

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 DATA COLLECTION COMMITTEE

4  
5 Opal Key Resort & Marina and Virtual Key West, Florida

6  
7 June 24, 2021

8  
9 **VOTING MEMBERS**

10 Kevin Anson (designee for Scott Bannon).....Alabama  
11 Susan Boggs.....Alabama  
12 Leann Bosarge.....Mississippi  
13 Dave Donaldson.....GSMFC  
14 Martha Guyas (designee for Jessica McCawley).....Florida  
15 Robin Riechers.....Texas  
16 John Sanchez.....Florida  
17 Chris Schieble (designee for Patrick Banks).....Louisiana  
18 Joe Spraggins.....Mississippi  
19 Andy Strelcheck.....NMFS  
20 Greg Stunz.....Texas  
21 Ed Swindell.....Louisiana  
22 Troy Williamson.....Texas

23  
24 **NON-VOTING MEMBERS**

25 Dale Diaz.....Mississippi  
26 Jonathan Dugas.....Louisiana  
27 Phil Dyskow.....Florida  
28 Tom Frazer.....Florida  
29 Bob Shipp.....Alabama

30  
31 **STAFF**

32 Assane Diagne.....Economist  
33 Matt Freeman.....Economist  
34 John Froeschke.....Deputy Director  
35 Beth Hager.....Administrative Officer  
36 Lisa Hollensead.....Fishery Biologist  
37 Ava Lasseter.....Anthropologist  
38 Mary Levy.....NOAA General Counsel  
39 Jessica Matos.....Document Editor & Administrative Assistant  
40 Natasha Mendez-Ferrer.....Fishery Biologist  
41 Emily Muehlstein.....Public Information Officer  
42 Kathy Pereira.....Meeting Planning - Travel Coordinator  
43 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison  
44 Bernadine Roy.....Office Manager  
45 Carrie Simmons.....Executive Director  
46 Carly Somerset.....Fisheries Outreach Specialist

47  
48 **OTHER PARTICIPANTS**

49 Chester Brewer.....SAFMC

1 Peter Hood.....NMFS  
2 Rich Malinowski.....NMFS  
3 John O'Malley.....NOAA OLE  
4 Captain Scott Pearce.....FL  
5 Clay Porch.....SEFSC  
6 Duane Smith.....NOAA OLE  
7 Jessica Stephen.....NMFS  
8  
9                   - - -  
10

TABLE OF CONTENTS

1  
2  
3 Table of Contents.....3  
4  
5 Adoption of Agenda and Approval of Minutes and Action Guide and  
6 Next Steps.....4  
7  
8 Update on Southeast For-Hire Electronic Reporting (SEFHIER)  
9 Program.....5  
10  
11 Presentation: Draft Options for Electronic Reporting Due to  
12 Equipment Failure.....21  
13  
14 Adjournment.....41  
15  
16 - - -  
17

1 The Data Collection Committee of the Gulf of Mexico Fishery  
2 Management Council convened via webinar on Thursday morning,  
3 June 24, 2021, and was called to order by Chairman Kevin Anson.

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

9 **CHAIRMAN KEVIN ANSON:** We have the Data Collection Committee,  
10 Tab F, Number 1, and the first item on the agenda is Adoption of  
11 the Agenda. Are there any additions or changes that are needed  
12 for the agenda? Seeing none, we skipped over the membership,  
13 and so that would be Dr. Stunz, Mr. Banks, Ms. Boggs, Ms.  
14 Bosarge, Mr. Donaldson, Ms. Guyas, Mr. Riechers, Mr. Sanchez,  
15 General Spraggins, Mr. Strelcheck, Mr. Swindell, and Mr.  
16 Williamson.

17  
18 Is there any objection to adopting the agenda as written?  
19 Seeing none, the agenda is accepted. Moving on to Item Number  
20 II, Approval of the April 2021 Committee Minutes, are there any  
21 changes or edits needed for the minutes? Seeing none, is there  
22 any opposition to accepting the minutes as written? The minutes  
23 are approved. Item Number III is Action Guide and Next Steps.  
24 Dr. Hollensead.

25  
26 **DR. LISA HOLLENSEAD:** Thank you, Mr. Chair. We have two items  
27 on our agenda for Data Collection. The first will be our  
28 continued update presentations from SERO staff on the Southeast  
29 For-Hire Electronic Reporting Program, or SEFHIER.

30  
31 Phase I of the program was implemented in January of this year  
32 and established data reporting requirements for the for-hire  
33 industry, and there will be some discussion about potential  
34 timelines for Phase II of that program, which will require the  
35 use of vessel monitoring systems.

36  
37 This presentation will provide that update as well as some  
38 preliminary information as the program has progressed to-date,  
39 and so the committee should be prepared to discuss this  
40 information and ask any questions regarding the program and  
41 offer any insights in how these changes would affect the for-  
42 hire industry in the Gulf.

43  
44 The second, or Agenda Item V, during the last meeting, some  
45 discussions were brought out about potentially addressing, with  
46 a policy document, instances where for-hire compliance could  
47 still happen in the event of an unforeseen electronic reporting  
48 equipment failure, and this discussion also led to some talk

1 about a potential analogous policy for the commercial sector as  
2 well, and so council staff will provide a presentation about  
3 some draft options for that policy document, and the committee  
4 should review the presentation and ask questions of SERO and  
5 council staff and provide input on the development of the draft  
6 document.

7  
8 Specifically, the committee should provide feedback and any  
9 advice to staff which would help address stakeholder concerns  
10 with the program compliance and identify actionable options  
11 which would be implemented to achieve the management objectives,  
12 and so this concludes the action guide, Mr. Chair, and I would  
13 be happy to take any questions, if anybody has any.

14  
15 **CHAIRMAN ANSON:** Thank you. Any questions? All right. That  
16 will move us to Item Number IV, Update on the Southeast For-Hire  
17 Electronic Reporting Program, Tab F, Number 4, and I heard Mr.  
18 Malinowski on the phone earlier. Rich, will you be conducting  
19 the presentation?

20  
21 **MR. RICH MALINOWSKI:** Yes, Chairman. I plan to make that  
22 presentation.

23  
24 **CHAIRMAN ANSON:** You may proceed.

25  
26 **UPDATE ON THE SOUTHEAST FOR-HIRE ELECTRONIC REPORTING (SEFHIER)**  
27 **PROGRAM**  
28

29 **MR. MALINOWSKI:** Good morning, everyone. Thanks for having me  
30 at this council meeting. If you don't know me, my name is Rich  
31 Malinowski, and I work in the Regional Office in St. Petersburg,  
32 in the Gulf Branch of the Sustainable Fisheries Division.

33  
34 Today, I'm just going to give you a brief update, real brief,  
35 about the Southeast For-Hire Electronic Reporting Program, or  
36 SEFHIER, as you mentioned. Just to give you an update on the  
37 numbers of accounts signed up, you can see, in the South  
38 Atlantic, there is about 1,100 of them, out of a potential 2,300  
39 accounts, permit holders, permits that are held by South  
40 Atlantic fishermen.

41  
42 In the Gulf of Mexico, we have about 804 of them, and there's  
43 about 1,250 charter vessel permits in the Gulf, and so we're  
44 still short about 400 there, and we're short about less than  
45 half in the South Atlantic, just to give you an idea about the  
46 numbers.

47  
48 You can see, by the various platforms, who is using what, and it

1 seems like the Gulf fishermen are using more the VESL account,  
2 versus the eTRIPS is being used more often in the South  
3 Atlantic. In addition, we already have 106 Gulf of Mexico  
4 permit holders using our VMS systems to complete their logbooks  
5 and trip declarations, and so that's just a quick summary, and  
6 you can think about those numbers, and I am going to talk about  
7 them later, if need be.

8  
9 You can see a large number of the permit holders haven't signed  
10 up to report yet. Just to give you a review, March 2, when I  
11 reported last, there was almost 1,000, or 996, accounts set up  
12 then, and, on June 15, there is 1,900, and so we've jumped by a  
13 thousand in the last four months, and so we can expect about 20  
14 to 30 percent latency, or inactive permits, and so, if you take  
15 those numbers off, we should have about a thousand permits  
16 signed up for Gulf boats, and so we've got 800, and so we're  
17 doing pretty good.

18  
19 Some fishermen are choosing to give up their permit, due to the  
20 increased restrictions, and we're hearing some of the fishermen  
21 that don't want to deal with the electronic reporting are going  
22 to just give up their permit in the future sometime, and some  
23 fishermen don't know about the regulations, or are unsure how to  
24 comply with them, and we still are getting calls from fishermen  
25 saying that they never heard of the program or anything, and so  
26 that's what our customer service group is reporting back to us.

27  
28 As a reminder, all permit holders out of compliance will not be  
29 able to renew their permit when it comes up for renewal, and so  
30 our system allows us to see which folks have been doing their  
31 reporting, and we can automatically send the Permits Office a  
32 notification to hold their permit on that. We anticipate  
33 increased participation as the permits come up for renewal.

34  
35 Recently, we sent out a letter, and we get a bump in the  
36 numbers, and we get more calls and more people setting up  
37 accounts, as we're finding out, and so we'll just talk about  
38 outreach here, real quick.

39  
40 You can see the past webinars that we had, December through  
41 April, and we reached out to 500 attendees, and then we just  
42 started doing them monthly, after the April timeline, and so  
43 we're doing them the second Tuesday of every month, and July  
44 will be the last one, and we can reschedule some more, but, in  
45 May, we had seven attendees. At the one last week, we didn't  
46 have any attendees, and then, on the 18<sup>th</sup> of June, actually, we  
47 had twenty-five FWC agents for the Gulf side of things, and we  
48 also had about twenty-five from the South Atlantic, and we gave

1 them two presentations, due to the two different reporting  
2 requirements.

3  
4 Some upcoming webinars, actually, that should be -- I think it's  
5 July 20 and not July 13, and so there's a mistake there, and I  
6 will note that, but it will be a monthly evening webinar, and it  
7 starts at 6:30 and runs until 7:30, or until everybody is happy  
8 with our answers.

9  
10 We're going to be doing our account management system, or the  
11 SRFH system training, for OLE and the partners very soon, and  
12 that system is getting ready to be released to us in a good  
13 format, and we can get that out to the partners, so they can get  
14 in there and look, our law enforcement, so they can see what  
15 reports are what coming and what trip declarations are getting  
16 completed and such.

17  
18 Then we've got to start thinking about Phase II coming up, and  
19 the VMS requirements, and we're going to start looking at  
20 webinars, and we've got an outreach meeting, team meeting, for  
21 the Phase II section next week.

22  
23 Just to give you an idea of what we've been doing, on June 3,  
24 SEFHIER designated a Fishery Bulletin announcement that was sent  
25 out, and, basically, you can sign up for SEFHIER-related  
26 bulletins, because we're going to be sending more and more out  
27 as time goes on about the webinars and about any kind of  
28 reporting requirement changes or any kind of issues that were  
29 coming up, and so, instead of receiving all the bulletins that  
30 we send out for everything, you can sign up for just these  
31 particular ones, and it took quite a while to get that through  
32 our Headquarters, too.

33  
34 On June 4, we posted a reminder Fishery Bulletin about the  
35 program, to sign up, make sure you're signed up for an account.  
36 On June 9, we mailed out a reminder letter to all permit holders  
37 who have not set up an account yet, and so those 1,200 accounts,  
38 permit holders, that haven't set up accounts, they were all sent  
39 letters reminding them that they have to set up an account.

40  
41 We're also drafting a multi-permit letter to be sent to the  
42 GARFO vessels. Some of the GARFO fishermen that have South  
43 Atlantic or Gulf permits are questioning the requirements, and  
44 they don't like some of the data elements, and so we're sending  
45 the letter to them to clarify things for them, and we're working  
46 with the Regional Office up there to get that completed.

47  
48 At the last meeting, I believe it was Ms. Boggs that asked about

1 the platforms notifying users when they update their systems and  
2 such, and so we requested eTRIPS and VESL to send a notification  
3 to the users when their application is updated, and that has  
4 been completed, and you should have received one from eTRIPS  
5 recently. A new version of it came out I think it was two weeks  
6 ago, and, the VESL one, I think a version came out a little bit  
7 farther back than that.

8  
9 We're going to talk about a VMS update here, and so the -- This  
10 is all cellular ones here, these three that I listed here, and  
11 so the ETERM-C is the first one completed and approved, and  
12 that's a hybrid, and it can go satellite or cellular, and it can  
13 be designated as one or the other.

14  
15 The CLS NEMO hybrid is currently finishing up sea trials, and  
16 so, basically, that means that we've seen it operating on a  
17 vessel out of Madeira Beach, and they tested it, and everything  
18 is working with it, and so our contractor will be sending us  
19 over a report on what they think, and hopefully it's a good  
20 report and it will get approved for the for-hire portion of the  
21 fishery here.

22  
23 The Nautic Alert cellular unit is undergoing sea trials  
24 currently, and it's going over to our contractor shortly, and we  
25 should see it -- I am hoping to get that one approved within a  
26 month or so, and then, if you want to go see the ten, and now  
27 there's eleven of them, approved on the list, you can go to that  
28 table that is referred to at the bottom.

29  
30 Here is a couple of discussion items that we wanted to bring up,  
31 things that are questionable to some folks. Dual-permitted  
32 vessels, which have a commercial and a for-hire permit, we  
33 remind them that you must complete a commercial trip declaration  
34 when going on a for-hire trip. If you're not going on a  
35 commercial trip, and you're going on a for-hire trip, you still  
36 need to complete your commercial declaration, and remember that,  
37 please.

38  
39 NMFS is currently investigating how to streamline the  
40 declarations for dually-permitted vessels, as notification  
41 serves two different purposes in each of these sectors, and so  
42 we're working on combining it and making it into one  
43 notification throughout OLE and throughout the system, and it's  
44 taking a little bit of time, but, hopefully, by the next time we  
45 talk, or shortly thereafter, we'll have that figured out, so  
46 they won't have to make dual notifications.

47  
48 Another reminder is, if you're fishing for HMS species, highly



1 migratory species, and so the tunas and the swordfish and  
2 billfish and such, if you're using the VESL app, you still need  
3 to complete the HMS electronic logbook report, which is a  
4 separate report that is found in the HMS website. VESL is  
5 working on adding the HMS-required questions, but they aren't  
6 quite there yet, and so we anticipate Bluefin Data getting that  
7 app updated in the next month or so and releasing that, all the  
8 HMS stuff, so you don't have to do two completely separate  
9 reports.

10  
11 If you use eTRIPS/mobile app, the app will prompt you for the  
12 HMS-required questions, so you don't have to do that separate  
13 HMS permit requirement.

14  
15 One thing, and this is a big issue right now, is the VMS  
16 implementation date, and, as a group, we're still shooting for  
17 December 1 as the effective date, effective and required, which  
18 means the rule notification will come out sometime in early  
19 September, to give the permit holders ninety days of notice or  
20 so, but I know that's a topic of discussion.

21  
22 The last thing is the equipment failure exemption. As Lisa  
23 mentioned earlier, Carly will be discussing that failure  
24 exemption document, or a review of that, and so that's the next  
25 presentation.

26  
27 That concludes it, and we have some resources, and here is our  
28 phone numbers and our emails and our website, if you have any  
29 questions, and feel free to reach out to us anytime, and we're  
30 around, and so we're getting a lot of calls, but feel free to  
31 reach out and join in the webinars, and that's it. Thank you.

32  
33 **CHAIRMAN ANSON:** Thank you, Rich. I just have one question.

34  
35 **MR. MALINOWSKI:** Okay. Go ahead, Dr. Stunz.

36  
37 **DR. GREG STUNZ:** Well, thanks for the update, Rich. You  
38 mentioned that, eventually, they're going to have to -- If they  
39 don't renew, it will end, essentially, and, one, I'm wondering  
40 about what is that -- What is the date that that sort of grace  
41 period ends, or, really, at what point are they going to be cut  
42 off, where you say, okay, well, they had the opportunity to  
43 review their permits, and they haven't done it, and so here's  
44 sort of the universe of for-hire captains, and I'm talking about  
45 the Gulf, and I don't know if the dates are the same for the  
46 South Atlantic.

47  
48 **MR. MALINOWSKI:** Greg, we're still in that compliance assistance

1 mode that we sort of made a name for, and we're probably looking  
2 sometime in August to get everybody in line, and that will be an  
3 eight-month period of doing compliance assistance, and we're  
4 going to see who is reporting and who is not, and, if you  
5 haven't learned about the program after eight months, and all  
6 the outreach we've been doing, there's an issue, and so that's  
7 when our enforcement will probably step up the pace a little bit  
8 and start making more visits and doing their compliance thing,  
9 and, if need be, writing citations and such. Does that give you  
10 an answer?

11  
12 **DR. STUNZ:** Yes, but, at some point, you're just not going to  
13 renew the permit, and so you will have a constriction, or a  
14 reduction, in the number of permits that are out there, I would  
15 assume, right, and that's what I am wondering, is when you would  
16 expect that to occur.

17  
18 **MR. MALINOWSKI:** Well, when their permit comes up for renewal is  
19 when we'll look at that, and it will be on an individual basis,  
20 and it won't be as a whole like that.

21  
22 **DR. STUNZ:** Okay, and so there's not an annual renewal, and it's  
23 an individual date then.

24  
25 **MR. MALINOWSKI:** Right. Each individual permit has its own  
26 renewal date, and so a lot of them are towards the end of the  
27 year, but it's whenever they go to renew their permit is when  
28 that comes up.

29  
30 **DR. STUNZ:** All right. Thank you, Rich.

31  
32 **MR. MALINOWSKI:** Sure.

33  
34 **CHAIRMAN ANSON:** My question related to the permits that will be  
35 expiring, these latent permits. You already mentioned, in your  
36 presentation, that there has been some letters mailed to the  
37 addresses that are associated with each of the permits, and so  
38 does the Permits Division -- Do they also send a letter, sixty  
39 days prior to when the permit is supposed to expire, to remind  
40 the owner that, hey, your permit is expiring, or do you not send  
41 a letter?

42  
43 **MR. MALINOWSKI:** Kevin, I am not real sure on that. I'm going  
44 to have to defer to my other staff on that, and I don't know if  
45 Mara can answer that, or, if Jessica is on the call, I'm sure  
46 she can, or Andy may be able to also, but I can get you that  
47 answer, but I don't know that right now.

48

1 **CHAIRMAN ANSON:** All right. Thank you. Next, we have Martha,  
2 followed by Susan.

3  
4 **MS. MARTHA GUYAS:** Thanks, Mr. Chair. Rich, I've got a couple  
5 of questions for you. I'm wondering, first, for the folks that  
6 have not renewed, or I guess rather signed up to submit reports  
7 yet, are you seeing regional trends in home ports or areas where  
8 this is occurring? Then I have a follow-up, based on that.

9  
10 **MR. MALINOWSKI:** Sure. Yes, we're seeing some areas that are  
11 reluctant to set up their accounts, or reluctant to do the  
12 reporting, and, as we hear about them, I pass them on to the law  
13 enforcement, and our compliance team is also making calls to  
14 fishermen that haven't set up accounts yet, and so they're busy  
15 doing that, and that's a group of us that just strictly look at  
16 those numbers and where and who, and so we are seeing those  
17 pockets, and they seem to be down in southwest Florida, and  
18 there is quite a group of them down there, and there is some in  
19 northwest Florida, but most of the rest of the regions are doing  
20 pretty good. Texas is a little bit low in numbers, but,  
21 overall, it's spread out, and it's really not just one group, or  
22 two groups, but southwest Florida is the hotspot.

23  
24 **MS. GUYAS:** Okay, and so I guess, and you may not be able to  
25 answer this, but, once you all go back to being able to travel,  
26 would you be planning to do in-person outreach? I guess not  
27 having law enforcement come knock on people's doors, but I'm  
28 thinking more like the SEFHIER folks that are actually working  
29 on this, with those community people.

30  
31 **MR. MALINOWSKI:** Sure. If we're implementing the Phase II and  
32 the VMS stuff, we're going to be doing some in-person outreach,  
33 and that could be included with that, the knocking on doors, but  
34 the port agents are a big part of our process, and the port  
35 agents will be starting up in the early fall, doing their thing,  
36 and so they will be out on the docks and on the street there,  
37 and so they will be able to -- We can relay to those folks who  
38 still hasn't signed up, and, if we know their marina, or their  
39 locations, we can have those port agents go visit them and see  
40 what's going on, and so there is a means to complete that, yes,  
41 Martha.

42  
43 **MS. GUYAS:** Okay. Awesome. I'm glad to hear it. The last  
44 question is sort of related, since you mentioned the port agents  
45 starting up in the fall, and do you have an idea of when the  
46 headboat survey is starting up again? I know that's not you,  
47 but is that the fall, or is that sooner than that?

48

1 **MR. MALINOWSKI:** I am going to defer that to Jessica, because  
2 she's been working with the Gulf States more so than I have.  
3 She and Mike Larkin have been heading that up for us, and so I  
4 have to defer that to Jessica there, Martha, and it looks like  
5 she's got her hand up.  
6  
7 **MS. GUYAS:** Okay. No problem. Thanks, Rich.  
8  
9 **CHAIRMAN ANSON:** Jessica, to that point?  
10  
11 **DR. JESSICA STEPHEN:** To the earlier question first, permits  
12 will send a letter out every sixty days in advance of the permit  
13 expiring, and so they do get notice of that, and the headboat  
14 survey is working towards starting up soon, and we don't have an  
15 official date that we're hoping to do that, but in the next few  
16 months, if not few weeks.  
17  
18 **CHAIRMAN ANSON:** All right. Thank you. Just, on that letter  
19 that's sent out sixty days prior, will you also be sending in a  
20 notice about the reporting requirement too, just one more  
21 opportunity?  
22  
23 **DR. STEPHEN:** When they send the letter out, they typically send  
24 information related to the different permits that they have,  
25 because a lot of fishermen have more than one permit, and I will  
26 have to check with our Permits Office if that automated letter,  
27 because it's generated by computer code, does include additional  
28 SEFHIER information or not.  
29  
30 **CHAIRMAN ANSON:** Thank you. Next, I have Susan.  
31  
32 **MS. BOGGS:** Thank you, Mr. Chair. I've got several things.  
33 Since we're talking about the permits, my husband and I being  
34 permit holders, we do get the sixty-day notice, and I do know  
35 that, this year, there was no information in it about the  
36 SEFHIER program, but, also, a permit, if it's not renewed --  
37 Ours renewed in April, but we have until April of next year to  
38 renew that permit, and so you've got a one-year grace period.  
39  
40 Talking about the law enforcement, we had some law enforcement  
41 officers on our dock, and it's probably been about a month ago,  
42 and they stated that they were given overtime to enforce the use  
43 of the reporting, and that they were going to start writing  
44 tickets if they weren't reporting, and so my question is, is  
45 there any truth to that, because I had one captain come up to me  
46 very concerned that he was getting ready to be fined.  
47  
48 If they're going to be coming and intercepting our captains, do

1 they have the information to give the captains of where to go to  
2 get these resources to help them get signed up? That's my first  
3 question.

4  
5 **MR. MALINOWSKI:** Susan, regarding the OT, the overtime, I have  
6 no idea how that's done. If it was an FWC agent, that's done  
7 out with their law enforcement, and through our JEA process. I  
8 sure would hope not, that they would do that, but we can check  
9 on that, and I will get back to you on that one.

10  
11 Secondly, yes, they can start writing citations, or they're  
12 supposed to send it to our Regional Office law enforcement  
13 before they do anything, and send their case file over to us,  
14 and then let us make that determination for them during this  
15 adjustment period, for the first year or so of doing this, and  
16 so we're hoping that they come to us first, before they issue  
17 any kind of citations or anything. What was the last question?  
18 I'm sorry.

19  
20 **MS. BOGGS:** I am just wondering if the law enforcement agents  
21 are armed with the information to provide these captains where  
22 to go find these resources, because this particular captain  
23 said, when he couldn't help me, he just told me that I wasn't  
24 doing what I was supposed to do, and he didn't offer him any  
25 resources to go look at.

26  
27 **MR. MALINOWSKI:** We just had the FWC agents webinar last week,  
28 and we provided them a summary of the program, and, if they  
29 wanted to get some of the toolkits to hand out, they could email  
30 us back and let us know that they want some of those, and we'll  
31 send some out to them. That way, when they're out in the field  
32 and someone hasn't heard about the program, they do have the  
33 information that they can provide to the captains, and so, yes,  
34 they do have that.

35  
36 We have had FWC, and we had Mississippi and Alabama, and did we  
37 have a Louisiana law enforcement one? I know I had one with the  
38 captains, a webinar, and I don't believe we had LDFW, and we  
39 might want to schedule one with Louisiana, and we might want to  
40 schedule one with Texas law enforcement too, but we have  
41 requested those programs, through our Law Enforcement Office, if  
42 they wanted to set up something.

43  
44 We're hoping that they do come back to us and say, yes, let's  
45 have a webinar for our agents too, and so that's something that  
46 the states can take back to their law enforcement group and ask  
47 them, you know, have you guys updated your agents about the  
48 SEFHIER program, and would you like to have a presentation from

1 our group, and would you like more information, and let us know.  
2 Thanks.

3  
4 **MS. BOGGS:** Thank you, Rich. I have two more things. With  
5 regard to the headboat survey, I do know that we talked to our  
6 port agent last week, and his understanding was July, is when  
7 they were going to start being able to come and actually survey  
8 the fish.

9  
10 Then one more question, and I guess this may be to Andy, but is  
11 this lawsuit that's been filed -- Is that going to hold up the  
12 reporting, or are we going to continue forward as planned, until  
13 otherwise notified?

14  
15 **MR. ANDY STRELCHECK:** I can't really speak to the pending  
16 litigation, but certainly we have not made a decision with  
17 regard to the start date of the VMS unit requirements yet. We  
18 were targeting later this year, and some of the factors that  
19 we've been considering is, one, are there enough vendors that  
20 produce the cellular units to have sufficient choices for  
21 fishermen to be able to obtain those units, and then, as you've  
22 all been hearing, across the country, the chip shortages, and so  
23 we were very concerned that, even if we had approved units, did  
24 they have enough in stock in order to actually meet the needs of  
25 the industry.

26  
27 We have been looking into that, and it looks like, by August, we  
28 should have three approved cellular-based units, in addition to  
29 the satellite-based units, and that the vendors should have  
30 sufficient numbers in stock to be able to cover the need for the  
31 for-hire fishery. The question still remains of kind of when we  
32 roll out the VMS requirements, and we haven't made a final  
33 decision, but we expect to do so in the upcoming months.

34  
35 **CHAIRMAN ANSON:** All right. Thank you. Dr. Frazer.

36  
37 **DR. TOM FRAZER:** Susan, I just wanted to circle back on the  
38 question related to kind of enforcement, and we're fortunate to  
39 have Officers Pearce and O'Malley here today, and so to give a  
40 perspective from the Florida side of things as well as OLE, and  
41 so, Captain Pearce, did you want to talk on at least the state  
42 perspective, and then we'll get Officer O'Malley up here?

43  
44 **CAPTAIN SCOTT PEARCE:** Just to clarify, right now, we're going  
45 through the training with NOAA, and we just had training last  
46 week with all of our offshore patrol vessel officers, and this  
47 is an educational phase right now. We're telling people that  
48 we're about to write tickets, Susan, and I'm not sure where that

1 -- I would like to know more about the history behind that.

2  
3 We're taking this on as an educational phase, and it's  
4 educational for us, and it's educational for them, and we want  
5 to make sure that -- This is something that's a new program, and  
6 so we're trying to be very patient on it.

7  
8 Our role in this is going to be supporting NOAA, and so it's  
9 going to be -- I think it's going to fall under our JEA  
10 requirements to do some amount of hours, working on this, but,  
11 as they were saying earlier, if we encounter somebody, we're  
12 going to work NOAA agents on what the process would be, whether  
13 it be a citation or whether it be a warning, and it will kind of  
14 be directed by NOAA how they want to handle the situation, and  
15 so, right now, we're at the educational phase of it, and there  
16 is not any emphasis on strong enforcement right now.

17  
18 **DR. FRAZER:** All right. Officer O'Malley, thank you.

19  
20 **MR. JOHN O'MALLEY:** For OLE, it's the same. We're doing  
21 outreach and education and compliance assistance, and we're not  
22 writing tickets or summary settlements or anything right now,  
23 and we're trying to get everybody onboard with the system and  
24 let them know. We're trying to find the people that don't know  
25 and make sure that they're aware of it, and we've been  
26 participating in the SEFHIER trainings too, and so we've seen  
27 quite a few of the JEA partners going through the training, and  
28 so we're not aware of anybody that's been cited or anything like  
29 that.

30  
31 **DR. FRAZER:** All right. Thank you, and thank you, Kevin, for  
32 letting me kind of insert some discussion in the committee.

33  
34 **CHAIRMAN ANSON:** Thank you. Next, I had Mara.

35  
36 **MS. MARA LEVY:** Thank you. I just wanted to give a little bit  
37 more detail about the permits, since there seemed to be some  
38 concern there, and I think it was covered that they do get  
39 notice of renewal, and then there is also the year between when  
40 it expires and when the permit actually terminates and goes  
41 away.

42  
43 Folks get noticed of that too, and how they would get notice  
44 that they haven't met the reporting requirements is when they  
45 actually submit an application to renew, and the Permits Office  
46 is checking to make sure that everything that is needed to renew  
47 that permit is there, and, if a reporting requirement is  
48 missing, they will get a letter saying what is deficient from

1 their application or what they haven't done, and so I just  
2 wanted folks to know that people should be getting notice, if  
3 the reason that a permit isn't getting renewed after they  
4 submitted an application is that they have failed to meet a  
5 reporting requirement.

6  
7 **CHAIRMAN ANSON:** All right. Thank you. Just so I understand,  
8 in the application then that they receive, there is a line, or a  
9 question on there, that asks have they signed up, or do they ask  
10 for an account number, or how do they know that that's one of  
11 the things that they need to be compliant?

12  
13 **MS. LEVY:** Well, I think it's in the instructions, actually, but  
14 I would have to look, but, if they aren't compliant with  
15 something, they haven't submitted some piece of information  
16 that's required, they will get a letter back saying what is  
17 missing, and so the Permits Office, and someone from the Permits  
18 Office or NMFS can speak to that, has the mechanism to determine  
19 whether people have submitted their logbooks or have their VMS  
20 operating, and all that sort of stuff, and, before they renew a  
21 permit, they check all those boxes, to make sure they have what  
22 they need, and, if they don't, they will send a letter to the  
23 permit holders saying, hey, we're missing this, and they will  
24 give them the opportunity to submit what's missing or get their  
25 VMS working or sign up for an account or whatever it is.

26  
27 **CHAIRMAN ANSON:** Thank you. All right. I have Andy and then  
28 Dave.

29  
30 **MR. STRELCHECK:** I'm good. I made my point with regard to the  
31 timing of VMS requirements.

32  
33 **CHAIRMAN ANSON:** Thank you. Dave.

34  
35 **MR. DAVE DONALDSON:** Thank you, Mr. Chairman. Thanks, Rich, for  
36 the presentation, and, regarding permits and captains that  
37 haven't been reporting and not being able to renew their permit  
38 until they provide the information, a number of years ago, we  
39 did a pilot study here in the Gulf, funded by MRIP, and that was  
40 one of the recommendations out of that study, was to have more  
41 timely notification, if they're not reporting, that their permit  
42 won't get renewed.

43  
44 Rich, I was wondering if you guys have looked into doing that,  
45 because there is the potential that a guy could -- A captain  
46 could not report for almost a year before getting notification  
47 that his permit is not going to get renewed, because he's not  
48 reporting, and so is that something you guys looked at? I know



1 changing the permitting process is not a particularly easy task,  
2 but I was just curious if you guys have looked at that at all.

3  
4 **MR. MALINOWSKI:** We looked at who hasn't set up an account yet,  
5 and we sent that letter out to all those users and permit  
6 holders that haven't set up an account yet, just to remind them  
7 that, if you're not reporting, or you haven't set up an account,  
8 there's an issue, and, in that letter, and I can make it  
9 available to everyone a copy of it, but I believe it had that  
10 your permit will not be renewable if you don't comply with these  
11 requirements, and so that's one step we took.

12  
13 The bulletins is another one, and we put that in there, in the  
14 Fishery Bulletins, but do plan -- I believe there is a letter  
15 that we're going to be putting in with the permits package about  
16 the compliance for this program, when that permit renewal sixty  
17 days goes up, and I believe Kevin is planning on doing that for  
18 us, and so it should be in there, Dave, and it should be in that  
19 notice when they get the renewal letter back, that sixty-day  
20 one, and so we'll make sure of that. We'll make sure that  
21 happens.

22  
23 **MR. DONALDSON:** Thanks, Rich.

24  
25 **CHAIRMAN ANSON:** Leann, I said you were next, but our legal  
26 counsel is lined up here to talk, and so maybe it might be  
27 apropos to go ahead and have them. Mara.

28  
29 **MS. LEVY:** Thanks. I was just going to let you know that Duane  
30 has his hand up, and so that was it. Thanks.

31  
32 **CHAIRMAN ANSON:** All right. Next, we have Duane Smith. Can you  
33 introduce yourself?

34  
35 **MR. DUANE SMITH:** Good morning, council. I am one of the two  
36 current enforcement attorneys in the Southeast Region, and I'm  
37 covering the Gulf Council at this point, since Cindy retired,  
38 and we should be up to full strength, maybe in another month or  
39 so, with a third attorney, and so I don't know if I'm going to  
40 stay with the Gulf Council or the South Atlantic, but I'm here  
41 today.

42  
43 I just wanted to talk for a moment about the enforcement issues,  
44 and I know Special Agent O'Malley, ASAC O'Malley, talked, and  
45 Captain Pearce, and those guys are the boots on the ground, but  
46 I just wanted to make a general point about the legal standard.

47  
48 These rules went into effect in January, and, if people are not

1 in compliance, they're in violation of the law. Now, this  
2 phase-in period, this compliance-assistance period, is purely a  
3 courtesy on the part of the agency. It's not -- It doesn't  
4 preclude us from bringing legal actions, and, truly, I think  
5 we're losing a little bit of sight of the fact that the onus is  
6 on the industry to comply.

7  
8 The council decided that this was an appropriate thing to do,  
9 and we gave plenty of notice for comment and public hearings,  
10 and we have put out more informational stuff than you can shake  
11 a stick at, and we're holding webinars.

12  
13 At some point, this is not a lack-of-awareness problem, and this  
14 is a lack of compliance problem, and I just want to be very,  
15 very clear that, although ASAC O'Malley stated correctly that  
16 they have not started writing tickets yet, that doesn't mean  
17 they couldn't, and that doesn't necessarily mean they shouldn't.

18  
19 That's a policy call that his office will make, in conjunction  
20 with mine and the program, but I think we're losing a little bit  
21 of sight of the fact that there is responsibility by the  
22 regulated community to follow the law, both in terms of filing  
23 reports so that they can renew their permit and in terms of  
24 filing the reports, because every one that is not filed is in  
25 fact a violation at the time it occurs, and so I'm happy to take  
26 questions, but just, again, I wanted to kind of put a marker  
27 down that I think perhaps folks are losing a little bit of sight  
28 of the responsibility of the regulated community.

29  
30 **CHAIRMAN ANSON:** Thank you, Mr. Smith, for your comments. We  
31 appreciate them, and we do have some questions, I think, as you  
32 said you were available for, and so Susan, followed by Andy,  
33 specific to Mr. Smith's comments.

34  
35 **MS. BOGGS:** Thank you, Mr. Smith. I appreciate that  
36 clarification, and I completely understand. I think one of the  
37 things that I do not know, and I think it would be good for  
38 people to know, is what are the fines that would be attached to  
39 this for penalties for not being in compliance, when tickets are  
40 starting to be written? Thank you.

41  
42 **MR. SMITH:** Sure. We take a graduated enforcement approach to  
43 most things, and, as you have seen, and as ASAC O'Malley stated,  
44 we tend to start out with compliance assistance, the lowest  
45 possible level. We want folks to be in compliance, and that's a  
46 win-win.

47  
48 Their next options, after that, are they can issue written

1 warnings, and those would count as a prior violation, but they  
2 wouldn't carry a monetary penalty. They would also be able to  
3 issue a summary settlement, and summary settlements tend to be  
4 lower-level penalties, and there is, obviously, a monetary  
5 component to it, but it's far less than if it comes to my office  
6 for a notice of violation and assessment of civil penalty.

7  
8 Our penalty policy is public, and it's available on the website.  
9 If anyone just simply Googles, "NOAA enforcement Section", and  
10 you will come up with the NOAA Office of General Counsel  
11 Enforcement Section website. We publish, on that website, all  
12 of the cases that we charge, all of the cases that we settle,  
13 the AOJ opinions, in cases that go to hearing, and our penalty  
14 policy is there, and our penalty policy lays out what the  
15 different penalties are for various offenses, based on the  
16 culpability level.

17  
18 In terms of failure to report, I don't have my penalty policy  
19 memorized, but, if you will bear with me for thirty seconds, I  
20 will try to give you a specific. I don't want to waste the  
21 council's time with this, and I know it's precious, but let me  
22 just see. I want to say it's a Level 1 offense, but I need to  
23 look that up.

24  
25 Let me put it to you this way. I can get you a concrete answer  
26 on that, but I don't want to waste your time looking that up in  
27 my penalty policy that's available to everyone. What I would  
28 say is that Level 1 penalties, if I'm correct, range from  
29 written warning, for an unintentional offense, up to \$10,000 for  
30 an intentional offense, and it would vary based on the  
31 particular facts of the case, and I am pretty positive that a  
32 simple failure to report would be a Level 1 offense.

33  
34 **CHAIRMAN ANSON:** Thank you. Andy.

35  
36 **MR. STRELCHECK:** Thanks, Kevin, and it's not a question for  
37 Duane, but more just kind of a response from a different  
38 perspective. I certainly don't disagree with General Counsel's  
39 characterization of kind of where we're at.

40  
41 What I would say is that this is a complex program, and it's  
42 geographically disperse, and lots of people are involved in it,  
43 and we want buy-in. We want support for the program, and we are  
44 spending a lot of time to try to do outreach and compliance  
45 assistance, and, to me, that's the most important thing right  
46 now, more than anything else, rather than heavy-handed coming  
47 down from an enforcement perspective.

1 With that said, I am not an enforcement officer, and I'm not an  
2 attorney dealing with that, but that's my goal, in terms of  
3 leading the program, from the Regional Office perspective at  
4 this point.

5  
6 I think there's some things that we've done between the last  
7 council meeting and this council meeting for outreach that have  
8 worked, as well as fallen flat, and there is still some  
9 additional work that has to be done, and we have to come up with  
10 some new and innovative ways to reaching out to some of these  
11 captains that are either still unaware or resistant to reporting  
12 and continue to build that buy-in, and so that's going to be my  
13 emphasis and focus, going forward, with my team and continuing  
14 to work with all the states' law enforcement and others to build  
15 that partnership. Thanks.

16  
17 **CHAIRMAN ANSON:** Thank you, Andy. All right. Leann.

18  
19 **MS. BOSARGE:** Thanks. Rich, first, I just wanted to say thanks  
20 to you, and you're very dedicated, and I think you work with the  
21 fishermen in an excellent manner, and they really respond to you  
22 well, and so thanks for that.

23  
24 My question, I guess, is a little more in the weeds, and so you  
25 mentioned that there is one cellular unit approved and two being  
26 tested. For the two being tested, do you know what kind of  
27 boats they are being tested on? I am guessing they're for-hire  
28 boats, when possible.

29  
30 **MR. MALINOWSKI:** Yes, and they're both federally-permitted  
31 charter vessels. One is out of Madeira Beach, and one is out of  
32 I believe it's Galveston, if I'm not mistaken, and I don't want  
33 to put their names out there, but they are both -- I believe  
34 they're both over thirty-foot charter vessels.

35  
36 **MS. BOSARGE:** Okay. That's great. I love to hear that. Then  
37 the other question is you were talking about, if you're dually-  
38 permitted, you have to do a commercial hail-out and a for-hire  
39 hail-out, and you said that you all are working on that, but  
40 that the reason was because they're for two different purposes,  
41 and I was wondering what that piece meant, and I didn't  
42 understand the two different purposes.

43  
44 **MR. MALINOWSKI:** Sure. The commercial declaration, it basically  
45 is going to our port agents that meet the commercial vessels out  
46 there, to do their inspection of the catch when they come back  
47 into port, and they've got a three-hour notification that  
48 they've got to send us back on the backend of things.

1  
2 The trip declaration, when they're going out, it goes to  
3 different groups of people, and that's where it's sort of  
4 separated, because it's going out to the FWC agents, or our  
5 partner, the JEA partners, that requested to be on the list, and  
6 then, in addition, it goes out to all of our law enforcement  
7 officers, but not so much the port agents.

8  
9 On that side, we're going to have port agents for the headboats  
10 and charter boats, and then we're going to have port agents for  
11 the commercial folks, and so there is two different sectors  
12 there, and I think that's the question that you're leading to,  
13 Leann, and I hope that answers it.

14  
15 **MS. BOSARGE:** I think I follow you. Thank you.

16  
17 **MR. MALINOWSKI:** Okay.

18  
19 **CHAIRMAN ANSON:** All right. Great. We've got about forty  
20 minutes left in committee, with another agenda item, and I would  
21 like to move on to that.

22  
23 **MR. MALINOWSKI:** Thanks, Chairman. I appreciate your time, and  
24 reach out and give us a call, or send us an email, and we'll get  
25 back to you expeditiously. Thanks.

26  
27 **CHAIRMAN ANSON:** Thank you, Rich. That takes us to the next  
28 agenda item, Presentation on Draft Options for Electronic  
29 Reporting Due to Equipment Failure, and that will be Ms. Carly  
30 Somerset.

31  
32 **PRESENTATION ON DRAFT OPTIONS FOR ELECTRONIC REPORTING DUE TO**  
33 **EQUIPMENT FAILURE**

34  
35 **MS. CARLY SOMERSET:** Thank you, Mr. Chair. This will just be a  
36 continuation of what we've been discussing so far, but, more  
37 specifically, on the Phase II location tracking portion. This  
38 presentation will provide some background on the Phase II for  
39 the Southeast For-Hire Electronic Reporting Program,  
40 specifically to gather some feedback from the council on  
41 drafting a document and options for potential location tracking  
42 equipment failure.

43  
44 You have already received some information on the current status  
45 of the program from Rich, and so I will just narrow the focus  
46 here a bit on the location reporting.

47  
48 Back in May of 2017, the Generic Amendment: Modifications to

1 Charter Vessel and Headboat Reporting Requirements was finalize.  
2 Rollout of the requirements is being implemented in two phases,  
3 Phase I being the electronic trip reporting, which was  
4 implemented on January 5, 2021 for the Gulf, and Phase II, the  
5 location reporting, as we've been discussing, is not yet  
6 effective.

7  
8 I want to note here that I have "VMS" in parentheses with an  
9 asterisk, and so, within the Federal Register, it states, to be  
10 consistent with the NMFS OLE final rule, any cellular or  
11 satellite-based vessel location tracking device is hereafter  
12 referred to as a cellular or satellite VMS.

13  
14 I think, in some of the discussions, and the Q&A and outreach  
15 that has been occurring, VMS has been used regularly as -- We're  
16 not always specifying cellular or satellite, and so I just  
17 wanted to clearly distinguish them. Anything VMS with an  
18 asterisk includes cellular and satellite. Otherwise, it will be  
19 specified one over the other.

20  
21 Public comment has been received throughout the development of  
22 the headboat reporting requirements document, and even through  
23 this phase that we've been continuing with outreach and getting  
24 everyone onboard, as far as reporting. There were several  
25 public engagement meetings in 2019 and 2020, where captains  
26 expressed concern about trip cancellations, leading to loss of  
27 revenue, and/or loss of clients, if the equipment that is  
28 required to be affixed to the vessel, if the location tracking  
29 fails.

30  
31 Based on this issue, some sort of reporting exception, or  
32 exception process, has been requested for unanticipated  
33 failures, but, to date, no workaround has been determined.  
34 Participating operators have also been concerned about limited  
35 availability of hardware systems and any training on use of the  
36 equipment prior to implementation.

37  
38 At the April 2021 council meeting, the council directed staff to  
39 begin a framework action to address equipment failure and  
40 possible exceptions for charter vessels, headboats, and  
41 commercial reporting.

42  
43 Essentially, the equipment failure concerns boiled down to being  
44 tied to the dock with no exception, and, currently, the  
45 regulation states that, if a vessel with GPS is not operating  
46 properly, the vessel owner or operator has to contact NMFS and  
47 follow NMFS' instructions, notify NMFS that the unit isn't  
48 working, and, basically, it needs to be on and reporting twenty-

1 four hours.

2  
3 If you recall the previous slide, the council asked staff to  
4 begin work on a framework action to explore exceptions for both  
5 for-hire and commercial reporting, and the commercial sector's  
6 program is well established. However, being tied to the dock  
7 can also negatively impact them, as far as personnel, trip  
8 costs, timing of trips during periods of good weather, or  
9 inclement weather.

10  
11 The Southeast For-Hire Electronic Reporting Program is a new  
12 program for the for-hire sector, and for-hire vessels being tied  
13 to the dock, because of equipment failure and the inability to  
14 provide GPS location during a trip, would cause trip  
15 cancellations and loss of revenue.

16  
17 The purpose of having mandatory location positioning systems are  
18 different for the for-hire sector compared to the commercial  
19 sector, and so, if the council wishes to move forward with  
20 exploring similar flexibilities for the commercial sector as for  
21 the for-hire, we may need to discuss addressing this in separate  
22 actions, potentially different action alternatives, and  
23 different purpose and needs, if necessary.

24  
25 The IPT for this framework action met and drafted some actions.  
26 Currently, they are separated by sector. Action 1 modifies VMS  
27 location positioning requirements for for-hire vessels with a  
28 reef fish and/or coastal migratory pelagic permit, and Action 2  
29 modifies VMS location positioning requirements for commercial  
30 vessels with a commercial reef fish permit.

31  
32 Draft Action 1 has two draft alternatives. Alternative 1 is the  
33 no action, which would maintain the requirement that vessels  
34 with charter/headboat permits for reef fish and/or coastal  
35 migratory pelagic permits have an operating VMS location  
36 reporting unit onboard at all times, unless exempted by NMFS  
37 under a power-down exemption. Alternative 2 creates an  
38 additional exception to the VMS location reporting requirements  
39 to address equipment failure.

40  
41 Draft Action 2 has two draft alternatives. Alternative 1,  
42 again, being the no action to maintain the requirement that  
43 vessels with commercial reef fish permits have an operating VMS  
44 onboard at all times, unless exempted by NMFS under a power-down  
45 exemption. Alternative 2 would create an additional exception  
46 to the VMS location-positioning requirements to address  
47 equipment failure.

48

1 My last couple of slides have some considerations for the  
2 council, when you are discussing this presentation. First, the  
3 commercial -- Those with commercial reef fish permits and  
4 reporting, satellite VMS units have been used in the commercial  
5 sector since 2007, and the failure rate of satellite VMS is very  
6 low, and I think the units are built to be rugged, and that is  
7 the hope, that failure is very rare, but I think everyone  
8 understands that it can happen.

9  
10 For the for-hire, the approved units, and I think Andy had  
11 mentioned it, and so did Rich, that they are testing cellular  
12 units, and there is already one that's approved, and two in the  
13 works, and the cellular VMS options have not been used, and this  
14 would be the first time in the for-hire reporting.

15  
16 I believe, previously, there was a headboat pilot program that  
17 used CLS, but that was a satellite unit, and so that's just  
18 something to consider, as far as failure rates for cellular  
19 devices, and then, also, for-hire owners and operators have been  
20 concerned that current location-positioning regulations are too  
21 vague, and they don't explicitly state what will happen if  
22 captains try to follow the regulations, but the unit fails to  
23 work, and, just in outreach, we heard that they're not blatantly  
24 trying to take advantage of the program, or the system, but,  
25 also, it seems a bit restrictive to not provide an option to go  
26 fishing, should the equipment fail.

27  
28 The concern is related to the way that their businesses operate,  
29 and just to keep that in mind with the differences in the  
30 commercial sector and the for-hire, as far as their business and  
31 operations.

32  
33 Also, some other considerations, as far as the implementation  
34 timeline. If an equipment failure exception is allowed, there  
35 may be a gap between the implementation of the Phase II location  
36 tracking requirements and the actions within this framework, and  
37 the implementation timeline may depend on the exception method,  
38 and so, if the council chooses to go forward with an exception,  
39 as you're all aware, new regulations take time.

40  
41 For example, if there was an exception that used any sort of  
42 paper form, or something that would have to be under the  
43 Paperwork Reduction Act, that may also take additional time to  
44 move through that process, and, also, to consider the response  
45 time to NOAA and then the software and hardware vendors and the  
46 average time to fix units. If one did fail, for example, if the  
47 equipment fails and the captain goes through, hypothetically,  
48 the process to let NMFS know that the equipment has failed, then



1 what is that time to get a new unit or have the unit fixed and  
2 what they would do while they were waiting for that to be  
3 resolved. I believe that is my last slide, if there any  
4 questions.

5  
6 **CHAIRMAN ANSON:** Thank you, Carly. Any questions? Ms. Boggs.

7  
8 **MS. BOGGS:** Thank you. I believe, in Rich's presentation, it  
9 was talked about that the implementation date for these VMS  
10 systems -- I mean, we need to discuss that, as well as any  
11 power-down, or not power-down, but exemptions for this, but I  
12 will have to say, participating in the Headboat Collaborative,  
13 and, yes, we used the VMS systems, but we had very little  
14 trouble, and all we had to do was send an email, or make a phone  
15 call, and notify someone that this is our situation.

16  
17 We never had any issue, and it never stopped us from fishing,  
18 and I know that that's my experience, and some other experiences  
19 may have been had that I haven't heard about, but I just don't  
20 feel like the unit being down is going to preclude someone from  
21 doing their job, and I just wanted to mention that. Thank you.

22  
23 **CHAIRMAN ANSON:** Thank you, Susan. We've heard lots of  
24 discussion, and certainly input, from the charter industry to  
25 look at this, and it is a concern of theirs, and there's the  
26 issue of this new equipment, although we are in 2021, and the  
27 technology keeps getting better and better, and the incident  
28 rate in VMS, as I recall, is under 1 percent, as far as  
29 equipment failure.

30  
31 We have a good bit more charter vessels than the VMS vessels,  
32 and so that, combined with the newer equipment, it might be  
33 higher than that, and so it is something that, relative to their  
34 business, they've got people that are standing at the docks  
35 waiting to go, and they're paid money, transferred money, those  
36 types of things, and it becomes a very sticky issue, and so  
37 we've got some options here to consider, and there's nothing,  
38 obviously, we need to do, and the program will roll out as it  
39 will, but certainly, to the extent that we can provide to at  
40 least investigate as to whether or not it's technically  
41 feasible, administratively feasible, then that's something we  
42 ought to look at. Emily.

43  
44 **MS. EMILY MUEHLSTEIN:** I just wanted to respond to Susan's  
45 comment, based on her experience in the Headboat Collaborative,  
46 and maybe we need some clarification from NOAA here, but my  
47 impression of why we were considering this amendment is, because  
48 on the way the regulations are written, there is no option for a

1 phone call if there is a failure, and so, under the  
2 collaborative, you may have been able to call law enforcement  
3 and get some sort of exception, but, now that this is a  
4 regulation that applies to the entire fleet, if something is  
5 happening, and your equipment is not working, there is no phone  
6 call. You're not fishing that day, or you are going to be  
7 precluded from doing your job.

8  
9 I just wanted to clarify with the NOAA staff that that's true,  
10 that, without some sort of exception developed in this document,  
11 you're not leaving the dock, legally, if something goes on, and  
12 there's no phone call.

13  
14 **CHAIRMAN ANSON:** Andy, do you want to -- Mara, go ahead.

15  
16 **MS. LEVY:** Thank you. I will speak to that point, and then I  
17 have one other thing, and so that's not entirely accurate. The  
18 regulations say that, if your GPS is not operating properly, the  
19 vessel owner or operator must immediately contact NMFS and  
20 follow NMFS' instructions, and, if notified by NMFS that the  
21 cellular, and this is for the cellular piece, but the satellite  
22 piece is very similar, is not operating properly, the vessel  
23 owner or operator must follow NMFS' instructions. In either  
24 event, such instructions may include, but are not limited to,  
25 manually communicating, to a location designated by NMFS, the  
26 vessel's positions or returning to port until a cellular VMS is  
27 operable.

28  
29 What it says is you need to contact NMFS, and I believe the  
30 satellite one says you need to contact OLE and follow the  
31 instructions, and my impression is that people don't like the  
32 vagueness of that, because it doesn't have specific as to what  
33 would happen, but it definitely allows for some flexibility, in  
34 terms of their response, and so I just want to make that clear.

35  
36 I also wanted to say that, to the extent that you want to have a  
37 more specific exception, I would encourage the committee and the  
38 council to talk about the details of that and the bounds of  
39 that, because, in order to develop that, we're going to have to  
40 have more details, and, clearly, you want this to happen sooner  
41 rather than later. Thank you.

42  
43 **CHAIRMAN ANSON:** Thank you, Mara. I had John and Susan.

44  
45 **MR. JOHN SANCHEZ:** I am encouraged by Mara's comments. I do  
46 think we need to be very clear on what is the options available  
47 to a charter operator due to equipment failure, because,  
48 clearly, I don't think it's our intent to have them be tied to

1 the dock and lose business over this. They're trying to  
2 cooperate and have some meaningful data collection, but I think,  
3 the better we spell out for them, to get a comfort level from  
4 them -- Because, you know, once this becomes a rule, it's a  
5 rule, and it's not like the private program that we had in  
6 headboat, and I don't think that's our intent here, to penalize  
7 people.

8  
9 **CHAIRMAN ANSON:** Susan.

10  
11 **MS. BOGGS:** Yes, Emily, and I didn't say -- I didn't communicate  
12 what -- My point being is there -- I feel like there are ways to  
13 communicate, and we found ways, through the Headboat  
14 Collaborative, and I can tell you that now we were having some  
15 issues with the VESL, back in January and February, and I think  
16 I emailed you, but I notified our port agent, and so I think  
17 there -- Yes, John, we can be very clear that this is who you  
18 need to notify, and I do agree with that. The unknowns that we  
19 don't have right now are with the cellular-based devices, but I  
20 do feel like, from my experience, there are ways that can be  
21 communicated, and we don't have to stay tied up at the dock.  
22 Thank you.

23  
24 **CHAIRMAN ANSON:** Okay. That was good to hear Mara's additional  
25 information about that it does exist right now that you can  
26 report, and I guess one thing that I would be -- I haven't heard  
27 this from charter boat captains, but, if I were a charter boat  
28 captain, not having participated in the Headboat Collaborative,  
29 is, you know, whatever the method is that you can report, is  
30 there -- Do you get a confirmation number? If it's just a phone  
31 number, are they going to give you some sort of incident number  
32 that you can say, hey, I've got my incident number.

33  
34 It's very simple, but I just want to make sure, as far as -- To  
35 know who and what the method is for contacting, and what's the  
36 follow-up, or what's the follow-through, process too, so that  
37 they have a comfort level that it's just not going to go into a  
38 black box and they have no record that they can prove to show  
39 that they've at least tried to communicate their issue. I had  
40 Leann.

41  
42 **MS. BOSARGE:** Thank you. I think those are all great feedback  
43 for staff, and this is exactly what we need to work out. We  
44 need to give fishermen some assurity and some confidence and  
45 transparency in the process, what the options are, and  
46 especially what you said, Kevin, something they can take  
47 offshore with them, so that, if they are boarded by law  
48 enforcement, they have some sort of verification that they have

1 done their job, right, to make sure that they can be offshore,  
2 even without that unit functioning properly.

3  
4 I think that this is going to become more and more vital in the  
5 world that we're operating in right now, both whether you're  
6 for-hire or commercial, just because of what Andy was talking  
7 about earlier with these chip shortages, and, I mean, we're in  
8 an environment where you may not be able to get one off the  
9 shelf, the same day, and, in my world, we have a marine  
10 electronics guy that most people go to, actually, in Alabama,  
11 and there is many times that he has to order it, and he doesn't  
12 have this huge inventory in stock.

13  
14 He's going to have to order it, and, for whatever reason,  
15 whether it be common diesel parts or VMS or anything else these  
16 days, you can overnight it all you want, but it's just not  
17 coming, and so this is not like a one-day event, in my world  
18 these days, when you're talking about getting something fixed.  
19 This could be a three or four-week-long event, and so I think  
20 this is becoming more and more vital, and I'm glad that we're  
21 taking this up.

22  
23 **CHAIRMAN ANSON:** Are there any other comments? J.D.

24  
25 **MR. J.D. DUGAS:** A question. I am wondering, in my mind, what's  
26 the process at 4:00 a.m. on a Sunday morning, and a charter  
27 captain is trying to leave the dock, and he has a problem? He  
28 calls NMFS, and is somebody going to answer the phone and say,  
29 okay, you can go?

30  
31 **CHAIRMAN ANSON:** Those are some of the questions still  
32 outstanding here, and, Andy, you look like you wanted to  
33 comment.

34  
35 **MR. STRELCHECK:** That's certainly a current challenge right now.  
36 If this was implemented based on what Mara was just reading, in  
37 terms of how we can handle this, we don't have that 24/7  
38 customer service, right, and trips that are going to be leaving  
39 early and coming in late may have problems with their units.

40  
41 I guess, while I have the floor, some of the thoughts that I  
42 have on this is we are trying to resolve, kind of giving them  
43 that more certainty, right, and so, if they have that  
44 confirmation, or have an incident number, or whatever you want  
45 to call it, those are for the true situations where there has  
46 been a failure, right?

47  
48 The other side of the coin is we can look at it as, well,

1 there's a loophole then, right, and people can abuse the system,  
2 and I'm shutting off my unit, and, oh, it's not working today,  
3 and it's not working next week, and so that's where I think Mara  
4 is coming from, and others are coming from, in terms of what are  
5 the bounds that we set around this, and so some of my thoughts  
6 and direction to staff would be what is the method in which we  
7 would allow reporting of this, how is that confirmation going to  
8 be provided to the person, and then the timeframe in which they  
9 have to resolve it.

10  
11 What Leann just said about getting things mailed, obviously, I  
12 don't get my mail nearly as frequently as I used to, and so how  
13 quickly can the vendor can the new VMS unit or a technician get  
14 out to repair that unit, and then is there going to be kind of a  
15 number of occurrences that we're going to allow throughout the  
16 year, if someone gets a lemon and needs that exemption every  
17 single week, versus once a year, or maybe never at all, and so,  
18 to me, that's where the boundaries have to be set on this.

19  
20 Then, from the commercial standpoint, it's an equity issue, and  
21 I certainly get that, and I wonder if we should separate out the  
22 commercial from the recreational, and maybe it wouldn't slow  
23 this down to include them, but there are different  
24 circumstances, like you pointed out, Kevin, and commercial has,  
25 obviously, more flexibility about deciding when they go fishing,  
26 and a lot of them are taking multiday trips, versus customers  
27 waiting at the dock and ready to go, and so that needs to be  
28 taken into consideration, whether we proceed with one amendment  
29 with both or potentially separate actions, if the commercial  
30 could be added in a subsequent section for consideration.

31  
32 **CHAIRMAN ANSON:** That's certainly a good point, and I think  
33 worthy of consideration as we go forward, to probably do that.  
34 I have another comment regarding -- On administration and  
35 Leann's point about getting the parts and such in these various  
36 units, I recall that, with the CLS program perhaps, were you all  
37 keeping some VMS units on the shelf, or you weren't? Okay, and  
38 is something that you can do, as the agency, is kind of buy a  
39 handful, and have a dozen or so, or ten? You can't do that?

40  
41 **MR. STRELCHECK:** No, and the units are owned by the vendors, and  
42 what we can do is, obviously, coordinate with the vendors, and,  
43 as I said earlier, we reached out to them, to find out kind of  
44 how many units are on the shelf, and so we at least understand  
45 the availability of those units.

46  
47 **CHAIRMAN ANSON:** Mr. Williamson.  
48

1 **MR. TROY WILLIAMSON:** This is a question regarding safety, and  
2 assume that the equipment has failed, and you're wanting to  
3 leave the dock, and I assume that, if you had an emergency on  
4 the boat, there is other methods to contact say the Coast Guard  
5 or someone like that, and you're not dependent upon this  
6 equipment that we're talking about?

7  
8 **CHAIRMAN ANSON:** My understanding is that, yes, you would still  
9 maintain your other equipment, at least in the extent of the  
10 cellular-based equipment. As I understand it, they are kind of  
11 independent of those other ways of contacting the Coast Guard or  
12 other enforcement agencies, but certainly, if there's anybody  
13 else that's familiar, that has a different idea on that, please  
14 raise your hand. J.D.

15  
16 **MR. DUGAS:** I would suspect that all of these vessels have an  
17 EPIRB as well.

18  
19 **CHAIRMAN ANSON:** All right, and so we still have a little bit of  
20 time left, and I just want to make sure that staff -- We have  
21 Rich and then followed by Dr. Stephen.

22  
23 **MR. MALINOWSKI:** Thank you, Chairman. I just wanted to talk  
24 about a few things that you guys have been discussing here. The  
25 one that J.D. brought up about the 4:00 a.m. phone call, unless  
26 we get a 24/7 service, and those things tend to be expensive,  
27 that's probably not going to happen, and so what are the other  
28 methods that a captain can communicate to us? Can he fill out a  
29 PDF form on the internet and send it to us, and he gets and  
30 automatic reply back, saying that his machine is not working,  
31 and so is that something that the council would like to  
32 consider, or a NMFS policy may consider that also.

33  
34 You get an automatic email back, and so there is your  
35 confirmation that we received your notification, but you're  
36 going to send us something, and is it a form, or is it some kind  
37 of notification, and, anytime that happens, when it requires a  
38 form or something like that, you have to go through the  
39 Paperwork Reduction Act, and it takes time, as Carly mentioned  
40 previously.

41  
42 Then, thinking about the resolution of things, we sent out --  
43 Our Law Enforcement Office went above and beyond and requested  
44 the vendors about their failure rates, and they were very low in  
45 response. The cellular ones, not so much, because they haven't  
46 tested them yet, but you see that in the commercial things, and  
47 so this might be a little premature, in a sense, but, if you  
48 want a process, you've got to think about, okay, how long do

1 they have to get it fixed.

2  
3 Do we want to require some kind of notification from the vendor  
4 saying that it's out of stock and it's going to take a month?  
5 Do we want some verification from the permit holder, or the  
6 fisherman, saying, yes, they told me it's going to take two  
7 months to get this part, Rich, and, okay, well, until then,  
8 let's report -- In your logbook, report your location once an  
9 hour, and write it down while you're out there, and report it  
10 with your logbook, or something like that, to get the locations.

11  
12 Those are things that we've been talking about, but that is some  
13 kind of direction we would like to hear from you guys, in terms  
14 of, okay, what do you think makes sense, and what is reasonable  
15 to people to get this confirmation back, and what's reasonable,  
16 in terms of resolution of time and how we do that, and so those  
17 are a couple of things to consider, and it looks like Jessica  
18 has her hand up, and I'm sure she's got something to say about  
19 that too, also.

20  
21 **CHAIRMAN ANSON:** Dr. Stephen.

22  
23 **DR. STEPHEN:** I just wanted to point out that we have reached  
24 out to some of the VMS vendors, just to get an idea of, if a  
25 unit did need to be replaced, what the turnaround timeframe is,  
26 and a lot of them did say that they have a, really, twenty-four-  
27 to-forty-eight-hour window, typically, that they're replacing,  
28 and so they have units in stock right now and could get them  
29 there fairly quickly.

30  
31 That said, I would put a little additional kind of buffer to  
32 that, because we do know, in some of the more remote areas, even  
33 overnight mail really means three days mail, and so I think we  
34 can use some of that to start putting some boundaries into  
35 information.

36  
37 We can also borrow from some of the things we learned from IFQ,  
38 and looking forward to this for the SEFHIER presentations, such  
39 as call service lines and automations, and all of those do cost  
40 resources and funding and take time, and so they would be  
41 options that we could go down, but we would need to think about  
42 how directly to go down those, and getting some more information  
43 from the industry of what those concerns were would be helpful.

44  
45 Then the last point I just want to make is that the commercial  
46 has a very different purpose for the GPS positioning than was  
47 put in place for the SEFHIER program, and we would need to  
48 consider what those purposes were when we're looking at the

1 allowances for going out without the positioning. Thank you.

2  
3 **CHAIRMAN ANSON:** Thank you, and, either Dr. Stephen or Rich, are  
4 these -- The units, at least the cellular-based units, are these  
5 kind of plug-and-play, where you just kind of disconnect a wire  
6 without any tools and plug it back in, or is this more  
7 integrated with other electronics and really would require a  
8 technician?

9  
10 **MR. MALINOWSKI:** What I have learned about the systems is that  
11 they're pretty much separate from the rest of the electronics in  
12 the vessel, and it's usually set up by itself and added into the  
13 electronics structure of the vessel, and so it's more like a  
14 plug-and-play, like you said, Kevin. It's a box, and it's  
15 nothing more than that, really, and then, most of the time,  
16 there's a tablet. If it's got logbooks with it, there is a  
17 table associated with it, to complete the logbook portion of it  
18 and your declaration, via that method, but, the ones I've seen,  
19 it's just pretty much a simple box tied into the electronics  
20 system of the vessel by itself.

21  
22 **CHAIRMAN ANSON:** Thank you.

23  
24 **MS. MUEHLSTEIN:** Just to add to what Rich said, in response to  
25 your question, if the owner or operator seeks reimbursement for  
26 their unit, it does need to be installed by a technician, and so  
27 that's something to think about with replacement costs or  
28 situations like that.

29  
30 **CHAIRMAN ANSON:** Is that for the initial -- That's the initial  
31 phase of the program, or do they get multiples, I guess, or how  
32 much longer will that go on?

33  
34 **MS. MUEHLSTEIN:** Rich, you probably know better, but it's my  
35 understanding is that the reimbursement is for the first time  
36 that you get it put in, but I don't know how that would work, if  
37 you were working with the vendor and something was wrong with it  
38 and they wanted to -- I'm not sure it's totally clear.

39  
40 **CHAIRMAN ANSON:** That's kind of what I'm thinking ahead, to what  
41 Leann -- Her timeline is kind of growing on you, is that that's  
42 another hurdle, if you will, is to have that technician's time  
43 available to install these. Staff, do you have -- Well, I guess  
44 the first question is do we want to give instructions to staff  
45 to start thinking of separating commercial from the for-hire, as  
46 they go back to their offices to think about this? Staff, do  
47 you have enough information, or do you need other guidance from  
48 the council, as to what we would like to see?



1  
2 **MS. MUEHLSTEIN:** It sounds like, based on the for-hire  
3 conversation that we've had so far, the council has brought up  
4 that we need to sort of clarify some of the method of contact,  
5 right, and is it a 4:00 a.m. phone call, and is there going to  
6 be a twenty-four-hour help line? Is it some sort of trip ticket  
7 system, not to be confused with the commercial one, but some  
8 sort of service to get issued -- Where you can get a number  
9 immediately, or is it filling out some form?

10  
11 It looks like, in the next iteration of the document, at least  
12 for the for-hire part, we need to discuss that method of  
13 contact, right, that the captains would have. A time period for  
14 exemption is something that we've also talked about, that we  
15 would probably want to look at in a future iteration of the  
16 document, as well as sort of the documentation process, which is  
17 what was brought up on making sure that the fisherman is  
18 documenting and communicating with National Marine Fisheries  
19 Service where they are in the process of replacing or fixing  
20 their unit, and so it sounds to me like those three things would  
21 be part of the for-hire.

22  
23 I guess then the remaining question is are those the same  
24 considerations that we want for the commercial, and then, to  
25 Kevin's point, do we split them up?

26  
27 **CHAIRMAN ANSON:** Martha.

28  
29 **MS. GUYAS:** I will let Mara go first, because she had her hand  
30 up, but I do have something to chime in.

31  
32 **CHAIRMAN ANSON:** Mara.

33  
34 **MS. LEVY:** Thank you. I mean, I think I would just caution  
35 against getting into the details about how the exception is  
36 going to operate, meaning twenty-four-hour phone service -- I  
37 mean, that implicates NMFS' budget, and that's not something  
38 that the council can sort of just mandate.

39  
40 I think the council's time would be better served defining the  
41 exception, and so, like Andy said, is there a limit to the  
42 number of times people can do this in a year, over the lifetime,  
43 whatever it is, in a month, and how long is the longest time  
44 that you can have an exception running and be able to go out  
45 without a working VMS? Is it a week? Is it two weeks?

46  
47 Those types of policy decisions about the scope of the  
48 exceptions, how then the contact happens, what kind of form

1 they're going to fill out, and how NMFS is going to document it,  
2 I mean, I think NMFS needs to figure out how that would work,  
3 and I'm not saying that the council shouldn't be involved in  
4 that discussion, but specifying it with particularity in some  
5 sort of document doesn't seem to be the best way to go, because  
6 a lot of that is going to have to happen on the agency side,  
7 weighing budget and personnel methods and all that sort of  
8 stuff.

9  
10 **CHAIRMAN ANSON:** Martha.

11  
12 **MS. GUYAS:** Two things. I kind of -- I guess, as far as whether  
13 we separate charter/for-hire and commercial, I kind of feel like  
14 we probably should, just for one thing, and then I think what  
15 people are looking for here, on the charter side, is they're  
16 looking for what is going to be the process, and they're looking  
17 for some reassurance that we're going to be able to find a way  
18 to make this work.

19  
20 I hear what Mara is saying, that we probably need to focus on  
21 some of these exception questions, but I do think we need to  
22 have a conversation about what does this look like, in terms of  
23 logistics, because I think we're going to also need the feedback  
24 from the industry to make sure that, as NMFS is having this  
25 discussion internally about how much resource they want to put  
26 towards this, that they understand, and we understand too, kind  
27 of what all the considerations are. I think everybody is just  
28 going to feel a lot better about this if we talk about this out  
29 in the open at the council.

30  
31 **CHAIRMAN ANSON:** Dr. Simmons and then Emily.

32  
33 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Thank you, Mr. Chair. I was  
34 just going to suggest some of the same points that have already  
35 been brought up, and I think it's important for NMFS to tell us  
36 what their budget is for this and try to get a handle on what  
37 they're able to do with the resources at-hand, because, if we  
38 can't require some of these, or they don't have the funding to  
39 support it, I feel like we may be doing this in vain right now.  
40 Thank you.

41  
42 **CHAIRMAN ANSON:** All right. Emily, you declined. Leann.

43  
44 **MS. BOSARGE:** To Emily's question, I think that the points that  
45 you brought up that we need clarification on, I think those  
46 apply to the commercial the same as they do on the for-hire. We  
47 need the same clarity, and the same understanding there.

48

1 As far as splitting this document up into two, and having one  
2 commercial and one for-hire, it's possible that we may get to  
3 that point in the future. However, I think the next iteration  
4 of this, which would actually be a document where we could  
5 visualize some of this and start to work through it, I would  
6 like to see them still together.

7  
8 A couple of reasons for that. Number one, it's the same  
9 decision points that we need to clarify for both fleets, and  
10 then the other thing is, if you look -- If you look at issues --  
11 Take the carryover, for example, right, and we had a carryover  
12 document that applied to both recreational and commercial, and I  
13 conceded and said, okay, we'll take commercial out of that, in  
14 order to speed it up for the recreational sector, because they  
15 seem to need it more than us right now, and it has never come  
16 back before us.

17  
18 When we needed it last year in the commercial sector, because of  
19 COVID, we couldn't get it, and I couldn't even get any traction  
20 to have a conversation. If you look at 36B, and I am not  
21 blaming staff or anybody else for this, but it's just the way  
22 the council has been operating for the last five or so years,  
23 and we've been working on that 36 amendment for how many years  
24 now, five or six or seven? Why is that? It's because it  
25 doesn't take precedence over all the recreational amendments  
26 that come before this council.

27  
28 I am very hesitant to break this up and have -- Because I've  
29 heard lots of support for doing it for the for-hire fleet, and  
30 you break it up, and we never get that document before the  
31 council for the commercial sector, and, if we do, it's five  
32 years from now, and I think that we're going to face -- We are  
33 facing, and have been facing, and, over the years, you have  
34 heard the commercial sector ask for this same thing, and we  
35 never got any traction until the recreational fleet asked for  
36 it, and then was like, oh, hey, it is an issue, and so I'm very  
37 hesitant to take us out of this at this point. I would like to  
38 see at least one more iteration of it before we split anything  
39 up.

40  
41 **CHAIRMAN ANSON:** Thank you. Susan.

42  
43 **MS. BOGGS:** I appreciate your comments, Leann, and I think that  
44 there would be a lot of overlap, and there would be not a reason  
45 to split them up, unless we get in the weeds, and sometimes we  
46 do.

47  
48 I would like to request, and I don't know if I need to make a

1 motion for this, but that we see this at the next meeting,  
2 because, if we're getting ready to make VMS a requirement, we  
3 can't put the cart before the horse. I mean, they need to know  
4 what their options are here before we make these requirements.  
5 Thank you.

6  
7 **CHAIRMAN ANSON:** Andy.

8  
9 **MR. STRELCHECK:** A couple of points. Just following up on  
10 Mara's comments, we'll certainly circle back and talk about some  
11 kind of methods of contact and what would be a cost-effective  
12 solution for the agency to proceed and bring that back to you  
13 for further discussion.

14  
15 Following up on Susan's point, the agency decision is before us  
16 with regard to when we're going to implement VMS. That's an  
17 agency decision at this point, kind of where in the rulemaking,  
18 and we do, obviously, have this exception that may or may not  
19 move forward, and under what timeline is still to be determined,  
20 but I would, obviously, be interested in hearing from the  
21 council with regard to timing of the implementation of VMS  
22 relative to this action, taking into consideration what Mara  
23 said earlier, which we do have some flexibility in the system  
24 already, and so I don't feel like this precludes us from moving  
25 forward.

26  
27 **CHAIRMAN ANSON:** Susan.

28  
29 **MS. BOGGS:** To your point, Andy, as we've had this conversation,  
30 I've been thinking about it, and, implementing something with  
31 the charter fleet in September or October, I don't think we'll  
32 get a lot of buy-in, because they're at the end of their fishing  
33 season, and they're moved on, and, as bad as I hate to say this,  
34 I think I would like to see it maybe in January of 2022, kind of  
35 like we did with the reporting, because it just gives time for  
36 the council to work through this process, and it gives a little  
37 more time for the agency, and it gives time for the units to be  
38 purchased.

39  
40 I mean, we've already purchased ours, and ours is installed,  
41 because we know it's coming, but, as we've heard with the  
42 reporting already, there is people that are not buying into  
43 this, and I think you're going to have to have a little more  
44 time, and you're going to have to have this worked out before  
45 you get the buy-in. Thank you.

46  
47 **CHAIRMAN ANSON:** So we're at the end of the allotted time for  
48 the committee. I feel like there's still a need for further

1 clarification to where we're going, and, Emily, do you want to  
2 kind of recap the extra comments that were made after your  
3 summary of what you thought, going forward, the staff would be  
4 doing?

5  
6 **MS. MUEHLSTEIN:** I think what we need to do -- I understand that  
7 SERO -- We're sort of in this place, right, where we, from the  
8 council, don't want to write guidance if it's not going to  
9 practically work, and so what that means, to me, is that the IPT  
10 needs to work together, sort of behind the scenes, to figure out  
11 what are the suite of options that would be possible and then  
12 bring those back to you, it sounds like, at our August meeting.

13  
14 I think that's what we'll end up going back and doing, is trying  
15 to see if we can develop, with SERO, what some of the varied  
16 approaches could look like, rather than just get some sort of  
17 blind advice, and then we can talk about it further in August.

18  
19 One of the things that I also wanted to discuss, and just take  
20 one minute with, is you guys might recall that we had a \$45,000  
21 outreach contract with the Regional Office to help communicate  
22 these reporting requirements in the for-hire industry. We  
23 typically sort of publish regulations, but, once it goes final  
24 at the council level, we don't spend a whole lot of time and  
25 effort outreaching things, unless it becomes necessary.

26  
27 We did enter into that special contract. Up until now, we have  
28 spent all by \$6,500 of that money. The remaining items that are  
29 in our contract with SERO to continue the outreach the  
30 implementation of the reporting requirements is I think it's  
31 four to six in-person meetings, or dock walks, in targeted areas  
32 across the Gulf, and so we do have funds to do that.

33  
34 However, recognizing that, in Phase I, we've spent all this  
35 money already, and we sort of have this small budget remaining  
36 for Phase II, we do have a little outreach group that meets with  
37 the SERO staff, and I just wanted to open up to the council and  
38 sort of ask you guys if you have any recommendations on how we  
39 can be, or should be, outreaching this Phase II, either with  
40 those remaining funds or sort of extra.

41  
42 **CHAIRMAN ANSON:** Well, my personal opinion would be that it  
43 might be money better spent if you were to develop some sort of  
44 an online type summary thing that would kind of summarize what  
45 the timeline is for implementation of Phase II, that we still  
46 want some feedback from the council on, I think right now, and  
47 then what are the methods, even if they are very cursory or what  
48 the minimum capabilities are, particularly after your IPT

1 meeting, as to what the methods would be, going forward, and  
2 that the council is trying to streamline those or find out if  
3 there's another process that can be implemented at some point in  
4 the future, and I think that would be my opinion. Then, still,  
5 if you have money left over from that, do maybe some dockside  
6 walkarounds, but that's my opinion.

7  
8 Again, we're past time here, Mr. Chair. Can you allow us to  
9 continue this discussion? I think it will take another five  
10 minutes or so.

11  
12 **DR. FRAZER:** Sure. We can go ahead, and we'll take five more  
13 minutes to clean it up.

14  
15 **CHAIRMAN ANSON:** Thank you. Martha.

16  
17 **MS. GUYAS:** Two things. I guess, in terms of the timing of  
18 Phase II and the VMS requirements, the concern that I have,  
19 based on what I am hearing, is that, the people that have bought  
20 into this so far, and have been ready to go, because this is not  
21 resolved, this equipment failure thing, that buy-in is starting  
22 to erode a little bit. To the extent that we can try to sync  
23 these things up, I think that would be probably preferable, and  
24 maybe help things move along and give the industry a little bit  
25 of comfort.

26  
27 I mean, as I kind of brought up with Rich, I guess, earlier, I  
28 do think we're going to need some in-person help for some of  
29 these communities, getting them online in Phase I and Phase II,  
30 and definitely Phase II, because, especially I guess for some of  
31 the plug-and-play options, and I guess going through the  
32 software, and people are probably going to need a little bit  
33 more hand-holding, to build some of the comfort in doing this  
34 and to make sure that people are submitting things the way that  
35 the agency would like them to be submitted.

36  
37 I don't know if that's the council's budget, or if that's SERO's  
38 budget, or whoever's budget, but I think we just need to figure  
39 out a way to make that happen.

40  
41 **CHAIRMAN ANSON:** Susan.

42  
43 **MS. BOGGS:** Well, to Martha's point, and to what Emily was  
44 talking about, and I agree, Martha, because I've very hesitant  
45 to delay this anymore, and, I mean, for us, personally, we're  
46 ready to go, but maybe, Emily, a thought here is reach out to  
47 someone in the various areas that are already set up and let  
48 them communicate with the other people on the dock, because, as

1 Martha pointed out, they're out there and ready to go, and they  
2 can talk to whomever is not ready to go and say this is what you  
3 need to do, and this is how you do it, and these are the  
4 experiences we've had.

5  
6 Yes, Emily, you are correct that, if you do not have a  
7 technician install it, you cannot apply for the reimbursement,  
8 because we just did ours. Thank you.

9  
10 **CHAIRMAN ANSON:** All right. I see Rich. Rich, would you like  
11 to comment?

12  
13 **MR. MALINOWSKI:** Sure. Very quickly, but a couple of things.  
14 Like Susan mentioned, January versus December, when we rolled  
15 this out, it seemed like people get tied up with the holidays,  
16 and they're very busy, and that's why we wanted to do it -- We  
17 were proposing before the holiday, and, that way, it would be --  
18 We would get it done before all that shopping starts and all  
19 that stuff, but that's something we could consider.

20  
21 The other thing is I would like to probably bring back, or, as  
22 the IPT, meet on this with Carly, and I think we could bring  
23 back some options, in terms of what the communication would be,  
24 the method, and then we're also going to bring back a budget of  
25 these costs, because these things cost money, and our budget was  
26 cut last year, and I can see this -- We've got to have IT  
27 developers develop some kind of communication system for this,  
28 and do we include it with the IFQ phone line that they have, and  
29 how does that work, and so we've got to bump up the funding for  
30 them.

31  
32 With our funding cut, it's going to be hard to roll this into  
33 the program without some kind of more supplemental funding, and  
34 that's one thing that we have to look at, and we'll bring back  
35 that, okay, this method is going to cost this much, and this  
36 method is going to cost this much, and maybe provide you guys  
37 some options, and so that's what I see us doing at the next  
38 meeting, and Emily talked about it.

39  
40 Then we also have our VMS outreach team meeting, and we're going  
41 to discuss in terms of in-person meetings, and we can't ask the  
42 vendors -- We can ask them, but we can't enforce the vendors to  
43 have displays or things like that, and we can ask them and say,  
44 you know, we're going to be doing this outreach meeting down in  
45 the Keys, or we'll say Orange Beach, at the next council  
46 meeting, and would you vendors like to come and set up a display  
47 and show the various staff and fishermen.

48

1 Another thing, and I'm not putting in a plug, but the port  
2 ambassador program could be highly used with this, and so maybe  
3 we can reach out to Ocean Conservancy.

4  
5 With their port ambassadors, and I think there are thirteen, or  
6 twelve, of them, and them -- Their VMS units, get them working,  
7 and then those folks can reach out to their local fishermen that  
8 they involve in their everyday activities, and so there are some  
9 ideas, but that's what I see us bringing back to the next  
10 meeting, if that sounds okay with you folks.

11  
12 **CHAIRMAN ANSON:** It sounds great to me, Rich. If you can get  
13 the vendors to come to the next meeting, that would be very  
14 helpful. Carly, you had a very quick comment, or question?

15  
16 **MS. SOMERSET:** Yes, and I know we have to be conscious of time,  
17 but I just wanted to say thanks to Rich also for that, and what  
18 he mentioned as far as budget and timeline I think is very  
19 important for the IPT to discuss and bring back to the council  
20 for all of you to see, as far as methods to keep this document  
21 rolling, but also let's definitely what the captains want to  
22 see, and I think they want more details about what they're going  
23 to have to do and how they're going to have to do it, before  
24 they start.

25  
26 **CHAIRMAN ANSON:** I will leave -- Andy, one last comment.

27  
28 **MR. STRELCHECK:** I just wanted to say that I appreciate the  
29 feedback on timing, and I was talking to Peter, and, obviously,  
30 it depends on how quickly the council moves forward with an  
31 action, and, if you took action in October, if that's  
32 reasonable, and I don't know, or January, then you're looking at  
33 probably four or five months after that to implement this.

34  
35 I think the consideration is kind of balancing that with is  
36 there kind of a stopgap, or kind of existing flexibilities that  
37 we could proceed with, and then considerations, like Rich talked  
38 about, in terms of timing.

39  
40 Is January 1 the right time, versus March 1, versus December 1,  
41 given what people are involved with and when the fisheries are  
42 getting busy again, and so we'll take into consideration kind of  
43 all those factors as we move forward and make a decision.

44  
45 **CHAIRMAN ANSON:** Great. Thank you. We'll move on to the last  
46 item on the agenda, Other Business, and there was no other  
47 business brought up at the beginning, and I don't see anybody's  
48 hands waving frantically, and so that concludes the Data



1 Collection Committee.

2

3 (Whereupon, the meeting adjourned on June 24, 2021.)

4

5

- - -