the
12 region, and so, yes, we can see both units reporting at the same
13 time no problem, and they can always get one deactivated, to
14 stop the temporary unit reporting, as well, and then just have
15 it on the boat, and they can always reactivate it later as well,
16 and it should be pretty seamless, if they need to go that route.
17

18 **MS. BOSARGE:** Right, but that's two permits on one boat, and you
19 had one device assigned to one permit and one device assigned to
20 the other, because they had different requirements for each
21 permit, and I am talking about one permit, say one for-hire
22 permit on one boat with two units assigned to that same permit,
23 and will your system handle that?
24

25 **MR. WALIA:** Yes, ma'am. There's no issue with that.
26

27 **CHAIRMAN BOGGS:** Okay. Ms. Somerset, does that give you some
28 direction on Action 1, and I would like to just say that I
29 really believe this is going to be successful, and I don't
30 believe that we're going to have that many issues, but I just
31 know that this is a comfort for the fishermen, to know that they
32 can be able to go out fishing and take their customers fishing.
33

34 **MS. SOMERSET:** Thank you. As I understand it, and please
35 correct me if I'm wrong, I can come back at the January meeting
36 with additional alternatives or actions that help clarify some
37 of this discussion we've had, but that would slow this document
38 down, and so, if there's any additional discussion, or if there
39 is a recommendation of preferreds, as it is currently, we can do
40 that, too.
41

42 **CHAIRMAN BOGGS:** Ms. Levy, to that point?
43

44 **MS. LEVY:** I mean, I didn't hear anything from the council or
45 the committee about what you wanted to do with the things that
46 the AP said, and, I mean, do you want to leave it calendar days,
47 but make them longer, or do you want to make it business days?
48 I think, at some point, you're going to have to give some more

1 specific direction, if you want changes made to the document.

2

3 **CHAIRMAN BOGGS:** Mr. Anson.

4

5 **MR. ANSON:** I was going to just follow-up with what Matt had
6 said related to some of the information that we had requested
7 that was sent to the IPT, and so it didn't sound like you all
8 had some of that data, in trying to answer the questions that
9 came from the council, as far as failure rate or non-reporting
10 or those types of issues, and it sounded like there is some of
11 that data, and so, if there is, if you can bring that to the
12 next council meeting, that would be great.

13

14 Then, relative to what Mara is saying, I am kind of hesitant on
15 selecting preferreds, as Carly had suggested, and I kind of
16 agree with -- I think Bob had made a comment that we keep it
17 with days, and, if we do have some of these issues with supply
18 chain, then we probably ought to increase it, but we don't have
19 enough information at this point to increase or change what is
20 currently provided.

21

22 **CHAIRMAN BOGGS:** Mr. Strelcheck.

23

24 **MR. STRELCHECK:** I think, to that point, we probably won't have,
25 obviously, good data on frequency of failure, to determine how
26 many times this might be needed, obviously, for accommodating
27 this exemption, and I think it would be helpful, obviously, to
28 bring back information from the vendors that we've collected and
29 maybe ask some additional questions of them, to help answer, you
30 know, what would be the preferred for Alternative 2.

31

32 **CHAIRMAN BOGGS:** Carly, to that point?

33

34 **MS. SOMERSET:** Yes, ma'am. I do have the letters that Matt
35 mentioned, and so I can get those out to everybody.

36

37 **CHAIRMAN BOGGS:** That would be very helpful. Ms. Guyas.

38

39 **MS. GUYAS:** I guess just a couple of thoughts, and I guess a
40 question, I think for Andy, and so it seems to me that right now
41 we have a lot of issues that we're dealing with, and so there's
42 this lawsuit out there, and we have these supply chain issues,
43 and we have a lot of people that are not signed up for this
44 right now, for the reporting, let alone the VMS, and just
45 there's a lot of issues.

46

47 I, as far as extending the deadline for this, and considering
48 all those things, I think that is pretty reasonable, and so, as

1 far as Alternative 2 goes, and the timeline, I guess my
2 question, Andy, for you would be, I mean, does the agency have
3 the ability to have some discretion here, and so let's pretend
4 you all wait to implement this until March or whatever, and
5 maybe, at that time, we still have some supply chain issues,
6 and, I mean, do you have discretion to, I guess, extend some of
7 these deadlines, or is that something that we should be adding
8 in here, because, I mean, it sounds like we may not know really
9 what we need to do here, and some flexibility is probably
10 needed, from everything I'm hearing, and I want to be helpful.

11

12 **CHAIRMAN BOGGS:** Ms. Levy.

13

14 **MS. LEVY:** Well, if I understand you correctly, right now, the
15 regulations say that, if the vessel location tracking system
16 isn't functioning, then they contact the hardware vendor, and,
17 if it's not remedied, they contact NMFS, for the cellular, and
18 the satellite is still an OLE part, but you contact the agency,
19 and you follow the instructions given by the agency.

20

21 Within that, there was some discretion, and I think the reason
22 this came about is because the permit holders wanted some
23 certainty about what their options were or whether they could
24 operate without this, and this was a way to give it to them,
25 but, in terms of not having it in place, I mean, that's an
26 effective date issue, right, and so, once it's effective, it's
27 effective.

28

29 **MS. GUYAS:** Yes, and I guess I'm speaking to two different
30 things, right, and so, in the short-term, there are some issues,
31 and I get that. The industry wants certainty, and this language
32 about call NMFS and we'll tell you what to do, that's a little -
33 - I can see why people are concerned about that, but, at the
34 same time, given the situation that we're in, I guess what would
35 you do?

36

37 Let's fast-forward to May, whether we delay this or not, and we
38 still have issues, and what are you telling people when they
39 call in and we give them ten days, and this amendment has gone
40 into place, and they're on day-twelve, and they're sitting at
41 the dock, and it's red snapper season, and I think it would be -
42 - I don't know, and is there something that we can do in this
43 document to, I guess, help this situation and make it clear to
44 the fishermen kind of what the path forward is and then, Andy,
45 if there's something that NMFS needs, and is there something
46 that we can add here?

47

48 **MR. STRELCHECK:** I don't know if there's anything that could be

1 added to this document, and, I mean, certainly Mara just read
2 what the rulemaking stated, and we could at least provide a
3 little bit more clarity around NMFS guidance, but I don't want
4 to play what-if, and I don't want to play hypothetical, because
5 every situation can be different, and there might be
6 circumstances where it's perfectly valid to authorize some
7 discretion and other times where it's not, right, and so that
8 would be something that would need to be discussed with law
9 enforcement and General Counsel, if those situations arose.

10
11 I think the goal, for us, needs to be whatever timing that the
12 VMS requirements ultimately ends up being, whether it continues
13 to be December 13 or sometime in the next year, then trying to
14 get this wrapped up and completed as soon as possible, and then
15 NMFS will work on filling the gap, in terms of clarity and
16 guidance with regard to what happens.

17
18 I still -- I am concerned, and, I mean, obviously, this is real,
19 right, and there could be problems, but the perception is that
20 there's going to be these major problems, and I am just not
21 convinced that there is going to be this huge crisis that arises
22 between when this goes into effect and whenever the rulemaking
23 follows later, but, for each individual, obviously, that's an
24 impact to their business, as what Leann described, and so that's
25 why we're discussing this.

26
27 **CHAIRMAN BOGGS:** Okay. I want to make one suggestion, Carly,
28 and with regard to Action 1, and it goes along with my comments
29 a little bit ago of maybe we can add an alternative that is
30 somewhat open-ended, meaning you create some kind of exemption,
31 after speaking with NMFS, and they give you thirty days, and you
32 have proof of that, and I don't know how to word it, or how to
33 explain it, but it's not as restrictive as three, seven, or ten
34 days, meaning you make that phone call to NMFS, and they
35 instruct you to do this, and you have some kind of documentation
36 to prove that.

37
38 I don't know that that really helps, but it's just another idea
39 to kind of look at to not be so restrictive, and, with that
40 being said, I propose that we should quickly go down to Action 2
41 and have some discussion about that, because we are running up
42 on lunch, and, Mr. Chair, I know we had a presentation by Dr
43 Brown scheduled, and is that something that we can push to Full
44 Council?

45
46 **MR. DIAZ:** What I would like to do is I would like to let you go
47 ahead and look at the next action item, and try to get through
48 that as expeditiously as possible, and, Dr. Brown, if you're on

1 the line, would it be possible for us to bring you back at our
2 January meeting and handle the presentation that you're
3 scheduled to give today at the January meeting?
4

5 **DR. JULIE BROWN:** I am on the line, and, if you want to push the
6 presentation to January, I would be happy to do that.
7

8 **MR. DIAZ:** Thank you so much, Dr. Brown, and I apologize, but
9 it's just the scheduling is just not going to give you the time
10 that we would like to give you, and so we're going to move that
11 to January, and the other agenda item we're also going to move
12 to January, and so if you could quickly go through the next
13 action item, and we'll take our lunch after that. Thank you.
14

15 **CHAIRMAN BOGGS:** Yes, sir. Ms. Somerset.
16

17 **MS. SOMERSET:** Thank you, and just one more thing to add to
18 Action 1, but I believe that it would pertain to both, and so it
19 does apply to Action 2, because they're both currently still in
20 the document, but I would need some feedback on if you wish to
21 consider the Data Collection AP's recommendation for Alternative
22 3, that, when the permit is transferred or sold, the number of
23 times the exemption is given resets.
24

25 **CHAIRMAN BOGGS:** I have no issue with that. Would anyone else
26 on the committee like to -- Leann is good?
27

28 **MS. BOSARGE:** Yes, and that sounds reasonable to me.
29

30 **MS. SOMERSET:** Okay. Thank you, and so we can move to Action 2.
31 Action 2 is essentially the same as Action 1, modifying
32 requirements to allow for an exemption in case of equipment
33 failure, except it applies to vessels with a commercial reef
34 fish permit. Alternative 1 is the no action, and this would
35 maintain the requirement that vessels with commercial reef fish
36 permits have an approved VMS unit operating onboard at all
37 times, unless exempted by a power-down exemption, and so
38 Alternative 2 and Alternative 3 are the same as what we just saw
39 in Action 1, but they apply to commercial reef-fish-permitted
40 vessels, and so, again, any feedback on whether you wish to see
41 these modified in some way or additional alternatives added or
42 moving these to another document or removing them altogether.
43

44 **CHAIRMAN BOGGS:** Thank you, Ms. Somerset. Any discussion by the
45 committee? Mr. Gill.
46

47 **MR. GILL:** Thank you, Madam Chair. I guess a couple of things.
48 Number one, relative to the LETC's recommendation, I guess I'm

1 of the mode that, effectively, it's the same whether you're
2 commercial or for-hire. In one case, it's near-term, and, in
3 the commercial case, it's longer-term, but, if you have a delay,
4 then that says fewer trips that can make overall, and so it nets
5 out the same, and so I would suggest that we keep Action 2 in
6 the document for consideration.

7
8 Secondly, we've had a number of discussions relative to things
9 like the AP's recommendation on calendar versus business days,
10 and duration of time being a concern, and let me back up just a
11 minute.

12
13 This, to me, is almost an excellent example of how a simple
14 concept and idea on how you could be helpful has turned into a
15 complicated how are we going to do it really document, and the
16 discussion this morning has demonstrated that.

17
18 Secondly, I think we need to approach this with a mindset that
19 says we can't cover everybody, and what we really need to do to
20 -- We need to cover that frontend and recognize that situations
21 can exist that will not be covered, and we shouldn't try to go
22 there, but, in an effort to define a little better about where
23 we should go, I would like to offer a couple of motions.

24
25 **I guess I'm not quite sure how to phrase this, but, in Actions 1**
26 **and 2, in Alternative 2, move Option 2a to the Considered but**
27 **Rejected, and I have further motions that, if I get a second, I**
28 **can explain better where I think I'm going.**

29
30 **CHAIRMAN BOGGS:** J.D. seconds. Go ahead, Mr. Gill.

31
32 **MR. GILL:** Thank you, and so my thinking is that we know that,
33 with a very short timeframe, this is probably not workable, and
34 there is -- The bulk of the problems are going to be on the
35 frontend, and even three days won't cover a bunch of those, and
36 so I'm thinking that what we do is we extend the time and define
37 it as calendar days, as we discussed, to accommodate that, and
38 this is the start of that, because three is probably too little,
39 and so let's deal with something more realistic, and my thinking
40 is that we add an option for a greater timeframe, and we define
41 the days as calendar days. Thank you, Madam Chair.

42
43 **CHAIRMAN BOGGS:** Okay, and so I think we deal with this motion
44 first, so that we can remove, or vote to remove, an alternative,
45 and then you can come back and make a motion to add the items to
46 what remains. We have a motion on the board. **Is there any**
47 **opposition to the motion? Seeing no opposition, the motion**
48 **carries.** Mr. Gill.

1
2 **MR. GILL:** Thank you, Madam Chair. I move that we add, for
3 **Actions 1 and 2, Alternative 2, an option for fourteen days,**
4 **calendar days, and we define -- Fourteen days exemption, and we**
5 **define days in Options 2b and 2c as calendar days.**
6
7 **CHAIRMAN BOGGS:** Well, would it not be better to just add, and
8 it may take a third motion, to add the word "calendar" in the
9 body of the alternatives, where we say set a limit on the number
10 of days, and you say calendar days, as opposed to putting it in
11 each option, and either way is fine with me, but I just don't
12 know how it might be easier, if it matters to staff. J.D.
13
14 **MR. J.D. DUGAS:** Why not remove all of them and just add this
15 one?
16
17 **CHAIRMAN BOGGS:** Well, we have a motion on the board that we
18 need to dispense of, but I suppose you could come back and make
19 another motion to that effect. J.D.
20
21 **MR. DUGAS:** What I'm saying is remove three days, seven days,
22 and ten days and just have one fourteen days.
23
24 **CHAIRMAN BOGGS:** I understand what J.D. is saying, and he is
25 basically saying remove all of the options and just have the one
26 for fourteen days, but we need to dispense with this motion,
27 and, if you wanted to come back and make another motion, and
28 correct me if I'm wrong, Ms. Somerset.
29
30 **MS. SOMERSET:** Sorry. You can continue, but I just had another
31 question.
32
33 **CHAIRMAN BOGGS:** Okay.
34
35 **DR. FROESCHKE:** I would dispense with this, and then, if you
36 wanted to do that, like you said, you would just make a motion
37 to remove all of the options and revise the wording of the
38 alternative to state that it would be an exemption for fourteen
39 days.
40
41 **CHAIRMAN BOGGS:** Okay, and so we have a motion on the board, and
42 did we get a second for the motion? Leann. Okay. **Is there any**
43 **opposition to the motion? Seeing no opposition, the motion**
44 **passes.** J.D., did you want to do anything?
45
46 **MR. DUGAS:** Sure, I can, and I was looking at Mr. Gill, and I
47 didn't know if this was going to stick, but I guess I could make
48 a motion that John said, that we just change the alternative to

1 fourteen days.
2
3 **CHAIRMAN BOGGS:** I am going to help you, J.D.
4
5 **MR. DUGAS:** Yes, please.
6
7 **CHAIRMAN BOGGS:** Okay. The motion is, in Alternative 2, to
8 remove Options 2a, 2b, and 2c and add the exemption will be
9 valid for up to fourteen calendar days, and is that correct,
10 J.D.?
11
12 **MR. DUGAS:** Yes, ma'am.
13
14 **CHAIRMAN BOGGS:** Dr. Hollensead.
15
16 **DR. HOLLENSEAD:** Just some clarification for staff, and bringing
17 up what Andy had mentioned, and I guess, just in my mind, I do
18 calendar days would be Saturdays and Sundays and those sorts of
19 things, but, from what I understand, the intent is that it would
20 be days in which NOAA is open for business, right, or --
21
22 **CHAIRMAN BOGGS:** Andy or Mara?
23
24 **DR. HOLLENSEAD:** That's not calendar days.
25
26 **CHAIRMAN BOGGS:** Ms. Levy.
27
28 **MS. LEVY:** I thought you wanted calendar days, because everybody
29 knows what a calendar day is, but you've extended the time to
30 kind of account for the fact that -- So you got rid of the three
31 days and made it longer, which means you can use calendar days.
32
33 **DR. HOLLENSEAD:** Okay. I'm following that. Thank you.
34
35 **CHAIRMAN BOGGS:** Dr. Simmons.
36
37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think
38 you've already removed Option 2a in a previous motion, but I
39 think it's fine, for clarity, if you want to leave it in.
40
41 **CHAIRMAN BOGGS:** Yes, ma'am. Okay. Mr. Gill, and then we'll --
42 Well, first of all, do I have a second for this motion? Leann.
43 Bob, and then we're going to dispense with this motion and go to
44 lunch.
45
46 **MR. GILL:** If I understand your motion, Madam Chair, you're
47 effectively eliminating all options, and, in the body of the
48 alternative, it talks to fourteen days, because you can't have

1 one option, and do I understand this correctly? J.D. has
2 confused me completely, and I'm ready for lunch.

3
4 **MR. DUGAS:** I am just trying to buy as much time as possible and
5 eliminate the three and seven days. We don't need it. We want
6 as much time as possible. I mean, if we can make it twenty-
7 eight days --

8
9 **CHAIRMAN BOGGS:** Andy.

10
11 **MR. STRELCHECK:** I'm going to speak against the motion, for a
12 number of reasons. One, we need to, I think, maintain a
13 reasonable range, and, right now, I don't think we've been
14 presented sufficient data to be able to eliminate shorter time
15 periods, and we talked about that, and so I think that's
16 important to consider.

17
18 I hear J.D., in terms of wanting as long time as possible, which
19 is an angler's desire, a commercial fisherman's desire, but,
20 also, I think the council needs to consider and balance that
21 with the goals of the data collection program and enforcement
22 and other activities, and so, at this point, my preference would
23 be to maintain the range of seven, ten, and fourteen days.
24 Thanks.

25
26 **CHAIRMAN BOGGS:** Okay. We have a motion on the board. **Is there**
27 **any opposition to the motion? Raise your hand. Three. Those**
28 **in favor of the motion, raise your hand. Seven.** Okay. Mr.
29 Chair, with that, I think we probably need to break for lunch
30 and finish this at Full Council or in January.

31
32 **MR. DIAZ:** Thank you, Ms. Boggs. We are going to go ahead and
33 break for lunch, and we're going to take our full lunch time,
34 and we're going to come back at 1:45 and start up with Full
35 Council at 1:45.

36
37 **CHAIRMAN BOGGS:** I'm sorry, and I did not finish with this
38 motion. **The motion carried nine to three.** Thank you. **Or seven**
39 **to three.**

40
41 **MR. DIAZ:** Go ahead, Ms. Bosarge.

42
43 **MS. BOSARGE:** That presentation that we were going to get after
44 this is pretty relevant to this document, and I heard Dr. Brown
45 say that she could do it in January. Are there any other
46 options? Can she do it tomorrow morning, or is that a
47 potential? I don't know, and I did like the idea of having that
48 presentation today, because you've got some fishermen in the

1 audience, but, anyway, just know it's pretty important. If
2 we've got to wait until January, and I'm guessing there is no
3 traction being made by the Science Center in our delay, and I
4 don't know, but that would be a question that I would like
5 answered. Are they moving forward with something there or what?
6

7 **MR. DIAZ:** We will see this document again in January, and,
8 currently, we do not have preferreds in the document, and so
9 we're going to see it again in January, and my preference would
10 be to have that presentation at the January meeting, just for
11 time constraints. I agree with you, and I would have preferred
12 to have it today, but we needed to have the discussions we had
13 today, and a lot of good stuff was fleshed out. Dr. Simmons.
14

15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was just
16 going to suggest that that's a voluntary option in that
17 presentation for reporting for commercial ELB, and so perhaps we
18 could work with the Regional Office and the Science Center to
19 come up with a press release that explains some of that, since
20 that is part of the presentation. There's a voluntary option in
21 that presentation for electronic reporting for commercial
22 fishermen.
23

24 **MS. BOSARGE:** That's effective when, this voluntary option?
25

26 **EXECUTIVE DIRECTOR SIMMONS:** I think next month, November.
27

28 **MS. BOSARGE:** Just a heads-up, and so this is -- I mean,
29 obviously, it would be better to get the presentation, but this
30 is going to affect fisheries that have never had any kind of
31 electronic reporting, and we're talking about crab fisheries
32 down in the Keys, lobster, things that have not dealt with this
33 at all.
34

35 **EXECUTIVE DIRECTOR SIMMONS:** It's voluntary.
36

37 **MR. DIAZ:** All right. 1:45. Thank you, all.
38

39 (Whereupon, the meeting adjourned on October 27, 2021.)
40
41

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