NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 11/15/2013

Department of Commerce
National Oceanic and Atmospheric Administration

FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Jennifer Jessup

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 11/15/2013

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201311-0648-007
AGENCY ICR TRACKING NUMBER:
TITLE: Vessel Monitoring System for Atlantic Highly Migratory Species
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0372
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 11/30/2016 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	48,358	4,470	524,473
New	37,946	1,286	127,206
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-10,412	-3,184	-397,267
Change due to PRA Violation	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Dominic J. Mancini
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs			
IC Title	Form No.	Form Name	CFR Citation
Vessel Monitoring System for Atlantic Highly Migratory Species - Installation, installation and activation checklist	NA	Atlantic HMS installation and activation checklist	50 CFR 635.69
Beginning and Ending Trip declaration through VMS plus cost of automatic location responses			50 CFR 635.69

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request
DOC/NOAA/NMFS

2. OMB control number b. [ ] None
a. 0648 - 0372

3. Type of information collection (*check one*)
a. [ ] New Collection
b. [✓] Revision of a currently approved collection
c. [✔] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify:____/____

7. Title Vessel Monitoring Systems for Atlantic Highly Migratory Species

8. Agency form number(s) (*if applicable*) N/A

9. Keywords Fishing

10. Abstract

Vessels fishing for Atlantic tuna and swordfish that use pelagic longline gear and vessels fishing for sharks with bottom longline or gillnet gear are required to have a qualified marine electrician install an Enhanced Mobile Transmitting Unit Vessel Monitoring System unit (E-MTU VMS). Automatic position reports are submitted on an hourly basis for the duration of the required fishing year or season unless the vessel operator has a documented power down exemption. Vessel operators must declare target species and fishing gear onboard prior to leaving port and report to the National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement (OLE) at least three hours, but no more than twelve, in advance of their returning to port. A qualified marine electrician must install and then submit an installation checklist to the National Marine Fisheries Service (NMFS), which provides information on the hardware and communications service selected by each vessel when the VMS unit is initially installed. NMFS will use the returned checklists to ensure that position reports are received and to aid NMFS in troubleshooting problems.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. ___ Individuals or households d. ___ Farms
b. P Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [ ] Required to obtain or retain benefits
c. [✓] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents 308
b. Total annual responses 37,946
1. Percentage of these responses collected electronically 100 %
c. Total annual hours requested 1,285
d. Current OMB inventory 4,470
e. Difference - 3,185
f. Explanation of difference
1. Program change 0
2. Adjustment -3,185

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs 17
b. Total annual costs (O&M) 302
c. Total annualized cost requested 319
d. Current OMB inventory 524
e. Difference -205
f. Explanation of difference
1. Program change 0
2. Adjustment -205

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits e. x Program planning or management
b. x Program evaluation f. x Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [ ] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [✔] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually
7. [ ] Biennially 8. [ ] Other (describe) ____

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Clifford P. Hutt
Phone: (301) 427 - 8588

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention period for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

- (i) Why the information is being collected;
- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, mandatory);
- (v) Nature and extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature signed by James Burgess for Emily Menashes (A)	Date 08/14/2013
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM FOR ATLANTIC HIGHLY MIGRATORY SPECIES
OMB CONTROL NO. 0648-0372

A. JUSTIFICATION

This is a resubmission of a request is for revision and extension of a current information collection, with Final Rule 0648-BD24. There were no changes made based on comments received. Comments are summarized in Question 8.

1. Explain the circumstances that make the collection of information necessary.

Vessel Monitoring Systems (VMS) aid the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) in monitoring and enforcing closed and gear restricted areas implemented to reduce bycatch of juvenile swordfish, sharks, sea turtles, and other species necessary to comply with the Marine Mammal Protection Act, Endangered Species Act, and National Standard 9 (bycatch and bycatch mortality reduction) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). There are numerous areas that are closed to fishermen fishing for Atlantic highly migratory species (HMS) with pelagic and bottom longline gear onboard.

Consistent with implementing regulations in place for the Atlantic Large Whale Take Reduction Plan (ALWTRP), shark gillnet vessels are required to use VMS at certain times of year to minimize the likelihood of interactions between fishing gear and marine mammals. Traditional methods of surveillance by ships and planes would be ineffective in patrolling such large areas. In HMS fisheries, VMS is designed to automatically report positions on all vessels carrying pelagic longline gear (at all times and all locations), bottom longline gear (vessels between 33°00' N. latitude and 36°30' N. latitude between January 1 and July 31 every year), or shark gillnet gear (all locations, between November 15 and April 15) on board.

The purpose of this collection of information is to comply with the Magnuson-Stevens Act, the United States' obligations under the Atlantic Tunas Convention Act of 1975 (ATCA; 16 U.S.C. 971), other domestic Federal regulations, and the implementing regulations at 50 CFR part 635. Currently, individuals new to the fishery, and purchasing Electronic Mobile Transmitting Unit (E-MTU) VMS for the first time, are required to submit a one-time installation and activation checklist after a new VMS unit is installed by a qualified marine electrician.

Vessel operators are currently required for each trip to have their VMS units on and providing hourly position signals beginning at least two hours before leaving port, and continuing to do so until they return to port. We, NMFS, are proposing that vessels permitted to participate in Atlantic HMS fisheries subject to VMS requirements be required to transmit a signal indicating the vessel's position at least once an hour, 24 hour a day, every day of the year they are required to use VMS whether they are at sea or in port using their Electronic Mobile Transmitting Unit (E-MTU) VMS units. However, implementing this requirement would mean that fishermen would need to request a documented exemption if their VMS units need to be powered down for

various reasons such as placing the vessel in dry dock for repairs or suspending fishing activity for an extended period. In such instances, fishermen would need to contact NMFS OLE and follow the instructions provided to obtain a documented exemption. By requiring HMS permitted vessels to provide hourly position reports, 24 hours a day, 7 days a week (24/7), on their VMS units, we will improve fisheries monitoring and enforcement of regulations, and provide vessel operators with greater reporting flexibility by *eliminating the need to hail-out two hours prior to departing port for a fishing trip.*

Vessel operators in possession of Atlantic HMS permit may fish for other non-HMS, and not retain any HMS, at different times of year. Therefore, we are also proposing a change to the current declaration system to provide permitted vessels the option of a l*ong-term declaration out of the fishery when not fishing for or retaining HMS for two or more consecutive trips, which would exempt the vessel from hail-in and hail-out requirements for each trip.* Finally, we are proposing to modify the current hail-in requirements so that vessel operators would be required to hail-in a minimum of three hours, *but no more than 12 hours*, before returning to port to land HMS. This change is being proposed to enable NOAA OLE to more efficiently schedule dockside inspections of vessels landing HMS.

2. <u>Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with applicable Information Quality Guidelines</u>.

Individuals new to the fishery, and purchasing VMS for the first time, are required to submit a one-time installation and activation checklist after a new E-MTU VMS unit is installed by a qualified marine electrician. The checklist indicates the procedures to be followed by the marine electricians whom install the E-MTU VMS units. These forms would be completed by the electricians and then submitted to NMFS by the vessel owner. This checklist provides NMFS OLE with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communications service is necessary to ensure that NMFS will receive automatic position reports properly. In the event that there are problems, NMFS will have access to a database that links owner information with installation information. NMFS can then contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider.

E-MTU VMS units are programmed to report the vessel's location to NMFS OLE every hour, 24 hours a day, whether the vessel is in or away from port, and can be used to transmit information. This allows vessels to traverse closed areas or remain at sea after a fishery has closed as long as they do not commence fishing operations. NMFS OLE uses VMS position data to reduce costs and improve enforcement of time/area closures, to monitor the fleet during the closed period, to deter illegal fishing, to increase efficiency of surveillance patrols, to provide probable cause for obtaining a search warrant in enforcement investigations, and to support enforcement of other regulations such as closed seasons once a quota has been reached.

Currently, vessel operators are required to turn on the VMS unit two hours before leaving port to provide NMFS OLE with notice of the beginning of a fishing trip (e.g., hail-out) and a declaration of the target fishery and gear onboard. In addition, they are required to provide a minimum of three hours' advance notice of landing (i.e., hail-in). We are also proposing to alter these requirements such that fishermen pursuing HMS fisheries and providing 24 hour VMS signaling will only be required to hail-out immediately before leaving port, and hail-in a minimum of three hours, but no more than 12 hours, before landing. The proposed changes to the fishery declaration system would facilitate enforcement and compliance monitoring while reducing reporting burden placed on HMS fishermen by eliminating the need for vessel operators to arrive at their boats two hours before leaving port to provide a target species and gear declaration. The proposed change to 24/7 hourly signals would negate the need for hail-out declarations two hours in advance of leaving port by already providing NMFS OLE with location data confirming that the vessel is not fishing. Furthermore, the additional stipulation that vessels hail-in no more than 12 hours before landing will provide NMFS OLE with a more accurate estimate of when a boat will land. The new declaration system would continue to provide NMFS OLE with advance notice of the HMS target fishery and gear possessed onboard which provides enforcement with critical information concerning which regulations apply to that particular vessel during that trip.

We are also proposing to provide vessel operators carrying HMS permits, but not fishing for or retaining HMS for two or more consecutive fishing trips, the option to make long-term declarations out of the fishery so that they are not required to hail-out or hail-in on each trip. To "declare out" of HMS fisheries, the vessel operator would be required to declare that they were fishing for non-HMS species via the VMS. Such a declaration would exempt the vessel from hail-in and hail-out requirements until the vessel resumes fishing for and retaining HMS at which time the vessel will need to resume hailing-out and hailing-in for each trip. Vessels operating under a long-term declaration out of the HMS fishery would still be required to provide 24/7 hourly location signals with their VMS units, and would still be required to follow all other HMS regulations (e.g., not fishing within relevant closed areas).

Vessel operators wishing to make long-term declarations out of the fishery would be required to submit the declaration before leaving for their next fishing trip. Vessels that have declared out of the HMS fisheries, but incidentally catch and retain HMS species while fishing would be required to revise their target species and "declare in" while at sea before returning to port with any HMS species in their possession. The vessel would also then be required to hail-in as per the regular HMS reporting requirements. The provision for long-term declarations out of the fishery would reduce reporting burden on fishermen not pursuing the HMS fisheries that are intended to be monitored by the existing VMS regulations governing HMS fisheries, while still allowing NMFS OLE to monitor vessels targeting HMS fisheries.

Any proposed changes to the declaration system would be compatible with the capabilities of required E-MTU VMS units and consistent with declaration protocols currently employed in Council-managed fisheries. Additionally, the requirement to notify NMFS enforcement at least three hours, but no more than 12 hours, prior to returning to port provides notification that fishing activities are being completed, gear is no longer being deployed, and the vessel is transiting back to port.

In the event that a vessel has to power down their VMS unit, any long-term declaration would become null and void, and a new declaration would have to be issued upon powering up the VMS unit. Fishermen would need to request a documented exemption if their VMS units need to be powered down for various reasons such as placing the vessel in drydock for repairs or suspending fishing activity for an extended period. In such instances, fishermen would need to contact NMFS OLE and follow the instructions provided. The request must describe the reason an exemption is being request; the location of the vessel during the time an exemption is sought; the exact time period for which an exemption is needed (*i.e.* , the time the VMS signal will be turned off and turned on again); and sufficient information to determine that a power down exemption is appropriate. Approval of a power down must be documented and will be granted, at the discretion of NMFS enforcement, only in certain circumstances (e.g., when the vessel in going into dry dock for repairs or will not be fishing for an extended period of time).

NOAA Information Quality Guidelines do not apply to this information collection because the information collected will not be disseminated to the public.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

VMS units are used to conduct both active and passive electronic transmissions of data. Vessel operators can use the VMS unit to manually issue declarations and emails, and the VMS units provide automated, hourly position signals to NOAA OLE.

4. Describe efforts to identify duplication.

Position reports at the start of each fishing set are required of participants using the HMS logbook, and will therefore be duplicated by participants using VMS; however, VMS position reports are automated and would need to be sent every hour, 24 hours a day, 7 days a week and would not require any action on the part of the vessel operator. Typically, most of the participants in the pegalic longline (PLL) fishery for tunas and/or swordfish use the HMS logbook. Most vessels participating in the shark bottom longline (BLL) and gillnet fisheries use a different logbook (Coastal Fisheries Logbook) that does not require position reports of individual fishing set and would not be duplicated (they could also use the HMS logbook). If electronic catch reporting is developed in the future, paper logbooks may become obsolete.

There are no alternate sources of such specific and near real-time vessel location and activity information. Use of VMS is required in other fisheries and fishermen who have already purchased a VMS unit can use the same unit for multiple fisheries. Information is only reported one time to enforcement and not duplicated.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All owners of vessels with commercial permits for HMS, (i.e., swordfish, sharks, and tuna) are considered small entities. Current VMS regulations require approximately 308 pelagic longline, bottom longline, and shark gillnet vessels to maintain VMS units at an average monthly cost of $44/month. Individual position or message reports costs are included in the estimated monthly cost. In an attempt to provide vessel owners new to the fishery with some flexibility, NMFS OLE has published general type approval specifications in the Federal Register (January 31, 2008; 73 FR 5813) describing the types of units that would be appropriate. Existing units that meet the criteria range in price from $3,000 - $3,300, depending on the features of the E-MTU VMS device. This provides newly permitted vessel owners with some flexibility of choice and helps to minimize costs. Vessels are already required to use an E-MTU VMS in certain HMS fisheries; therefore, active vessels should already possess the required equipment. Only newly permitted vessels that are expecting to become active in the fishery will need to purchase the units.

Currently, reimbursement funds ($3,100/E-MTU VMS unit) may be available for new HMS fishery participants required to install E-MTU VMS units. The reimbursement could only be applied to the costs of the new unit and would not offset any costs incurred as a result of installation by a qualified marine electrician or data transmission.

6. <u>Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently</u>.

Using VMS to verify the location of a vessel is passive and automatic, requiring no reporting time on the part of the vessel operator. ICCAT recognizes the developments in satellite-based VMS and their possible utility, including better resource management and, thus, more effective and sustainable use of resources. More specifically, benefits for management include increased compliance with and enhanced enforcement effectiveness regarding area restrictions, more timely data regarding fishing effort by areas, and more timely catch reporting. Other possible benefits of the VMS include increased vessel safety and dependable and confidential communications, which may improve fleet management.

Monitoring and enforcement are essential components of fisheries management. Monitoring fishing vessels facilitates enforcement of NMFS' conservation and management regulations by enabling detection of violations. Monitoring also promotes compliance by having a general deterrent effect. Lack of proper monitoring and enforcement makes it difficult to gauge the effectiveness of conservation and management measures. In the case of overfished stocks, enforcement is necessary to prevent further overfishing and subsequent decline to dangerously low stock levels. As a practical matter, it is very difficult for enforcement personnel to effectively monitor the full operational range of the U.S. pelagic longline fleet without having some method of detecting a vessel's location. With respect to pelagic longline time/area closures in particular, the size of the closed areas makes the likelihood of detection through conventional surveillance methods rather small.

The use and submission of a checklist, completed by a qualified marine electrician, is required only for the initial installation or when the hardware or communications service provider changes.

Less frequent reporting would prevent NMFS and the vessel operator from confirming that the system is functioning properly and would make it more difficult to determine whether a vessel is fishing in, or transiting through a closed area. Furthermore, not requiring vessels to make a declaration, either per trip or long-term, describing target species and gear deployed would make it difficult for NMFS OLE to know which closed areas and other regulations apply to that particular vessel.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

VMS will be reporting positions 24 times a day, which is more frequent than OMB guidelines suggest. This frequency is required for the near real-time and accurate tracking of vessel activities. The requirement for 24 position reports per day is designed to allow NMFS to distinguish between a vessel that is setting gear, and a vessel that is traversing a closed area. Fewer reports would indicate that a vessel was in the area but would not indicate whether the vessel was setting gear or traversing the area. The time burden as a result of this frequency, however, remains minimal because the position reports are automated and require no action on the part of the vessel operator. As stated above, the two-time (per trip) declaration would facilitate improved enforcement of regulations because NMFS OLE would know which gear is being deployed and the relevant HMS target species for individual trips, while the provision of long-term declarations out of the HMS fishery would minimize burden on vessels not targeting the HMS fisheries intended to be monitored by the current regulations.

8. Provide information on the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice published on August 29, 2013 (78 FR 53397) soliciting comments on all aspects of the information collection, both those in place and those being proposed. Additional efforts to solicit public comment on the proposed rule and PRA revision included a presentation to the Atlantic HMS Advisory Panel on September 11, 2013, and a public webinar and conference call held on September 23, 2013. All aspects of the information collection, other than installation and operating costs, were affected by the proposed rule.

NMFS received several comments during the public comment period. Members of the public expressed support for the proposed alternative to allow vessel operators to issue hail-out declarations when leaving port, as opposed to the current requirement to do so two hours prior to leaving port, because the proposed requirement would be less burdensome on commercial fishermen. Some commenters expressed concern that requiring hourly position reports 24 hours a day, 7 days a week, regardless of whether the vessel was at sea or in port would increase reporting costs for those commercial fishermen whose VMS providers charge per position report.

Other commenters indicated they already left their VMS units on all the time, and the proposed requirement would not affect their costs. Additionally, commenters concerned about costs indicated that the proposed allowance for documented power down exemptions when vessels would not be fishing for extended periods of time would help to reduce unnecessary VMS reporting costs. One commenter suggested that the reporting period should be every 30 minutes rather than once an hour. Based on these comments, the agency has determined that no changes to the proposed rule or the associated burden or cost-estimates were required.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are to be offered as part of this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

All automated position reports received by NMFS will be treated as confidential data in accordance with the Magnuson-Stevens Act and NOAA Administrative Order 216-100.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

A total of 308 vessels are subject to the current VMS requirements (Table 1). Based on the number of limited access (directed and incidental) permits for swordfish, an estimated 253 pelagic longline vessels are subject to the VMS requirement. Based on the number of limited access directed shark permits, an estimated 25 bottom longline shark fishing vessels and 30 shark gillnet vessels are also subject to the VMS requirement. Once a VMS is installed by a qualified marine electrician, the vessel owner is required to submit an activation checklist via regular mail to NMFS OLE. **The estimate for this burden is 5 minutes per new participant.**

Before leaving port, vessels would transmit an electronic hail-out message to NMFS OLE declaring target species and gear deployed for the fishing trip. At this time, vessel operators would also have the option of making a long-term declaration that they are not targeting HMS. Vessels would also report, or hail-in, to NMFS OLE when they are returning to port. **NMFS estimates that these declarations would require approximately 4 minutes per trip (2 declarations, 2 minutes/declaration).** Once on, position reports are automatically sent from the VMS on an hourly basis 24/7, and would be required to continue reporting continuously unless an email requesting a documented power down exemption is submitted to and confirmed by NMFS OLE. Requests for power down exemptions should take no more than 5 minutes. Vessels not pursuing HMS fisheries for two or more consecutive trips would also have the option to submit a long-term declaration out of the fishery, via email on the VMS unit, which would

exempt them from making hail-out and hail-in declarations for the duration of the long-term declaration. Vessels operating under long-term declarations out of the HMS fishery would still be required to submit automatic hourly position reports, and would remain subject to all other applicable HMS regulations. The automatic position reports are not considered burdensome to the respondents. Burden associated with maintenance is not anticipated with the E-MTU VMS units.

Table 1. Number of HMS Vessels Required to Comply with VMS Requirements by Gear Type Based on 2010 Permit Data.

Pelagic Longline (Tuna Longline)	Bottom Longline (Directed Shark Permit Holders in NC, SC, and VA)	Gillnet (Vessels with a Directed Shark Permit and Landed Sharks with Gillnet, 2004-2007)	Total
253	25	30	308

One-time burden of installing new units for all HMS fisheries:
Total responses: Up to 5 new units installed per year and checklist submitted = 10 responses
Installation time: 5 units * 4 hour average installation = 20 hours
Submission of completed installation checklist: 5 units * 6 minutes = 30 minutes.

Estimated burden for the entire HMS fleet would be 10 responses, 20.5 (21) hours (20 hours installation + 30 minutes (rounded up to 1 hour) for completing checklists). **This would be an annual burden, as 5 installations are expected annually.**

Pelagic Longline Vessels:
All pelagic longline vessels participating in HMS fisheries are currently required to have an E-MTU VMS unit installed by a qualified marine electrician, and to declare target species and gear being deployed to NMFS OLE before fishing and inform NMFS OLE when returning to port. Under the newly proposed VMS rules, these vessels would be required to provide hourly position reports 24/7 unless granted a documented power down exemption from NMFS OLE.

Trip duration within the pelagic longline fleet varies based on time of year, location, target species, market prices, quota availability, and other factors. Logbook data indicate that the average trip duration for pelagic longline vessels is 9 days. It is assumed that vessels need at least one day in port to offload their catch and procure supplies before returning to sea, during which time they would not be required to provide position reports. On average, PLL vessels may take 36 trips per year, which equals 324 days per year at sea (36 trips/year * 9 days/trip = 324). Each trip would require 2 declarations/trips and it is estimated that each declaration would require 2 minutes.

Recurring burden (If no vessels declare out of the fishery):
Per vessel responses: 36 trips/year * 2 declarations = 72 declarations. Total responses: 72 * 253 = **18,216**.
36 trips/year * 2 declarations * 2 minutes/declaration / 60 minutes/hour = 2.4 hours/vessel).
Estimated burden for the entire PLL fleet would be **607 hours** (253 vessels * 2.4 hours/vessel = 607 hours).

Total annual responses: 18,216
Total annual hours: 607

Shark Bottom Longline Vessels:
All vessels with bottom longline gear onboard and possessing a directed shark permit in North Carolina, South Carolina, and Virginia are required to use E-MTU VMS from January 1 to July 31 when they are between 33 N and 36.3 N on an annual basis. Newly permitted vessels would be required to have an E-MTU VMS unit installed by a qualified marine electrician, declare target species and gear being deployed to NMFS OLE before/after fishing, and provide hourly position reports 24/7 from January 1 to July 31, unless granted a documented power down exemption from NMFS OLE.

During this time period (January-July) and in this vicinity, most participants with BLL on board would be targeting Large Coastal Sharks (LCS). It is assumed that most vessels targeting LCS would be making day trips (i.e., returning to port to offload once every 24 hours). Therefore, it is assumed that vessels could be in this vicinity with bottom longline gear onboard for 212 days/year (January 1 – July 31).

Recurring burden (If no vessels declare out of the fishery):
Per vessel responses: 212 trips/year * 2 declarations = 424 declarations. Total responses: 424 * 25 = **10,600**.
212 trips/year * 2 declarations * 2 minutes/declaration / 60 minutes/hour = 14.1 (14) hours/vessel. Estimated burden for the entire PLL fleet = **350 hours** (25 vessels * 14hours/vessel = 353 hours).

Total annual responses: 10,600
Total annual hours: 353

Directed Shark Gillnet Vessels:
Vessels that possess a shark directed permit and have gillnet gear onboard between November 15 and April 15 are required to use VMS in the Southeast U.S. Restricted Area as defined in 50 CFR 229.32. NMFS estimates that 30 vessels meet this requirement.

The gillnet fishery primarily targets Small Coastal Sharks (SCS) and blacktip sharks (included in the aggregate LCS management unit). Season length for sharks varies from year to year based on quota availability, catch rates, and other considerations. Many shark gillnet vessels possess permits which allow them to participate in other fisheries using gillnet gear, therefore, to estimate burden it is assumed that affected vessels could be engaged in fishing activities and subject to VMS requirements for the duration of this time period every year (152 days).

Recurring burden (If no vessels declare out of the fishery):
Per vessel responses: 152 trips/year * 2 declarations = 304 declarations. Total responses: 304 * 30 = **9,120**.

152 trips/year * 2 declarations * 2 minutes/declaration / 60 minutes/hour = 10 hours/vessel. Estimated burden for the entire PLL fleet would be **300 hours** (30 vessels * 10 hours/vessel = 300 hours).

Total annual responses: 9,120
Total annual hours: 300

Potential reduction in burden per vessel declaring out of fishery for full season:

Per pelagic longline vessel response reduction: 36 trips/year * 2 declarations/trip – 1 initial declaration out of fishery = 71 responses x 2 minutes = 2 hours, 20 minutes (2 hours).

Per bottom longline vessel response reduction: 212 trips/year * 2 declarations/trip – 1 initial declaration out of fishery = 211 responses x 2 minutes = 7 hours.

Per directed shark gillnet vessel response reduction: 152 trips/year * 2 declarations/trip – 1 initial declaration out of fishery = 151 responses x 2 minutes = 5 hours.
Total potential reduction: 433 responses and 14 hours. NOTE: We are not claiming this as burden reduction at this time.

Table 2. Summary of the maximum burden for PLL, BLL, and gillnet vessels.

	Pelagic longline vessels	Bottom longline vessels with directed shark permits	Gillnet vessels with directed shark permits	Total
Respondents	253	25	30	308
Responses	18,216	10,600	9,120	37,936
Hours	607	353	304	1,264

Adding 10 responses and 21 hours for the installation and checklist brings the total to 37,946 responses and 1,285 hours (rounded up to 1,286 in ROCIS).

13. <u>Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection</u>.

Of the 308 vessels required to have VMS installed, all should have already purchased and installed their units; however, there is the possibility that up to 5 new VMS, either for new vessels or as replacements, would need to be installed each year: purchase cost: $3,100, installation cost, $50-400 (average $225). Total cost per VMS, installation and checklist: $3,325. Total overall costs: $3,325 x 5 =$16,625.

Those purchasing a EMTU VMS unit for the first time would be eligible for a refund of up to $3,100. Communication and maintenance costs, which are ongoing, have been included for all vessels in Table 3.

Table 3. Summary of the estimated total costs associated with the current and revised E-MTU VMS requirements in Atlantic HMS fisheries.

	Pelagic Longline Vessels (253)	Bottom Longline Vessels (25)	Gillnet Vessels (30)
Number of Fishing Trips/Year	36	212	152
Months Fishing/Year when VMS is Required	12	7	5
Monthly E-MTU VMS Unit Plans average including 24/7 Position Reports and data	$44.00	$44.00	$44.00
Annual Compliance Costs/ Vessel ($44/month * months fishing/year when VMS is required)	$528/vessel (12 x $44)	$308/vessel (7 x $44)	$220/vessel (5 x $44)
Annual Compliance Costs + Maintenance Costs ($500/year)	$1,028	$808 ($308 + $500)	$720 ($220 + $500)
Total Costs by Fleet	$260,084 (253 x $1028)	$20,200 (25 x $808)	$21,600 (30 x $720)
Gross Cost of Compliance, Annual (all HMS vessels)	$301,884 ($260,084 + $20,200 + $21,600)		

Total capital and start-up costs would be $16,625 ($3,325 x 5 vessels) per year.

Total annually recurring reporting costs will be $301,884 ($1,028 x 253 = $260,084) + ($808 x 25 = $20,200) + ($21,600 x 30 = $21,600): $301,884 (average of 980.14 per vessel).

Total annualized costs would be $318,509, or an average of $1,034 per vessel.

14. <u>Provide estimates of annualized cost to the Federal government</u>.

There would be no significant cost to the Federal government outside of the initial reimbursement for newly permitted vessels. NMFS is developing an integrated hardware and tracking system to manage the various VMS programs being developed for many other U.S. fisheries. Those costs are already covered by current programs of the Office of Law Enforcement and are extraneous to this collection. Given the current capacity of these systems, incremental costs specifically attributable to the HMS VMS program are negligible.

15. <u>Explain the reasons for any program changes or adjustments.</u>

Adjustment(s): The number of affected vessels has changed from 329 to 308. The capital costs for the original 329 are cleared. The estimated time to issue a declaration was changed from 5 minutes/declaration to 2 minutes/declaration to more accurately reflect the associated burden.

Program changes (no change to burden at this time):

1. Establishment of a declaration out of the fishery option that could substantially reduce vessel reporting burden (reduction not counted at this time).

2. Changing a requirement to hail-out at least two hours before leaving port (can now be immediately before leaving port).

3. Changing hail-in requirement to no more than 12 hours before returning to port.

4. Some increase in reporting costs for certain vessels:vessels with VMS plans that charge per position report (i.e., Skymate) would see some increase in their VMS reporting costs; however, these increased costs should be relatively minor for several reasons. First, vessel operators will have the option of obtaining documented power down exemptions from NOAA OLE when they will be remaining in port for extended periods of time, which will ensure that vessel operators will only need to leave their VMS units on while in port for short stays between fishing trips. Second, pelagic longline vessels, which represent the vast majority of affected vessels, spend an average of 9 days at sea per trip with only one day between trips for off-loading their catch, and bringing on new supplies. As VMS plans that charge per report only charge $0.06 per position report, this would only result in an increased cost of $1.44 per trip.

16. <u>For collections whose results will be published, outline the plans for tabulation and publication</u>.

No formal scientific publications based on this program are planned at this time. The data will be used for enforcement, management reports, and drafting or evaluating fishery management plan amendments by NMFS. However, subsequent use of the data collected over a series of years may be included in scientific papers and publications. Position data will remain confidential and will only be revealed to the public in aggregated form.

17. <u>If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate</u>.

Not Applicable.

18. <u>Explain each exception to the certification statement</u>.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

OMB Control No. 0648-0372
Expiration Date: 10/31/2014

Vessel Monitoring Systems Installation and Activation Checklist
for the Highly Migratory Species Pelagic Longline Fisheries

INSTRUCTIONS: This Vessel Monitoring Systems (VMS) Installation and Activation Checklist for the Highly Migratory Species (HMS) Pelagic Longline Fisheries is provided by the National Marine Fisheries Service (NMFS) pursuant to the regulatory requirements of 50 C.F.R. § 635.69(d). The vessel owner or operator must follow the indicated procedures when installing or re-installing an NMFS-approved VMS unit.

This checklist is applicable for the listed VMS providers currently approved for use in the HMS fisheries. Revised checklists will be provided if additional VMS providers are approved. Follow the particular checklist steps for the communications service and transmitting unit selected by the vessel owner. The vessel owner is responsible for all installation and activation costs. After completion of the installation and activation, the owner may confirm that the National Oceanic and Atmospheric Administration (NOAA) is receiving position reports by calling the NOAA Office of Law Enforcement (OLE) in St. Petersburg, Florida, at 727-570-5344, or by sending email to vms@noaa.gov.

INSTALLATION AND ACTIVATION CHECKLIST

1. Consult the "Vessel Monitoring System; List of Approved Mobile Transmitting Units and Communications Service Providers," published as a Notice in the Federal Register at 68 Fed. Reg. 11,534 (published 3/11/03), for the list of approved transmitting units and communications service providers. This was supplemented by a notice published on May 1, 2003 (68 Fed. Reg. 23,285). The list of approved units/providers is available from NMFS by calling 727-570-5344 or by obtaining the Federal Register notice from archived records on the internet at : http://www.access.gpo.gov/su_docs/aces/aces140.html
2. If you already have an INMARSAT-C transmitting unit, continue to the next step. If not, go to Step 4.
3. If you have an INMARSAT-C transmitting unit that is the same make and model as the approved units, in order to qualify this unit for use in VMS, ensure the unit is functionally equivalent to the approved unit.
   - This requires you to upgrade the version of software and firmware for the unit, and/or reconfigure the message settings (unit parameters and menu options).
   - Contact the VMS provider for your make and model and upgrade your unit. After the provider performs the upgrade, go to Step 11. If you do not get an upgrade, continue to the next step.
4. Purchase new equipment and services for VMS.
   - Contact the entity(s) identified in the Notice under "VMS PROVIDER ADDRESSES" for information.
   - Identify yourself to the providers as participating in the "Highly Migratory Species VMS" to obtain the product information, pricing, unit configuration, and service options for VMS.
5. Choose INMARSAT-C providers: one for the transmitting unit, and one for communications services.
   - The NOAA VMS is designed so that the fisherman has free choice of any combination of type-approved INMARSAT-C options.
   - Do the next two steps, Steps 6 and 7, in any order; then go to Step 8.

6. Choose the INMARSAT-C communications service provider you prefer and establish a service contract.
   - This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges.
   - If applicable, record the important, identifying information, such as a user name and password to access your private position information and your transmitting unit, and the INMARSAT-C email address of your unit.
7. Choose the INMARSAT-C transmitting unit you prefer.
   - If you purchase a Thrane & Thrane TT3022D or TT3026, request part number “NMFS”.
   - If you purchase a Trimble Galaxy TNL7005, request part number P/N 17760-45. Or, if you purchase a Trimble Galaxy Courier TNL8005, request P/N 30090-45.
   - The Thrane & Thrane provider initially will mail you only the form known as the INMARSAT Service Activation Request Form (SARF).
   - The Trimble manufacturer will enclose the SARF, together with its shipment of a unit that has been appropriately configured for VMS message settings.
8. Register your transmitting unit for INMARSAT-C use, following these steps.
   - Fill out the SARF form referred to in the above step.
   - Fax or mail the SARF to the “routing organization” indicated on the form for U.S.-flagged vessels.
   - Enclose proof of the fishing vessel’s “ship radio license” (copy of FCC Form 506) with the SARF.
   - When the SARF is processed, you will be given an “INMARSAT Number” (also known as “IMN” or “Mobile Number”).
   - This number uniquely identifies your unit within the INMARSAT system, similar to a telephone number. Record this number.
9. If you purchased a Thrane & Thrane unit, go to the next step. If you purchased a Trimble unit, go to Step 11.
10. Contact your Thrane & Thrane provider and inform him of your INMARSAT Number and the communications service provider company name you have chosen (in Step 6).
    - The Thrane & Thrane provider will configure the unit to be ready for VMS (VMS message settings and satellite operations), and will then ship the unit.
11. Install the transmitting unit and antenna according to the installation instructions contained in the manual supplied by the manufacturer, or contact a marine electronics specialist or dealer to install the unit. (Also see Step 12.)
12. Run the cable connecting the unit (or, for the TT3026M-NMFS, the terminating end of the cable) in the wheelhouse to the antenna mounted outside, through a solid, immovable and permanent part of the vessel such as a bulkhead, deck, or console.
13. Turn on the power to the vessel transceiver.
    - If you purchased a Trimble unit, continue to the next step. If not, go to Step 15.
14. In order to configure the Trimble unit for satellite operations, contact your communications service provider.
    - Have Customer Service download pre-determined NMFS position report and broadcast commands (“DNIDs”) from its control center to the vessel transceiver via satellite. These commands will set up and start the VMS position reporting between your INMARSAT Number and NOAA OLE.
    - Make sure the Customer Service performs this step twice, for each of INMARSAT Ocean Areas, Atlantic East and Atlantic West.

15. Confirm, by phone, with your communications service provider's Customer Service that periodic position reports are now automatically being sent to NOAA OLE.
16. The vessel owner must sign the statement certifying compliance with the installation procedures of the above steps, then submit the certified checklist to the Office for Law Enforcement (OLE), National Oceanic and Atmospheric Administration NMFS, 9721 Executive Center Drive North, Suite 130, St. Petersburg, Florida 33702.

Vessel Name:_____ HMS Permit Number:_____

VMS Transmitting Unit Manufacturer:_____

VMS Communications Service Provider:_____

Certification:

In accordance with 50 C.F.R. § 635.69(d), as the owner of a vessel participating in the Highly Migratory Species Pelagic Longline Fisheries, I hereby certify that the VMS system on my vessel has been installed in compliance with the applicable procedures of this checklist.

Vessel Owner Name:_____

Vessel Owner Signature:_____ Date:_____

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in the Vessel Monitoring System (VMS) checklist is mandatory for the purpose of managing the Atlantic Pelagic Longline fishery. The checklist information is used to ensure proper operation of the VMS unit. Reporting burden for the collection of information is estimated to average 4 hours per installation, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. The burden for submission of this checklist is estimated at 5 minutes per response. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data, other than in aggregate form, as the MSA protects the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the pecuniary business activity of a particular individual is not identified. This information collection has been issued a valid OMB control number, and is subject to the requirements of the Paperwork Reduction Act and penalties associated with non-compliance. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Office of Law Enforcement, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

Vessel Monitoring Systems Certification Statement for Atlantic Highly Migratory Species Fisheries

INSTRUCTIONS: This form should be completed and signed by the owner and the qualified marine electrician that installed the VMS unit on the vessel named below. The completed form should be sent to NOAA Office of Law Enforcement, 263 13th Avenue South, Suite 109, St. Petersburg, Florida 33701. This Vessel Monitoring Systems (VMS) Certification Statement for the Highly Migratory Species (HMS) Fisheries is provided by the National Marine Fisheries Service (NOAA Fisheries) pursuant to the regulatory requirements of 50 C.F.R. § 635.69. This certification statement is applicable for the VMS providers currently approved for use in HMS fisheries.

A qualified marine electrician must follow the manufacturer's installation procedures when installing or re-installing a NOAA Fisheries-approved VMS unit. The vessel owner is responsible for all installation and activation costs. After completion of the installation and activation, the owner should confirm that NOAA Fisheries is receiving position reports by calling NOAA Office of Law Enforcement in St. Petersburg, Florida, at, 800-758-4833 or by sending an e-mail to NMFS.OLE.SE@noaa.gov.

Vessel Name:_____ U.S Coast Guard Documentation Number:_____

Installing marine electrician or dealer (name, address, and telephone number):
_____
_____

Date of Installation (mm/dd/yyyy):_____

VMS Enhanced Mobile Transceiver Unit (E-MTU):
Manufacturer name:_____
Model:_____
Manufacturer serial number (S/N):_____
Communication network serial number (ISN):_____

VMS Mobile Communications Service Provider (MCSP)
Communications provider name:_____
Communications ID number assigned by service provider:_____

Once the VMS E-MTU was installed, did the electrician/dealer, or the owner and/or operator of the vessel verify with NOAA OLE VMS Program personnel that position data was being received?
Yes No

Certification:
In accordance with 50 C.F.R. § 635.69(d), as a qualified marine electrician, I hereby certify that the VMS system on the vessel named above has been installed in compliance with applicable procedures.

Vessel Owner/Operator's Name: _____

Vessel Owner/Operator's Signature_____ Date: _____

Installer's Name:_____

Installer's Signature:_____ Date:_____

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in the Vessel Monitoring System (VMS) certification statement is mandatory for the purpose of managing the Atlantic HMS fisheries. The certification statement is used to ensure proper operation of the VMS unit. Reporting burden for the collection of information is estimated to average 4 hours per installation, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. The burden for submission of this certification statement is estimated at 5 minutes per response. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data, other than in aggregate form, as the MSA protects the confidentiality of those submitting data. Whenever data are requested, NMFS ensures the information identifying the pecuniary business activity of a particular individual is not identified. This information collection has been issued a valid OMB control number, and is subject to the requirements of the Paperwork Reduction Act and penalties associated with non-compliance. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Office of Law Enforcement, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

PACIFIC STATES MARINE FISHERIES COMMISSION
205 SE Spokane Street, Suite 100
Portland, OR 97202
Tel: (503) 595-3100 Fax: (503) 595-3444
www.psmfc.org

INSTRUCTIONS FOR VMS REIMBURSEMENT REQUEST FORM

The following contains instructions for and descriptions of the required elements on the *VMS Reimbursement Request Form*. The reimbursement request form is a fillable form that can be completed and printed using free Adobe® Reader® software. To download free Adobe® Reader® software go to http://www.adobe.com/.

To enter text into the form, using Adobe® Reader® software, click in the spaces provided and begin typing. To move to the next fillable field press the tab key on your keyboard, or click in the space provided.

The blank reimbursement request form can also be printed and filled out by hand. For assistance with the *VMS Reimbursement Request Form*, contact Pacific States Marine Fisheries Commission at 503-595-3100.

Failure to supply information may result in delayed reimbursement processing. It is strongly advised that vessel owners/operators provide as much information as possible.

I. VESSEL INFORMATION

I. VESSEL INFORMATION

Vessel Name:					
Region *(select one)*:	☐ Alaska (AK)	☐ Northeast (NE)	☐ Northwest (NW)	☐ Pacific Islands (PI)	☐ Southeast (SE)
Permit Number:			**Fishery/Permit Type:**		
USCG Documentation Number:			**State Registration Number:**		
License Number:			**Other:**		

Vessel Name

The name of the vessel that the VMS transmitter has been installed on and reimbursement is being requested for. The name on the request form should match the vessel names as listed on title, permit, Certification of Documentation, etc.

Region

Place a check mark in the check box to the left of the region the applicant vessel fishes and is required to carry a VMS transmitter in (e.g., Northwest, Southeast, Northeast, Alaska or Pacific Islands). If a vessel holds permits in multiple regions select the region that VMS Reimbursement is being requested for and has been approved by NOAA OLE.

Permit Number

If a vessel has been issued a Federal Fisheries Permit Number or other Permit Number provide the number(s) in the space allowed. A Federal Fisheries Permit Number is required of vessels in Northeast Fisheries Region. Vessels located in all other regions are strongly advised to provide a Permit Number in addition to a USCG Document Number and/or State Registration Number.

Fishery/Permit Type

Provide the fishery or fisheries or permit type that requires the applicant vessel to have a VMS unit to fish. Fishery/Fisheries may be identified by one or more of the following elements (the following is not an exhaustive list of possible fishery classifications):

- **Fishing Area** (waters or seabed)**, Region** (Northwest, Southwest, Northeast, Southeast, Alaska, etc.), **and/or Type** (High Seas, Coastal, Migratory, etc.)
- **Fishing Methods and/or Devices:** trap, trawl, troll, purse seine, gillnets, longlines, droplines, etc.
- **Class of Boat**
- **Species or Class Fished:** groundfish, rockfish, crab, salmon, shellfish, albacore, sablefish, etc.
- **Fishery Access and/or Purpose of Fishing Activities:** open access, limited entry, gear restrictions, catch limits, closed, Northeast Limited Access Scallop, etc.

For example: Gulf of Mexico Reef Fish Fishery, United States Atlantic Highly Migratory Species Fishery, NW Hawaiian Islands Marine National Monument, Northeast Surfclam/Ocean Quahog, Northeast Multispecies, etc.

State Registration Number

If a vessel has been issued a State Registration Number (i.e., CF numbers, FL numbers, OR numbers, etc.) provide it in the space allowed. Vessels that do not have a USCG Documentation Number and/or Federal Fisheries Permit Number must provide a State Registration Number.

USCG Documentation Number

United States Coast Guard (USCG) issued Documentation Number is required of all fisheries. In cases when a vessel does not have a USCG Documentation Number provide a State Registration Number (see Registration Number for more information) and/or Permit Number (see Permit Number for more information). Vessels that have a USCG Documentation Number are strongly advised to provide a State Registration Number, Permit Number, and/or License Number in addition to providing a USCG Documentation Number.

License Number

Provide any license numbers held by the fishing vessel and/or vessel owner in the space provided.

Other

This section can be used to provide any additional vessel information.

II. VESSEL OWNER INFORMATION

II. VESSEL OWNER INFORMATION

As it appears on permit, title, license, registration, etc. If under business ownership, provide business name and owner name.

First Name:		**MI:**		**Last Name:**	
Business Name:					
Mailing Address:					
Phone Number:		**Email Address:**			

FIRST NAME, MI, LAST NAME

Provide the name of the vessel owner as it appears on the vessel's documentation (i.e., title, permits, Certification of Documentation, etc.). If under business ownership, provide the name of the owner of the business in addition to the name of the business.

BUSINESS NAME

Provide the name of the business as it appears on the vessel's documentation (i.e., title, permit(s), Certification of Documentation, etc.) as well as the name of the owner of the business.

MAILING ADDRESS

Provide the mailing address as it appears on the vessel's documentation (i.e., title, permit(s), Certification of Documentation, etc.).

PHONE NUMBER

Provide the phone number where PSMFC or NOAA OLE will be able to contact the vessel owner.

EMAIL ADDRESS

Provide the email address where PSMFC or NOAA OLE will be able to contact the vessel owner.

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www.psmfc.org

III. NOAA OLE COMPLIANCE AND REIMBURSEMENT CONFIRMATION INFORMATION

III. NOAA OLE COMPLIANCE AND REIMBURSEMENT CONFIRMATION INFORMATION

NOAA OLE Issued Confirmation Number:					Date Confirmation Issued:	

Confirmation Number

Type or write the four-digit confirmation number in the space provided. A confirmation number is required for all reimbursement requests. Contact NOAA OLE's VMS Helpdesk at 1-888-219-9228 to acquire the four-digit confirmation number.

Only vessels that are eligible for reimbursement will receive a confirmation number. Eligibility is determined by NOAA OLE. Questions regarding eligibility, requirements, and compliance contact the NOAA OLE VMS Helpdesk at 1-888-219-9228.

Date Confirmation Issued

Provide the date NOAA OLE issued the four-digit confirmation number in the space provided.

IV. VMS TRANSMITTER INFORMATION

IV. VMS TRANSMITTER INFORMATION

VMS Transmitter ID and/or serial number must be on itemized sales invoice in order for processing of reimbursement request.

Transmitter ID/Serial Number:		Vessel Email Address:	
VMS Brand:		VMS Model:	
Installation Date:		Installed By:	
Electronics Dealer:			
Dealer Contact:		Dealer Phone:	

VMS Transmitter ID/Serial Number

VMS Transmitter ID (VMS unit serial or MCT number) is required for all fisheries regions. Contact the VMS vendor (e.g., Boatracs/AirIQ, Marine Inc.; CLS America, Inc.; Faria Watchdog, Inc.; GMPCS Personal Communications, Inc.; SkyMate, Inc.; Thrane & Thrane, Inc.), or electronics dealer that installed VMS unit on the applicant vessel for assistance.

VESSEL EMAIL ADDRESS

The email associated with the VMS unit installed on the applicant vessel.

VMS BRAND

The brand of VMS unit installed on the applicant vessel (i.e., Boatracs, Faria Watchdog, Thrane & Thrane, etc.).

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VMS MODEL

The model of the VMS unit installed on the applicant vessel (i.e., Sailor VMS Gold, Stellar ST2500G, etc.).

INSTALLATION DATE

The date the VMS unit was installed on the applicant vessel.

INSTALLED BY

The person responsible for installing the VMS unit on the applicant vessel.

ELECTRONICS DEALER

The electronics dealer whom the VMS was purchased from and/or installed by. If the VMS unit was purchased directly from a vendor (i.e., Boatracs, CLS America, Faria Watchdog, GMPCS Personal Communications, Skymate, or Thrane & Thrane) provide the vendor name.

DEALER CONTACT

Provide the name of the person that assisted you with the purchase and installation of the VMS unit. If the VMS unit was purchased directly from a vendor (i.e., Boatracs, CLS America, Faria Watchdog, GMPCS Personal Communications, Skymate, or Thrane & Thrane) provide the name of the individual that assisted you.

DEALER PHONE

Provide the phone number where PSMFC and/or NOAA may reach the dealer or dealer contact that sold and/or installed the VMS unit. If the VMS unit was purchased directly from a vendor (i.e., Boatracs, CLS America, Faria Watchdog, GMPCS Personal Communications, Skymate, or Thrane & Thrane) provide the phone number for the vendor or vendor contact.

V. REIMBURSEMENT PAYMENT INFORMATION

V. REIMBURSEMENT PAYMENT INFORMATION

Make reimbursement check payable to:

*Check **one** of the following selections. If approved, a reimbursement check will be sent to the person/entity specified in this section.*

Applicant:	☐ Vessel Owner			☐ Vessel Operator		
Vendor:	☐ Boatracs Inc.	☐ CLS America Inc.	☐ Faria Watchdog Inc.	☐ GMPCS Personal Communications, Inc.	☐ SkyMate Inc.	☐ Thrane & Thrane Inc.

Applicant Information:

Applicant information required for reimbursements to be made to applicant or vendor as specified above. The applicant is the Vessel Owner or Operator responsible for purchasing the installed VMS transmitter unit, and completing and signing this form.

Applicant:	☐ Vessel Owner		☐ Vessel Operator	
First Name:		**MI:**	**Last Name:**	
Business Name:				
Mailing Address:				
Phone Number:		**Email Address:**		

MAKE REIMBURSEMENT CHECK PAYABLE TO

Check the box to the left of the entity (i.e., Vessel Owner, Vessel Operator, Boatracs Inc., CLS America Inc., Faria Watchdog Inc., etc.) that reimbursement should be paid to. Select only one option.

APPLICANT INFORMATION

Applicant Name (First, MI, Last Name)

The applicant is either the vessel owner or operator of the vessel that reimbursement is being requested for. If reimbursement is to be paid to a business print the vessel owner or operator name in the space provided for Applicant Name, and type or print the business name in the space provided for Business Name. The applicant name and signature must match or processing will be delayed.

Reimbursement checks will be made out to the person or business name written in this section; unless PSMFC is informed otherwise or reimbursement is to be paid to a specified vendor (e.g., Boatracs/AirIQ, Inc.; CLS America, Inc.; Faria Watchdog, Inc.; SkyMate, Inc.; Thrane & Thrane, Inc.), in which case the reimbursement check will be made out and paid to the specified vendor.

Business Name

The business name may be the name of the business that operates and/or holds ownership and documentation for the vessel that reimbursement is being requested for. If reimbursement is to be paid to a business, type or print the vessel owner or operators name in the space provided for Applicant Name, and type or print the business name in the space provided for Business Name. The applicant name and signature must match or processing will be delayed.

Reimbursement checks will be made out to the business name written in this section; unless PSMFC is informed otherwise or reimbursement is to be paid to a specified vendor (e.g., Boatracs/AirIQ, Inc.; CLS America, Inc.; Faria Watchdog, Inc.; SkyMate, Inc.; Thrane & Thrane, Inc.), in which case the reimbursement check will be made out and paid to the specified vendor.

Mailing Address

For reimbursements that are to be paid to the owner and/or operator, supply the address where the reimbursement check should be mailed. For reimbursements that are to be paid to a vendor (e.g., Boatracs/AirIQ, Inc.; CLS America, Inc.; Faria Watchdog, Inc.; SkyMate, Inc.; Thrane & Thrane, Inc.), supply the applicant's address (vessel owner or operator).

Phone Number

Provide telephone number(s) where NOAA and/or PSMFC personnel will be able to contact the applicant (vessel owner or operator).

Email Address

Provide an email address if desired for the applicant (vessel owner or operator) for correspondence purposes. If the applicant (vessel owner or operator) does not use email for regular correspondence leave this blank.

VI. APPLICANT SIGNITURE

VI. APPLICANT SIGNATURE

Under penalties of perjury, I hereby declare that I, the undersigned, completed this application and the information contained herein is true, correct, and complete to the best of my knowledge. I also declare that the VMS transmitter described above has been installed on board the vessel listed above and is intended for use only on this vessel.					
Applicant First Name:		**MI:**		**Last Name:**	
Business Name:					
Applicant Signature:				**Date:**	

Applicant Name (First, MI, Last)

The applicant is either the vessel owner or operator of the vessel that reimbursement is being requested for. If reimbursement is to be paid to a business print the vessel owner or operator name in the space provided for Applicant Name, and type or print the business name in the space provided for Business Name. The applicant name and signature must match or processing will be delayed.

The applicant name must also match the information provided in Section V. Applicant Information.

Business Name

The business name may be the name of the business that operates and/or holds ownership and documentation for the vessel that reimbursement is being requested for. If reimbursement is to be paid to a business, type or print the vessel owner or operators name in the space provided for Applicant Name, and type or print the business name in the space provided for Business Name. The applicant name and signature must match or processing will be delayed.

The business name must also match the information provided in Section V. Applicant Information.

Applicant Signature

The applicant (vessel owner or operator) is certifying that all of the information provided is accurate upon signing the form. If a vessel is owned by a business include the signatory's name (vessel owner or operator) along with the business name in the spaces provided for Applicant Name and Business Name. The applicant name and signature must match or processing will be delayed.

Date

Provide the date the form was signed.

ADDITIONAL INFORMATION

Prior to mailing or faxing the completed *VMS Reimbursement Request Form* to the Pacific States Marine Fisheries Commission, it is advised that applicants and/or vendors review the form for accuracy to ensure timely processing of the VMS reimbursement request.

Inaccurate and incomplete request forms will delay processing of reimbursement, as any missing or inaccurate information will need to be verified with all necessary parties (e.g., vessel owner/applicant, NOAA OLE, vendors, etc.).

Mail or fax completed *VMS Reimbursement Request Forms* along with an invoice for the VMS transmitter as proof of purchase to the Pacific States Marine Fisheries Commission (mail: 205 SE Spokane Street, Suite 101 Portland, OR 97202, or fax: 503-595-3444). Also, include a copy of the vessel's Certificate of Documentation and/or Federal Fisheries Permit and/or State Registration.

For information regarding VMS reimbursement requirements, eligibility, and compliance please consult the *Summary of Information: VMS Reimbursement Program* (this document can be found at www.psmfc.org), or contact the VMS Support Center, operated by NOAA Office for Law Enforcement, at 1-888-219-9228.

U.S. DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ASSOCIATION

NATIONAL MARINE FISHERIES SERVICE

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HIGHLY MIGRATORY SPECIES ADVISORY PANEL

+ + + + +

MEETING

+ + + + +

THURSDAY
SEPTEMBER 12, 2013

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The Advisory Panel met in the Sheraton Hotel, 8777 Georgia Avenue, Silver Spring, Maryland, at 8:30 a.m., Scott McCreary, Facilitator, presiding.

PANEL MEMBERS PRESENT:

PAMELA BAKER
TERRI BEIDEMAN
RICK BELLAVANCE
ANGIE BOEHM (proxy for Scott Vaeth)
ANDRE BOUSTANY
RON CODDINGTON
SONJA FORDHAM
WILLIAM GERENCER
WALTER GOLET
MARIN HAWK (proxy for Bob Beal)
RUSSELL HUDSON
ROBERT HUETER
STEVEN JAMES
WALLACE JENKINS
DAVID KERSTETTER
GERALD LEAPE
SHANA MILLER
KENNEDY NEILL
JEFF ODEN (proxy for Sean McKeon)
TIM PALMER

ELLEN PEEL
ROMULUS WHITAKER
MARK SAMPSON
SCOTT TAYLOR
STEVEN THOMAS
PERRY TRIAL
MARK TWINAM
RICK WEBER
CHRIS WEINER
ALLAN WILLIS

ICCAT REPRESENTATIVE:

JOHN GRAVES

STATE REPRESENTATIVES:

MARTHA BADEMAN, Florida Fish and Wildlife Conservation Commission
RANDY GREGORY, North Carolina Division of Marine Fisheries
CARRIE KENNEDY, Maryland Department of Natural Resources

COUNCIL REPRESENTATIVES:

DEWEY HEMILRIGHT, (proxy for Stephen Linhard) MAFMC

FACILITATOR:

SCOTT McCREARY

NOAA FISHERIES OFFICE OF SUSTAINABLE FISHERIES HIGHLY MIGRATORY SPECIES DIVISION CHIEF:

MARGO SCHULZE-HAUGEN

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P-R-O-C-E-E-D-I-N-G-S

(8:37 a.m.)

MR. McCREARY: Good morning, everyone. Welcome to the fourth and final day. So we have a couple of presentations and discussions. And Margo is going to kick us off and then we will have a presentation on vessel monitoring systems.

MS. SCHULZE-HAUGEN: Yes, so good morning, everyone. Just as a quick introduction to this morning, VMS has been something that we have been talking about and working on for some time now. And we implemented a final rule I think it was over a year ago, 2011 and that required a new kind of unit, one that had two-way communication, which is a big improvement from the original units that have been required for almost a decade. It also required hail-in and hail-out, with indication of species and gear type. And this was so that the Office of Law Enforcement folks that track vessel location are able to determine what fisheries vessels are participating in and then what rules apply, so what areas may be acceptable or not to fish in.

It was something that was a stronger quest from Office of Law Enforcement to make their work more efficient and also to provide the abilities to communicate with boats at sea with their issues. Things can be resolved without boats having to come back in.

When we implemented or released the final rule, a number of issues were brought to our attention on requirements for boats that really weren't participating in HMS fisheries. They may have permits and the desire for folks to be able to get out of some of the VMS hail-in/hail-out while they were participating in those other fisheries.

And so that is what this rulemaking has kind of come directly out of the comments that we got, unfortunately, after that final rule published. So it meant that we had to do another rulemaking to address it.

So here we are. And Cliff is going to walk us through it.

MR. HUTT: Good morning, everyone. So as Margo was saying, currently we have VMS

requirements in all our pelagic longline fisheries. And for vessels using bottom longline gear for sharks or who have a directed shark permit and bottom longline gear onboard and are located and are fishing between the lat/longitude of 30 degrees north and 36 minutes north latitude and with the mid-Atlantic closed area is areas closed. And for directed shark permit holder with gillnet gear onboard from November 15th to April 15th.

These units must be installed by qualified marine electricians. And for current reporting requirements, vessels have to turn the units on at least two hours before leaving port to issue their hail-out. They are required to hail-in no less than three hours before returning to port and they have to provide hourly location signals while at sea. Currently, we allow these units to be turned off when the vessel returns to port.

Now, as Margo was just saying, the enhanced mobile units, they allow for two-way communication. And that is why they were kind of adopted over the old units that really just provided location pings. They allowed the declarations for target species and gear type, exchanging emails, things of that nature.

However, since instituting the current rules, we have had some complaints about fishermen, particularly about the need to hail-out two hours in advance. Some of the guys, their boats, their gear is such that they really don't need two hours of prep time before leaving. So it is an inconvenience to have to come in so much earlier, especially considering fishermen usually get started pretty early in the morning anyways.

And they find the hail-out and the hail-in requirements to be burdensome, particularly when they are not fishing for HMS, especially if they are then fishing in other fisheries that don't require VMS. Some of our fishermen, the other fisheries they do fish in do require VMS so they have got to do it either way.

Enforcement is also reported to us and in some cases, particular with vessels they are out for multiple days at a time. That they

will get the hail-ins several days in advance of the boats landing. Currently, the requirement is kind of open-ended only it says it has got to be at least three hours before you land but it doesn't specify an outward bound on how soon before landing you can specify it. And this makes it difficult to coordinate dockside inspections.

Also, the current rule allowing fishermen to turn off their units while in port isn't consistent with VMS regulations and other fisheries.

So, what changes we are proposing at this time are: 1) to require hourly location signals 24/7, whether the vessel is fishing or in port. However, we would provide the option for fishermen to contact OLE and request a documented exemption if they are not going to be fishing for an extended period of time. You know if the boat is going into dry dock or has to be taken out for repairs or whatever or they are just, their fishing season is over and they are not going to be fishing for a while, they can get a document exemption to turn the unit off.

One, this would allow us to eliminate the requirement to hail-out two hours in advance of leaving port. The purpose of that requirement was to ensure that OLE got at least one or two location pings before the vessel left the dock. So they knew for sure that the vessel was at the dock at the start of the trip or when the declaration was made.

If we are going to have them pinging all the time when they are sitting at the dock, there is really no need to show up two hours in advance to make that declaration. So we changed it so that you could wait until you are actually leaving port to make the declaration to give fishermen some extra flexibility.

We do not expect this to result in a big increase in overall reporting costs because most of the units have kind of a flat rate for hourly pinging. And even those that don't, they are fairly cheap per ping.

Also we are proposing to require that in additional to the hail-ins for when you are returning to port, in addition to being no less than three hours before returning to port,

they should be no more than 12 hours before returning to port. OLE feels this will better facilitate the ability to coordinate dockside inspections and it still gives the fishermen a nine-hour window in which they make the hail-in and still get back to port.

Finally, we are proposing to give HMS fishermen the option of making a declaration out of the HMS fishery, if they are not going to be targeting HMS for an extended period of time.

So if you are then going to be fishing for something in a fishery that doesn't require VMS, you would no longer be required to make the daily hail-outs and hail-ins until you begin fishing for HMS again. You would still be required to have the unit on providing hourly location signals and would still be bound to all other applicable HMS regulations. You will/wouldn't be allowed in the closed areas unless otherwise allowed.

Because we are doing kind of a full PRA renewal associated with this rule and didn't really get any comments the last time around, we are kind of requesting comments on the full range of HMS, VMS regulations. So in addition to the current changes of requiring the 24/7 reporting and modifying the hail-out and hail-in declarations, we are also asking for comment on our time and cost estimates associated with VMS and the costs of having it installed.

You all are familiar with the comment process. They can be made electronically through the web. They can be submitted to us in writing or by fax or phone. We do ask that people include the identifier that is listed above there when submitting comments for organization. And all comments will be posted online as part of the public record.

I am sure most of you who are dealing with VMS know Pat O'Shaughnessy. Obviously, if you have any questions about the Southeast VMS program, he is the one to contact.

And if you have questions about the current proposed rule or the current HMS regulations, you can give either myself or Karyl a call.

And with that, I will take any questions.

MR. McCREARY: All right. Let's see if there are any questions here. Martha?

MEMBER BADEMAN: Thanks. Martha Bademan, Florida Fish and Wildlife.

I was just wondering if you guys have been coordinating with I guess it is Andy Strelcheck in the Southeast Office. The Gulf is undergoing some changes to their IFQ requirements right now because they have been living with this for five plus years.

Some of the changes that you have proposed sound like they mesh with what we already have in the Gulf but they have been changing some of the -- or they are in the process of changing some of the landing notification things to make it a little bit easier for fishermen and law enforcement to coordinate on the back end. And I was just wondering if you were coordinating on that.

We are kind of at the same stage, actually. I think that rule was just approved by the council two weeks ago and so it is kind of in the proposed rule phase as well.

MS. SCHULZE-HAUGEN: So my understanding is that they have much more detailed requirements, specific approved landing locations, landing windows. So we are not proposing that level of specificity but just more of the timing so that we have the capability to meet a boat if needed. So we are aware. We are in communication but it is, I think, substantially different.

MR. HUTT: Yes, most of our coordination has been with Pat O'Shaughnessy in Saint Petersburg.

MR. McCREARY: Good. Thanks, Martha.

I have Rusty, Terri, and Scott Taylor. Rusty.

MEMBER HUDSON: Rusty the Directed Sustainable Fisheries, Rusty Hudson.

Anyway, what is the date due on this? I didn't see it on the slide.

MR. HUTT: It isn't on there? Sorry. The comment period currently ends September 30th. And we are having a webinar the afternoon of I believe it is September 23rd. Yes, it is September 23rd from about 1:00 to 3:00

in the afternoon, if I remember correctly. It is listed in the proposed rule.

MEMBER HUDSON: Thank you. I actually believe I remember putting those dates in my fisheries events so I can circulate. Thanks a lot.

MR. McCREARY: Thank you. Terri.

MEMBER BEIDEMAN: Terri Beideman. A couple of things. At least a quick census and the fishermen, this was published, you are going to have a comment period at the end of the month. A lot of my fishermen are out at sea. I don't really have an opportunity to like take a census of how this will affect everybody. So the folks that are here kind of see that they don't have an instinct problem with the fact that you are requiring 24-hour extra pings that we pay for and are appreciative that it eliminates that hail-out requirement.

I have had a couple of specific questions concerning the SkyMate and issues with the SkyMate. Either you have to poke them to fix it up or something. I also had another fellow discuss that if they only fish coastally, Boatracs works for them. And I don't know all the specifics. It is not that.

But I would request that we could have an extension on the comment period for this because this is the height of our season. We are kind of pummeled with other regulations taking our attention. And I have not had the first opportunity to speak to, only until today really directly on this because of other interests.

And someone also asked if you hail-out, do you have to remove your gear. If you are hailing out of the fishery for a couple of months, would you just stow it like you would normally? That is a question.

MR. HUTT: If you are declaring out of the fishery, technically no, you don't. But I mean the assumption would be that if you are going fishing for something else, if you are using a different gear, you would stow it anyways. But even if you are using the same gear, as long as -- you are still required to provide the hourly pings. So no, you don't necessarily have to stow all your gear.

MEMBER BEIDEMAN: So I guess along

that same line, that if your boat was going in the shipyard and it wasn't going to be fishing, it was going to be declared out in another fishery but it is not going to be fishing for an extended period of time, several weeks. So there is a mechanism that people could notify and say listen, my boat is going in the shipyard, I am not going to be fishing until at least whenever. Would that be sufficient? Because it is stupid to have it pinging away.

And in fact, if you have to cut the juice to your boat for a repair or something, then the signal is going to stop and I don't want to see people get violated over those things.

MR. HUTT: Yes, if you need, if your boat is going to be out of the water for a given period of time in dry dock or whatever, yes, there is an option to contact OLE in the Southeast, Pat O'Shaughnessy's office and request a document exemption for an extended period of time. Turn it off and you are good to go.

And I know that they understand that sometimes there are mechanical issues and things get cut off. I mean usually if that is happening, give them a call and they are usually pretty flexible in dealing with that, as long as somebody is notifying them what is up.

MS. SCHULZE-HAUGEN: A couple of things, on the comment period extension request, this is the first I have heard of it, but one thing I would say is that part of what we are trying to do in this is also have regulations that come into effect November 15th, adjusted via this rule as well.

And so a delay in that comment period would then mean that we miss that and some of the requirements that are applicable November 15th would come online unchanged. So we do have some kind of back end timing considerations as well.

And on the other issue about SkyMate issues, what I can say is that the Agency is very aware of issues with SkyMate. It is not my area of jurisdiction in terms of abilities to either discuss it because I don't know all the details, although I have heard a lot of stories, or involved in what is being done. But I know it is very highly front and center on the Agency's

mind.

MR. McCREARY: Thank you. Scott Taylor.

MR. TAYLOR: I am aware that Margo and Karyl and certainly Pat O'Shaughnessy and OLE are all aware of the SkyMate issues but I am probably pretty sure that most of the panel is not. So I am going to take this opportunity to encourage them. Because while you are aware of the problem, there has been no direction forthcoming and there is implementation coming in.

And the problem with the system is it doesn't work. And that is as simply put. It is unreliable. At very best, there is intermittent service on the actual pingers. The email capacity to hail-in and out basically never works, at least in the southern hemisphere. It is a line of sight system, which was not the way that it was initially represented to us. It essentially works just like VHS and the satellite is too low on the horizon in the southern hemisphere. And so when you talk to their technical support people, essentially, their answer is well all the problems that you are describing to us have to do with a low level of signal strength.

And while everybody within your office at VMS, Pat and all of his people, Matt are aware of it because the system was authorized and paid for with our tax dollars to be installed on the boats that nobody, at least up to this point without assigning blame really wants to give direction to have us replace the units on the boat because I think that there is legal implications for the authorized system.

But it is a huge problem. And their solution temporarily for our fleet has been for us to manually call in and call out and the odds of there being a problem essentially with that. Initially what the suggestion was for us was to make the declaration anyway in the system. But that doesn't work either because what happens is is that once you have an email in the outgoing queue, the system locks until that email goes out and then it will not allow you to queue the system again to either hail-in or hail-out.

And so we have tried all the other

things that Pat specifically had requested that of us because at the very least at that point there would have been a log record of the hail-in and the hail-out but you can't even -- we can't even do that.

The Tron and Tron units that are on the boats, while most of the people -- it was probably one of the most reliable VMS systems that you had until you went to the hail-in and hail-out.

There are a couple of units still within our fleet in which we are waiting for the new thumb drive and upgrades from them.

The Faria units, I think I am pronouncing that right, they are just now getting some of the software out to us to upgrade some of the boats.

So I understand that the rulemaking sometimes has to push technology, but this is a case where the rulemaking is ahead of our ability to be able to comply. And there is a high level of concern, particularly with some of the other requirements that are coming out that we have a workable system.

I would love personally, to be able to send my boats an email and actually have them be able to respond. And I thought that I was going to be getting that with the systems that were in there in the boat. It was a great idea just in practice.

So what I would do is I would encourage anybody that wasn't aware of it to comment and to press for a resolution and some direction on this because clearly I don't think -- this certainly isn't directed at you, Margo, I don't think that you have the ability to fix the problem or to give us direction at this point. But I am not really sure.

And here is the question in this rambling. Who does?

MS. SCHULZE-HAUGEN: So some of what the, I think, approved vendor authorized vendor issues are national and I think they are trying to work out a national solution.

So there is headquarters VMS OLE staff. And so I think that is probably the place to turn. Certainly, we are in communication both with Pat as well as the national folks

because they are up here at headquarters.

So we are sharing what we are hearing. We are also trying to give you the context to pursue it yourself. So I can get that to you.

MR. TAYLOR: Because clearly, I mean and I have spoken to the President of SkyMate all the way to the top. And there is no answer forthcoming from them. And I am just pointing that out to you. This is not a fix for them. They are not going to spend $100 million to launch a new satellite or to re-task the satellite that is there.

So this is a hardware design issue for them and that is, I think, essentially what the problem is. So ultimately that has got to come out of OLE and VMS and without being cute, that Pat, I was hoping to maybe see him up here.

And I think he was pretty forthright with why he told me he wasn't coming but that is not neither here nor there. But my point is that ultimately the issue that if we are going to have a reliable system, it isn't going to be the ones that are installed on the boat. There isn't a fix for that.

And so I would encourage that as much as your offices have influence that there is a decision that is forthcoming. I know things out of Washington always don't come in the time frame that we want to see them come. But like I said, I can't tell you how much time and effort and energy and money and personnel time that I am spending on just managing to try to do what is necessary to ask us to comply.

And then you come in in the morning and I have got a boat sitting at the dock because it was 3:00 a.m. and they didn't want to call me to let me know that they were coming. They had a mechanical issue or something. And then you are trying to hail them in after the fact.

MR. McCREARY: Thank you. Dewey.

MEMBER HEMILRIGHT: This rule helps a little help from changing the hail-in and hail-out. But it does cost the extra expenses of having to keep your thing on all the time.

So you fix one problem and you made another problem. It is going to cost a little more money but it is workable. The main thing

here is for probably over the last five or six years I am sure I have emails sent to Mike Clark telling how uselessness the SkyMate service is. And based on I had to get a sat phone to be able to call in to every time to tell you my system ain't working. I think my pinger part works but your email types of stuff sometimes it works and sometimes it doesn't.

But we are not the ones that had a chance to choose the vendors and you're not neither. But you are the ones that tells us here is what we have to do. And I found over the last probably five or six years I am pretty sure it has been that long having to deal with SkyMate. I can't remember the first time I had to put this system on. You have heard that. So it is basically you are our only conduit to fixing the problem. So either the uppers above you with this aren't hearing your message for the last five or six years or you are not telling them. So it is a problem. Something else with these new systems here. Why don't we have electronic logbook reporting through this once there is a good email system where something is good with these vessel monitoring systems where you have electronic logbooks included in there. It would stop the repetition of all the -- might save a few trees. Might stop a few jobs but it would definitely fix your time and reporting.

The problem is is that at your level, whoever looked at the SkyMate system. I mean basically it is a laptop with all but two ports with some silicone or super glue stuck in there. And we are having -- I mean it is almost like you need somebody with some smarts to proof it who your vendors are going to be and how the systems work. Because this was going to come out a year ago I think last year and it had to be stopped because the systems they sent out didn't have the hard drives or the updated software.

Right now I would say the system is unreliable. Because if you got a total package and only about a quarter of it works, it is pretty darn useless.

So maybe you all could -- hey we will see what happens next year. This is probably five years this has been brought to your attention. And hopefully we could fix it.

Also, the people, Pat O'Shaughnessy and the crowd down there and the VMS people have worked with us when we call them and tell them we are going fishing, we are putting out pinger but this isn't working on it, they have been great. Because I have probably used my sat phone more to call in to them than I have any other thing since January when I had my thing installed.

So thank you.

MR. McCREARY: Thanks, Dewey. Margo?

MS. SCHULZE-HAUGEN: Yes, I mean all I can tell you is we have been telling them. We are not your only conduit.

The VMS type approvals are done by the Office of Law Enforcement completely. And so this is something that they are working on. I don't know the full depth of the issues. I agree they are longstanding and well-known. But it is not -- I can put pressure on. I am. You can, too, through Pat.

And then what I will do is get, I believe it is Kelly Spalding is the national VMS coordinator. So we will get her phone number and hand that out to you guys.

But it is --

MEMBER GERENCER: Would that be her phone number?

MS. SCHULZE-HAUGEN: It will not be her home phone number.

(Laughter.)

MS. SCHULZE-HAUGEN: But I would encourage you, you know, we are working within the channels that we have but you all have communication abilities, as well.

So I wish I had better news but it is not something that I can really fix.

MR. McCREARY: Dewey, thanks for laying out those issues. And Margo, thanks for the status update and suggestions.

Jeff.

MR. ODEN: I just want to essentially say the same thing these two guys have just said. I mean Mark here as well, he has turned his off. He has another alternative VMS unit. But truthfully, you have got to do something about it. Because if I ever figure

out a way to get my hand through that phone on that technician's throat who keeps telling me it is my problem, I am going to kill him and end up on death row. Thank you.

MR. McCREARY: Okay, Scott Taylor.

MR. TAYLOR: Yes, I again just want to echo what Mark said. We are done with the technical people at SkyMate. It is just wasted time. But something that was really distressing happened last week. And that was I got a phone call from Matt at your office. And Matt communicated to me -- I assume you are with Pat's office, right? No. I apologize, then. Okay, you are with HMS. I apologize.

So, I got a phone call from Matt at VMS, Pat O'Shaughnessy's office, who communicated to me that OLE was pushing him for us to be aware that they were going to start writing violations for compliance.

So if they are so aware of the problem and they are the ones that are essentially trying to fix it and they know that they are the ones that are doing everything we can, why are we being told that if the problem doesn't get fixed, that they are going to start writing violations.

And the phone call was essentially orchestrated and was directed at us because a couple of the SkyMate boats have intermittent signals. You know I mean I will be sitting at dinner and I will get an email from one of my captains on the system from six weeks ago. It will all of a sudden pop up. It was in the system. It got a quick connection, whatever it was, a bounce, and their impression is that we should still be continuing to use the system to hail-in and hail-out. And the other systems that still don't have all the software upgrades that we are waiting for from the manufacturers, OLE thinks that they should be in full compliance. Well on a lot of these cases, it isn't anything that we are doing that we are waiting on manufacturer, we are waiting on them to deliver the stuff that we need. And then once we get it, we still have to have our technical people, and I guess this is the right word, fiddle with it. Because this stuff is not --

MR. McCREARY: Not quite in sway.

MR. TAYLOR: So my concern is that when I start getting phone calls that we are doing everything that we possibly can to comply and there is the potential for sanctions coming down the line, that I am sitting up and paying attention because I really don't know how to solve the problem.

And I mean it was flat-out told to me just that simply that boats that should be in compliance, that they are going to start writing citations. That was the exact language.

MR. McCREARY: Okay, thanks. So clearly, there is an issue on the table. The suggestion is multiple lines of communication to OLE. Margo has explained kind of the demarcation between the different divisions of the Agency. And I can certainly acknowledge the issue. I don't know what else there is to be said today about this.

MS. SCHULZE-HAUGEN: No, I mean that is news to me and a little surprising but I will track that down.

MR. TAYLOR: The context was, Margo, that their feeling was that okay you are having some problems with some of the equipment but that doesn't negate everybody from doing the call-in and call-outs. And what was the last directive that we had gotten from Pat's office was just verbally call the boats in and call the boats out. And then mid-stream we have got a change. And like Terri said, I have got people that are out on the water and you have miscommunication. We just don't snap our fingers and communicate this with the guys that are on the water and then all of a sudden, change the way that the compliance issue is done because it is very frustrating for them. You know for me to keep telling them you have got to do it, you have got to hail-in, you have got to hail-out and it just doesn't work.

So that is really where we are with it.

MR. McCREARY: Scott, thank you. Mark.

MEMBER TWINAM: Mark Twinam. I just wanted to say that because of this, you probably have to be aware of the blood pressure rising when they start wanting to put the cameras

onboard. Because as long as this stuff is reliable, it is really not an issue. I was scared to death when they first came out with VMS that it would cost me a trip, or cost me days or something. And fortunately, I haven't had that problem. I got the SkyMate in the beginning for the HMS. And then in the meantime, I had to get -- it wasn't good enough for the reef fish in Florida so I got the Faria VMS. And I started having trouble with the SkyMates. I thought I was the only one in the world until this week. But I finally shut mine off.

And the Faria is a really good one. I never turn them off. Since they have been installed, they run the whole time. And the Faria is power efficient. It is really good. But the SkyMate was real nice because you could email off your laptop really easy and the Faria is really hard to email. It is small and difficult to use.

So they all have good and points. So you really haven't apparently got to a point where it is comfortable to use them. And when it comes time to put the cameras on, people are going to have all these things in the back of their mind and it can be frustrating. So you can be prepared for it.

MR. McCREARY: Thanks, Mark. Scott, another comment?

MR. TAYLOR: And then the last comment. The Agency had an opportunity to see some of the things that we are doing on the boat. And so what I would strongly encourage as we move forward here with Amendment 7, that there are systems out there that work that are user friendly, that are 100 percent reliable that are there. Maybe the vetting process needs to be taken a look at here so that the system that may, at some point, get recommended to the PLL fleet, is vetted by people that really understand necessarily how it is going to be used.

MR. McCREARY: And by vetting you mean vetting the technology, not the proposed rule. Right? The functionality of the technology.

MR. TAYLOR: Well I think they are hand in hand.

MR. McCREARY: Sure.

MR. TAYLOR: I am not going to debate whether you put the horse or the cart before it. I think that is common sense.

But here we are in a situation where we are doing the same thing again, we are proposing a rule but yet the technology that is available that is approved right now won't necessarily do what it is. I think the rule, though, contemplates the development of that technology to a certain degree.

So what I am saying is that because there are so many different agencies that get involved in this stuff, that this is really something that I think HMS needs to be involved with for the purposes of, at least if nothing else, a recommendation for what is going to be put out there.

MR. McCREARY: Thanks, Scott. Anything else from you? No?

MR. HUTT: I did want to have one clarification. Earlier when you were talking about the problems with SkyMate, you kept saying the southern hemisphere.

MR. TAYLOR: Well what I mean actually the boats that are in the southeast region is really what I wanted to say. I have some boats that travel to the north. And the system is much more reliable up in the northeast than it is in the southeastern United States or the area that we are fishing. And I think that has to do with satellite orientation. So that the satellite is higher off the horizon, the farther north you go.

That is why Mark's pinger works all the time, because that operates at a lower level of signal strength.

So as you move further south and the signal strength drops, even the pingers themselves become intermittent on the system. So I can't tell you how many calls I have gotten from OLE that your boat is not pinging. And it is like you need to call them and communicate. And I said well I would love to send them an email but that is not going to get me anywhere. I will try to get a message to the boat. But we all know what the situation is with that.

But I also want to say -- and I think this is probably true for all, at least the PLL

fleet, we never turn our systems off. This is something that we already had. It is part of the subscription fee. So the real change for us is effectively was the hail-in and hail-out. You always know where those boats are sitting.

MR. McCREARY: Thank you. Anything else? All right, thank you very much. Is Chris Rodgers here?

DR. RODGERS: Yes, he is.

MR. McCREARY: Welcome.

DR. RODGERS: Where do you want me to sit? Right here?

Okay, good morning. I see some familiar faces and a lot of new ones. Those who are familiar and haven't seen me in a while, don't say that I look older and heavier.

So I am here to give two updates on electronic monitoring schemes for traceability systems and import monitoring programs. So we will start first with the ICCAT electronic bluefin catch documentation scheme. It is a paper-based scheme currently and has been in effect since I guess about 1998 the final rule became effective here in the U.S. to trace bluefin tuna from its origins. It was called a statistical document program at the time and morphed into a catch documentation scheme. The difference being that the statistical document was generated at the time trade occurred, whereas the catch document had to be generated at the time catch occurred. So it backed it up a bit to improve traceability.

Okay, so that is just a screen shot of the system that is being developed by ICCAT.

The history, there are several recommendations that come into play for the ICCAT scheme. In the meeting in 2010, ICCAT agreed that an electronic bluefin tuna catch documentation scheme should be developed and formed a working group to address issues of automation and going electronic and to define the scope of the requirements.

Recommendation 11-20 in 2011 updated the paper-based scheme to its current form. That has been pretty much every other year or so ICCAT addresses problems in the paper-based scheme. But that 11-20, recommendation 11-20 is the most current

operative mechanism for the paper-based scheme.

At the meeting last year, a new implementation schedule was developed for the transition to the electronic scheme.

What has the Electronic BCD Work Group been up to since 2011? It had a number of meetings. The first one was to define the requirements and set a schedule. We decided that we were not as I guess you could say fishery managers and observers of the trade, not IT-type people. We really couldn't define all of the technical requirements and decided we needed to go with a feasibility study by an IT-type firm. We had awarded that contract for feasibility study to a consortium in Spain, based in Spain, the TRAGSA Group. They had done some work for the Spanish government on catch monitoring, electronic catch monitoring, including some electronic logbooks. They had some familiarity with traceability schemes also in the agricultural sector for the EU.

So they did a feasibility study. They reported their results at the ICCAT meeting in Turkey in November 2011. So at that meeting, the next phase was defined and another meeting of the working group in January 2012 refined those requirements further and developed a request for proposals.

TRAGSA group was not barred from competing for the full contract, even though they had done the feasibility study. Sometimes there is a separation but in this case that it was not defined in advance. So TRAGSA was competitive, cost competitive and they were awarded the contract in April 2012.

They demonstrated the prototype at the November 2012 meeting in Agadir, Turkey. A lot of concerns about some bugs in the system.

For those who are familiar with the catching and farming of bluefin tuna in the Mediterranean, it gets very complicated, much more so than we have here in the west with vessels of several nations doing what they call joint fishing operations; transferring to towing cages, taking to farms in other nations, grow them out, trading between cages. It gets very complicated very fast.

And I think TRAGSA was having some

difficulties not only understanding the intricacies of the way the trade operated and the working between countries across nations and tracking quota but eventually the contracting parties involved in those farming operations and joint fishing operations worked through the specifications with TRAGSA.

In January of this year, there was a user acceptance testing. Again, all of the contracting parties that had an interest in the program met through that working group, tested the system further. We had requested some refinements for the west to simplify it because a lot of the requirements that were necessary for the eastern situation did not apply to the west and we felt that the program could be streamlined and the number of web pages that didn't need to be viewed, you could go straight to the business end of it.

So we got some streamlining from the west but evidently they are still struggling with some of the intricacies with the farming operations in the eastern side.

There was an on-site training in April. I attended that with some user acceptance testing. Again, we looked at some of the refinements for the west, asked for a few more. And since that time, it was supposed to go to a pilot phase. And that pilot testing has revealed some further concerns about, particularly on the eastern side, being able to record things through the many possible transactions that can occur.

So, consequently in July of this year, the integrated monitoring measures working group met in Japan and one of the topics of discussion there was again the implementation of the system and looking at some of the remaining bugs that need to be worked out.

So they called for another meeting of the eBCD Working Group for September this year and they are going to look at the remaining technical issues which need to be resolved. They are going to begin to draft a recommendation, as you see on the top of the slide, there is recommendations dealing with the electronic scheme and its development and phase-in, as well as the paper-based scheme.

Eventually they have to be merged when there is one electronic scheme. And it has to have all the requirements specified.

There is a concern about how lengthy a recommendation of that sort might be. So they have decided that a separate user manual will be an integral part of the recommendation that will get into all the technical details.

So that is upcoming. Again, they are going to look at technical issues and begin to draft a recommendation going forward with a full-scale electronic scheme.

The implementation schedule, as originally envisioned was in April this year, as I said, there was the government user's training. In May there would be an operational system with pilot testing. It was hoped for to be fully operational. But regardless, it was deemed to be voluntary at that point. The parties and the trade should try to use it, test it, try to break it in a sense, what they call beta testing in the IT world. But the paper documents would still be valid and parties should send their copies of paper documents to the Secretariat, who would enter them into the database. So eventually by the end of this year, it would be a complete electronic database for all bluefin caught. But again, the Secretariat was still having problems in entering all the records into the system because of primarily the intricacies and difficulties of the dealing with the nuances of eastern operations.

As I said, in July the remaining technical issues were discussed at the Integrated Monitoring Measures Working Group. There was supposed to be a non-government user training, in other words, the trade community that would be the vessel masters, the cage operators were going to go through a training that was deemed to be train the trainers, so that each country would nominate users, send them, and they would go back to their home countries and train more people who need to use the system.

Given those remaining technical issues, I don't believe this train the trainers has been scheduled and maybe postponed until after the November meeting.

So what will happen in this upcoming meeting in November, there will be revisions to the measures, again to consolidate the separate streams of recommendations on the electronics scheme and the paper scheme, and to develop this user manual that will be an integrated part of the recommendation but not contain all of the details in the recommendation proper.

What had been envisioned was that in March 2014, it would be fully operational and mandatory. But because of the ongoing concerns, technical issues that had not been resolved, it has felt at this point that it wasn't a full pilot phase, as was originally envisioned, particularly for the purse seining operations and the caging operations. And therefore, it is expected that at upcoming meeting in Cape Town that the new measure will revisit the phase-in and invoke a new or a second pilot phase, so that the purse seine season has a full season to operate on a pilot basis before the system is made mandatory.

So that is what we anticipate for the upcoming meeting, looking at a new measure, a revised phase-in period, and a detailed technical manual. So it will be a lot of work for those participating in that working group in Cape Town.

Any questions on the ICCAT scheme? It has been long in the making and as most large IT projects, sometimes much more than originally anticipated.

MR. McCREARY: Thank you. Andre?

MEMBER BOUSTANY: No questions yet, just a comment.

I just wanted to say thank you. And I think I speak for a lot of people in this room regarding your efforts to increase compliance on not only this issue but other issues. So thanks for that.

MR. McCREARY: Thank you, Andre.

Any questions? Go ahead, Shana.

MEMBER MILLER: I share Andre's thank you except I might be a little more disappointed that the full implementation deadline may be delayed.

As you know there are a couple of countries that have already -- at least Croatia

has fully implemented it. Someone has fully implemented it. And I am just curious what the U.S. plans are for -- just because the implementation deadline is delayed is delayed doesn't mean we need to delay our implementation.

MS. SCHULZE-HAUGEN: So we have been watching the development of the system with great interest. We have a domestic system in place for exports. And so one of the concerns we had early on was how user-friendly ICCAT system would be and did we want to continue with our domestic system and maybe have the interface through our domestic system and then push the data to ICCAT or have U.S. users go directly to the ICCAT system. So there would likely have to be direct U.S. interface for things like imports and maybe re-exports as well.

And so at this point I think we are leaning towards keeping our domestic system and then trying to push the data as needed. And part of that is with some of the international aspects of systems, we think we have more abilities to have a good experience if we are in control of the interface.

But again, this is a system that is still developing so that that may change but that is what we are leaning towards right now. And then we will go through the process that we need to do domestically to require the use of the system.

So I think we will be there. But it is something we are keeping a close eye on.

MR. McCREARY: Thank you. Rick Weber.

MEMBER WEBER: Just because I am not that close to it, is that eDealer?

MS. SCHULZE-HAUGEN: No.

MEMBER WEBER: It is still a different system. Okay.

Do those coordinate at all? Because one of the recurring themes from Rex and commercials and dealers is the double systems. Is there ability to blend them so that somebody only has to enter a fish once and it flows all the way to where it needs to go?

MS. SCHULZE-HAUGEN: Everything is possible.

So right now they don't. When we built the eDealer system, the bluefin tuna, and this came up earlier, was not included in part because we had actually just put a lot of energies into updating and revising that system separately because it had some different issues.

There is some discussion, as you heard about bringing bluefin in to the eDealer system. That is a domestic landings system. A lot of this, the bluefin eBCD starts at catch but then has separate components of export. And then there is re-exports and imports that don't touch the domestic systems at all.

So it is always something that we look at. We are certainly aware that these systems have grown up for different purposes at different times. It can be quite expensive to bring them all in line. And it doesn't always make that sense to spend that money. Sometimes having things separate is okay. But it is something that we look at and try and also think about the users, what makes the most sense for them as best we can.

MR. McCREARY: Thank you. Gerri.

MEMBER LEAPE: Thanks. Just a couple of things. Have the North Africans shown their hand, other than we didn't get a full pilot testing season for the purse seine fleet?

And two, in the further development of this system, this is on another issue, is there going to be a spot for IMO numbers?

DR. RODGERS: Well, the current recommendation on vessel registration at ICCAT has an optional nature for this mission of IMO numbers. The eastern bluefin measure requires, additionally, that the vessels actively fishing for bluefin tuna in the east Atlantic and Mediterranean be listed separately. That does not require anything in particular regarding the IMO numbers. So those measures would have to be amended or adjusted to make the IMO number mandatory.

And as you are aware and others may know here that for smaller fishing vessels, they don't always have IMO numbers. And that has been an ongoing debate. And FAO and other quarters, and certainly several of the regional fishery management organizations as to whether

more fishing vessels, in particular smaller vessels, can be brought into that IMO numbering scheme. That is the universal vessel identifier debate that has been ongoing.

It would be useful in such a system and in other aspects of international fisheries management as well. But until the IMO number is mandatory, it can't be made a mandatory feature of this system.

MEMBER LEAPE: But just on the second part, you did talk about the objections on not having a full pilot testing scheme. Have they shown their hands on anything else in terms of resistance for the financial costs or any other potential obstacles that you have seen so far?

DR. RODGERS: No. Morocco has been a steady participant in the electronic bluefin technical working group. I haven't seen any other North African nations there, although I have seen some email traffic from Tunisia asking questions.

So they are trying to participate. I think it was Tunisia last year and the year before had expressed some concerns about the expense of the system. But it has largely been born by the Secretariat at this point in time and through some special assessment contributors, separate and apart from their regular dues and some money from the operational budget.

We still have to decide in the long-term if there is going to be a just generally absorbed into the ICCAT budget or whether the users of the system would pay differentially, those who harvest more bluefin and, in essence, would pay more money to support the system. So that may be part of the debate for the new measure or maybe part of the debate in STACFAD this year, the financial committee.

MR. McCREARY: Thank you. Bill.

MEMBER GERENCER: Bill Gerencer. I just wanted to encourage the service to keep control of the data interface themselves and I think that the right way to go is a fish would just have to be entered in once to get all the way through the system. If we are asking people to enter in fish in multiple places, the chances of making mistakes go way up.

MR. McCREARY: Thank you. Chris, any other comments you want to make or additional reflections?

DR. RODGERS: Well again, this system has been difficult in its implementation, primarily because of the intricacies of what happens in the east with joint fishing operations amongst vessels that have to be -- the catch has to be partitioned according to allocation keys. And they get into the transfer of cages, they are towed to third-party countries, entered into cages. Sometimes they are carried over from one year to the next.

And it would have been nice if we could have just built the western style system first and made that operational but we are kind of tied to the eastern situation. And hopefully that would get resolved at the upcoming meeting. I would encourage anybody, particularly dealers who are trading in bluefin tuna to pay close attention, speak with Margo in the HMS crowd and make sure that the system functions for us.

But as Margo said and I think Bill Gerencer reiterated, it is best to maintain control of the interfaces to the extent we can and just move the data in.

We are currently collecting all the information required by the ICCAT scheme. And if it works and we can move that data seamlessly over to the ICCAT scheme, maybe that is the best way to go.

MR. McCREARY: Good. Thank you very much.

(Pause.)

DR. RODGERS: There we go. Sorry for that delay. We should have put both presentations or maybe I should have put both presentations together.

This is a partial answer to some of the concerns that were just expressed, particularly Rick Weber said enter the first once, in one place.

This is a government-wide initiative, the International Trade Data System. And the whole concept is called the Single Window that trade information be entered once, in one place and disseminated to all users. So I wanted to give an update on what ITDS is,

why is it required, how will NMFS use the international trade data system and what are the next steps for NMFS.

Why is it required for NMFS? Its origins were in the Customers Modernization Act which was quite some time ago and we are still modernizing. In 1993 that Act was passed. It called for a national customs automation program. At the time, a lot of documents were filed in paper for the entry of goods into the United States Commerce stream. Paper had to be filed at the port.

Customs brokers would run around up and down the coast with stuff that might be diverted on an aircraft. I was coming into Boston, it gets fogged in and now it comes into Kennedy and the paper has to follow it.

So electronic implementation of entry filing certainly makes it easier. You can have remote filings from different locations. And it certainly facilitates the entry filing by the trade community.

Because of some concerns about security in ports after 9/11, as well as the slow pace, seemingly slow pace of implementing the international trade data system, Congress mandated through the SAFE Port Act. That stands for Safety and Accountability for Every Port. It mandated what we call PGA, the Partner Government Agencies' participation in the ITDS project for any agency that has the authority to make admissibility decisions.

In other words, the primary role for Customs always had been and they were part of Treasury before the reorganization to Homeland Security was to collect duties, tariffs. They were a revenue-based organization and they collected statistics for the purposes of assessing whether duties and tariffs were collected appropriately.

They really weren't an agency that was designed to assess the details of inbound shipments and figure out is this admissible into the United States or whether it is toxic substances that need to have proper handling, whether it is trade secret stuff that shouldn't be exported. These are the missions of what they call the Partner Government Agencies: USDA;

Animal Health; Plant Inspection Service looking for disease agents that may be imported; Food and Drug Administration on products that may cause harm if not properly labeled or not properly tested. Things like that.

So we are an agency, National Fishery Service, that has an admissibility role. Therefore, we are a Partner Government Agency that is mandated to participate in ITDS.

Our admissibility role is we decide if certain fish products can come into the United States. We have several trade monitoring programs through the Regional Fishery Management organizations like ICCAT, bluefin, a catch document, a swordfish, the bigeye statistical documents. We have a toothfish import, Antarctic toothfish import monitoring program, even though it is administered by the Department of State. There is a Shrimp/Turtle Declaration that shrimp imported into the U.S. must be harvested in ways that are deemed turtle-safe because of our own domestic turtle management program in the shrimp fishery.

We have the dolphin-safe tuna labeling under the Dolphin Protection Consumer Information Act.

So we have a number of requirements where fishery products coming into the U.S. have to be documented as to their origins, perhaps the ocean area of catch, perhaps the gear that was used, statements that verify or attest to its admissibility under U.S. law.

So it also set up, the SAFE Port Act also set up a Report to Congress. So every year the Department of Treasury sends a report to Congress on ITDS implementation, including the efforts made by the Partner Government Agencies to build information technology systems to go electronic and interface with the ITDS, the single window, as they call it.

Another impetus is that the U.S. imports 90 percent of our seafood consumed annually. As I said, several of the products are subject to either documentation requirements or sometimes we do have embargoes. For example, through ICCAT we have had embargoes in the past, bigeye tuna from Bolivia, for example. So we would want to use the electronic

scheme to help us monitor and screen imports from countries that are subject to embargoes.

The single window concept. Customs has another acronym for that that is called the automated commercial environment or ACE. A lot of times you will hear ACE/ITDS all in one word. ITDS is the concept but ACE is the actual software system, the automated commercial environment.

So the single window concept, it is a single place. A customs broker will enter all the normal information for an entry, subject to the tariff code specification and any duties that must be paid. But then also the Partner Government Agency ancillary information set that is necessary for that product.

So the whole thing hinges on a tariff code. For those who trade bluefin, you may be familiar with the tariff codes. If not, it is quite an extensive set. I think there is about 17,000 for describing all of the commodities involved in international trade. There is a world customs organization that manages that manages that system. It is called the Harmonized System. So, countries can work together to make sure their classification schemes work seamlessly. It is a ten-digit number. What we will do is, working with Customs, identify those fishery products which require some further documentation or information elements to describe the in-bound shipment based on those tariff codes.

For example, the tariff code for bluefin tuna, we will say that information on the system will know that the information on the ocean area of catch, flag nation of the harvesting vessel, the gear used, the date of harvest is also necessary and not just that it is a tariff code describing bluefin tuna and here is the volume and data.

So that is what we call the PGA information set that is ancillary. And again, it would be tied to particular tariff codes where certain information is necessary in addition to the normal entry filing.

It is designed to be a concurrent real-time evaluation of admissibility by all the concerned PGAs of the Partner Government

Agencies. There are 47 agencies, again, that are mandated to participate by the SAFE Port Act.

In some cases, several agencies have overlapping jurisdiction. For example, we are looking, National Marine Fishery Service, we are looking at admissibility from the standpoint of who caught it. Was it a lawful catch? Is it subject to embargo? Is it fully documented? But presumably it is being imported for consumption. Somebody is going to eat it here in this country. That is FDA's mandate. FDA is going to look at seafood imports from the standpoint of food safety. So we do have overlapping responsibility.

There are some imports of live bluefin tuna, particularly in the eastern Atlantic Mediterranean for the purse seine and the cage culture operations, but there are some in the U.S. as well. In that case, Animal Plant Health and Inspection Service may have a role to play in looking at live animals brought in for agriculture.

So again, the concept of the single window is that the information is entered once, in one place, and all of the participating agencies that need to look at it and make an admissibility determination can have it pretty much in near real-time.

So our current process. How do we deal with it? We have the electronic submission of entry data into customs and border protection. That is the normal entry filing. It has been electronic for a number of years. Even though paper is still possible, I think about 99 percent of all entries into the U.S. Commerce are made electronically.

And for the most part, customs brokers do that. And that is because with 17,000 tariff codes, you have to know the system and you have to make sure that things are filed correctly.

And importer can always file on his own behalf. It is like doing your taxes. You can do it yourself or you can have a paid preparer do it for you. But a lot of entries are filed electronically by customs brokers.

What happens to the paper forms? Well, they come directly to NMFS under our

regulations, usually within 24-hours of release from customs. The copy of the paper document must be mailed, faxed or transmitted to NMFS via electronic image file of some sort.

What do we do? We receive these paper files. We enter them into a database. We get a monthly data feed from Customs of all entries for those tariff codes that were interested in monitoring. And then we do an evaluation of admissibility on a post-release basis. In other words, the goods have already been released from customs. Swordfish, bluefin comes in at the airport in Miami. An electronic entry filing is made. The goods are released. The paper document comes to NMFS. We get the data feed from customs that something came in. And then we are going to try to make a match.

What is the entry number of this document? Let's see what was filed on the entry. It is the weight and the harvesting nation correctly identified. So we will do that post-release evaluation.

Of course if something was amiss, what are we going to do? Well, we are going to contact the importer of record and say the documentation was missing, incomplete. Something was questionable here. In large measure, the goods may have been already consumed or delivered elsewhere, sometimes even re-exported.

So it is a way to do that post-release check but it is not the most efficient if you are really trying to block the entry of product that shouldn't come here in the first place.

Under the ITDS model, you will see the current flow of information involving those sheets of paper between the trade and the participating government agencies and then back and forth with Homeland Security, Customs Border Protection.

On the other side with the ACE, the Automated Commercial Environment, all that information flow will be electronic in near real-time. What we intend to do is have an hourly data feed from Customs through the ACE portal. So we would know within an hour that something has been offered for entry and we would

have not only that information set that would be ancillary to the normal customs filing, things like flag nation, harvesting vessel, ocean area of catch, gear used. We would have that information to see if it is subject to an embargo, see if it is subject to some scrutiny, see if a country has a quota for a bluefin tuna. See if there is a catch document that was filed for let's say Antarctic toothfish.

We will also require the entry filer, which again could be the importer him or herself or a Customs broker, to attach an image file to that entry filing. So we would actually have the document in near real-time as well. Just click on it, pull it up on the screen and take a look at it.

So what are the key elements of ITDS, that message set I talked about, that ancillary information that the participating government agencies need to make that evaluation? The interoperability, basically systems that can talk to each other back and forth. We can send information to customs and say this permit for an importer has expired or this importer of record doesn't have a permit, that kind of information, or this country is subject to an embargo and Customs can send the information to us in terms of that message set and the image files. Finally, that document image system is a key component. It really improves the ability to look at the documents in near real-time. What we hope is to have an hourly data feed from Customs with all of that information.

What are the benefits? Traders will only have to submit the information once, in one place. Interactions with the participating government agencies will be automated. Certain things can be an automated check. Certain things may require scrutiny of the image file or the document but there can be near real-time decision making. This can come in. This cannot.

Costs will be reduced for both business and government. Rather than mailing and faxing things, waiting and trying to deal with things after the fact, it can be up-front. Agencies will obtain the data more quickly and be able to make their decisions more quickly,

even prior to release.

Just for your information, we do get in that monthly data feed about 60,000 to 70,000 records a month of all seafood products coming into the U.S. So it is a pretty big data set. Not all of those commodities are subject to monitoring and documentation scheme. I would venture to say that there is probably about 20,000 to 30,000 entries a year that are subject to some documentation scheme or another and would require some check.

So that is still a big amount of information to look at, even in near real-time, if you can. So we will probably have to have some risk management approach of trying to automate things that can be automated but also having some criteria, what we would call targeting and screening criteria to highlight those imports of greatest concern and that would require near immediate scrutiny.

Who would submit data to the ACE portal? Carriers, information on the conveyance, the ship, the aircraft will go into ACE. And that will be information that we currently don't have but could take a look at and that might be useful.

In other words, if a catch document says it was bigeye tuna caught in the Indian Ocean and you note that it is coming in on a conveyance, a ship, a container ship that was loaded in the Canary Islands, you might question it. Well how is this Indian Ocean-caught bigeye tuna if it was loaded on a ship in the Canary Islands?

So we will have information on the conveyance. We will have information from the shipper, the manifest or the commercial invoice, which may contain a little bit more information than tariff codes might tell us about the contents of the goods.

Customs broker, as I said, will enter the tariff codes, volume and value as normal on an entry filing. The importer or consignee will get the information from the catch document and either if making a filing on their own behalf into that information or provide that information to the Customs broker so that it will be entered at the same time as

the entry filing.

So the future process for NMFS under ITDS, electronic submission of the trade data by the Customs broker, including that NMFS-specific message set and the document image, the real-time data feed to NMFS with the image file, so we can take a look at inbound shipments.

In some cases, entry filings can be made even before the ship or aircraft arrives. So we would have even more time to take a look at times. We can do a pre-release evaluation of admissibility. In other words, automated checks. Importer permitted, country of origin subject to embargo, those kinds of things can be automated.

So, what are our next steps? Rulemaking. We have a rulemaking in prep. What it will do is two things. It will consolidate trade permits. Currently, there are several programs subject to import monitoring where a permit is required for the importer. And an individual would have to get multiple permits or does have to get multiple permits. In other words, if they are importing swordfish, bluefin tuna, bigeye tuna, Antarctic toothfish, there are two permits that would be necessary, the Antarctic Living Marine Resource Dealer permit, as well as the ATMS International Trade Permit.

So this will consolidate a single permit for the import/export of commodities subject to NMFS scrutiny and it will be automated through our national permitting system. So it will be a self-serve operation. You log in, get your permit, and print it out as soon as it is processed. Pay online with your credit card. It is very similar to the NMFSpermits.com operation or is that a dot gov now? So, NMFSpermits.gov.

So that will be one thing. It will improve the operations of the permits, make it easier for dealers importing/exporting just get one single permit for all commodities.

It will also expand the coverage or scope of that permitting scheme. Currently importers of canned tuna that must bear a dolphin-safe label to be sold as such, don't have

to have a permit but they do have to have documentation for each in-bound shipment. So to improve the education of those importers of canned tuna, we want to include them in the permitting scheme.

The other aspect of the rulemaking will be the electronic entry filing. A lot of the regulations currently say the importer must obtain from the shipment the consignment documents, whether they are the RFMO documents or the NOAA Form 370, the Antarctic Dissostichus catch document for the toothfish, and submit these documents to the National Marine Fishery Service.

What the change will be is that the entry filer, whether that is the importer or a customs broker on the importer's behalf will have to file that message set and attach an image file of the document in question to the entry filing.

So, that will be the rulemaking. We hope to have that out by the end of this year and have a very lengthy comment period to allow us to make sure that it could be seamless for the trade, they understand what will be required and can work. Again, because it is two communities, perhaps, entry filers may be Customs brokers more so than fish dealers. And those two communities have to talk to each other to make sure that they understand the information in the message set and how to get that communicated through the electronic filing.

So we anticipate a lengthy comment period and maybe a final rule towards the end of next year.

What we need to do internally, as I said that we are already working on and we have a seen a prototype of self-serve permitting feature on the National Permitting System. We are working with Customs to load what we call reference files in to the ACE system that will be a reference file. Here are a list of the permitted importers. Here is a list of countries subject to an embargo for certain commodities. Here is a list of ocean area of catch that could be or should be designated for these species. Here is a list of proper gear codes that could be used.

So those reference files will be communicated and loaded into the ACE system for the automated checks. And then we will use interactive web services for the communication of the validation results between ourselves and customs.

Another good feature is that the communication can also be automated with the trade. In other words, the entry filer can get a message that here is a problem: the ocean area of catch doesn't quite jibe with the tariff code that you have entered or you are missing the flag nation of the harvesting vessel. Get back to us with that and we will continue to process your entry filing.

So there will be, as I said, real-time communication via email with the trade, with NMFS, with customs as it develops.

So, there is the concept of the single window and electronic processing.

MR. McCREARY: Thank you. It looks like we have a couple of questions. Rusty, you had a question and Bob does.

MEMBER HUDSON: Good morning, Chris. Rusty Hudson, Director of Sustainable Fisheries.

My question has to do with the International Trade Permit. And I see the shark fins listed there. I do not see anything for a paper trail. How long before you can get that into place?

DR. RODGERS: Well this rulemaking I have been speaking of is basically just trying to take the existing regulations and automate them. If there are -- well, I shouldn't say that. Because I already said that we are going to use this particular rulemaking to increase the scope of the permit to include those importing the canned and processed tuna products.

But if there are additional documentation requirement requirements for particular commodities, that would be up to the individual domestic management programs, to implement that through separate rulemaking. So we have to do it hand-in-hand.

As Margo already said with regard to the electronic bluefin, ICCAT is working on a

system. Margo has to do a rulemaking to show how the U.S. is going to implement that system.

We, in the Office of International Affairs are implementing a rule to require permitting and electronic reporting but we didn't want to change the reporting requirements that exit, only convert them from paper into electronics. So if there is a need for further reporting on particular commodities, that should come through the respective programs.

So it is going to be somewhat of a chicken and an egg. We have to be very mindful, as Margo does rulemaking, to perhaps expand the requirements for dealer permits or expand the requirements for reporting on different commodities. We have to show how that fits into the electronic reporting rulemaking.

With that said, I guess that HMS needs to proceed with a way to help protect our domestic shark fishery because we know we are sustainable. We know we are naturally attached to the shark coming to the dock. It is the imports. And the imports can take a lot of manifestations between fresh, frozen, dry, canned, et cetera, with shark fin. And it appears that there are certain countries that do not have any kind of protections in place for finning. That seems to be the big concern with the NGOs around the world. And if we can get this done more rapidly, it would make more sense because right now we have such an emotional advocacy going trying to do something about the finning in the world and we are being thrown under the bus and it has affected us for the two years now really destroying our business like we have never been destroyed. So thank you, very much.

MR. McCREARY: Thanks, Rusty. I have Bob and Angie.

MEMBER HUETER: Thanks. Bob Hueter, Mote Marine Lab. Hey, Chris, good to see you again.

Actually my question kind of follows from Rusty's that hopefully in the near future we are going to have this list of certified countries that practice certain practices in shark fishing, including having anti-finning laws and enforcing those laws. And then other

countries that do not that we will be able to embargo the import of shark products into this country, and specifically the fins.

Then once we have that list, how does this system or any other parts of this process help guard against, in essence, wandering of the fins from an embargoed country to a certified country, and then from that certified country into the U.S.

DR. RODGERS: Well a lot of existing authorities for similar type embargoes do have language in the regulations regarding what we call intermediary nations, so that intermediary nations would have to be certified. We do that for dolphin-safe tuna labeling. If a country is subject to an embargo because of their catching practices not being deemed dolphin-safe under U.S. definition, then we look at the import and export records of so-called intermediary nations.

And if they have a program to separate and certify, then they can be deemed eligible for entry. If they do not have such a system, then as an intermediary nation, we would borrow them as well.

So we would have to take a look at the authorities for such a list of certified nation, whether that would come in under something like the Shark Conservation Act or amendments thereto or through RFMOs or other means of implementing that via regulation, we can take a look at how that has developed and then be mindful of the pathways. And then look at the actual documentation requirements.

If a country is subject to an embargo, then again that could be a reference file that we would provide to customs. If the tariff code indicates shark fins and the country of origin indicates Country X, that is on the embargo list, don't release. So we could have some automated checks there as well.

MR. McCREARY: Thank you. Angie, did you pass or do you still have a comment? You are going to pass. Okay, thanks.

Scott Taylor.

MR. TAYLOR: I am just curious. Are each of these individual products that are required to meet the same standards as the U.S.,

is it done that way because of individual lobbying? Because particularly with all of the new regs for the PLL fleet, for examples, you know with tuna interactions and the things that are required here of us from HMS, certainly that is not a level playing field for the swordfish that come into the country and I probably could speak to that from quite a few other items. But I just wondered how that actually takes place.

Is that something that individual industries have lobbied for for laws against?

DR. RODGERS: Well it can take place in several ways. As you know, ICCAT has a swordfish statistical document program. So that would indicate who harvested, where it was harvested, and with what gear. And that provision also has the ability for the U.S. to screen out because of the minimum size requirements to level the playing field with regard to minimum size applied to the U.S. fleet can be applied to imports as well.

But in other areas, other than the regional fishery management organizations coming up with a documentation scheme that can be automated through this ITDS project, there are domestic laws, as you are probably familiar with that may lead to embargoes against certain countries or against certain harvesting practices, whether that be under the High Seas Driftnet Moratorium Protection Act where we identify and certify countries in three areas, whether it is engaged in IUU fishing, whether its fleets are engaged in the bycatch of protected living marine resources, or whether it is engaged in shark fishing on the high seas in a manner that is inconsistent with U.S. standards for good shark management.

There is other things that can be brought to other statutes. Certification under the Pelly Amendment to the Fisheries Protection Act, the Dolphin Protection Consumer Information Act, we are in International Affairs also working currently on a rulemaking. We were petitioned for some action to prohibit imports of swordfish from Singapore because of the processing in Singapore as an intermediary nation for harvesting nations that do not have the same practices in their pelagic longline

fleets, as would be applied to the U.S. standards.

We are doing that rulemaking under the Marine Mammal Protection Act to allow us to take a look and make a so-called comparability finding against the nation to level the playing field, look at the standards applied under Marine Mammal Protection Act for U.S. fleets fishing in a certain fishery with a certain gear. If that comparability finding cannot be made, then those products can be subject to an embargo.

Well, if they are subject to an embargo, again, we have provided a data set, a list of countries or a list of information requirements to customs so that it can be automated through the ITDS process and take a look and screen those imports.

It may be that a country doesn't get a comparability finding and the imports by a pelagic longline fleet are prohibited. But let's say, for example, swordfish taken by a hand line or a buoy gear fishery, it is not subject to that embargo. So then a documentation scheme would have to be set up to demonstrate that this was not taken by a pelagic longline. So the vessel name, perhaps the fleet it was landed, vessel license number.

So, there are various statutes that could be brought to bear. As you are probably familiar with, Congress is very interested in leveling the playing field in that regard. There were Magnuson amendments again to the High Seas Driftnet Moratorium Protection Act.

The Marine Mammal Protection Act itself has had these provisions on the books for some time. And we are looking at ways to automate the process through this ITDS project in ways that we haven't been able to before to help level that playing field.

MR. TAYLOR: Just a quick follow-up question, then. You know you mentioned like the Mammal Protection Act and some things that clearly would be obvious. But the more subtle idiosyncrasies of this may in fact extend to gear type.

So with the restrictions that we have on gear type, for example, Central America still using and on the Pacific side it doesn't

apply to ICCAT, a J-hook and billfish interactions, and all those other things. That while Magnuson, as I understand does provide for somewhat of a level playing field, it may provide for that in principle but in practice that is certainly not what has been affected.

So I guess what I am asking is that as this becomes implemented, is there a mechanism for petition to look at those various different issues. Because our concern really should be for the well-being of the U.S. fishermen. And I think that is what this body is for.

MR. McCREARY: Good. Thank you.

We have, I think, one or two more comments and then probably we should pivot to our break, Margo.

Terri.

MEMBER BEIDEMAN: It is nice to see you again, Chris, as well.

I am glad that you just brought that up because that is what was sticking in my mind is wow, how to go about that. And generally it is one or the other of these meetings we get an update on where the process is on that because you have had a petition and industry support for prohibiting imports that are caught in a manner we kind of we took a hit in terms of switching gear types, in terms of the percentage of catch. And now we continue to take a hit in the market because there are fish in there competing with our domestic fish that are not subject to the same types of conservation measures.

So I know that it has been in process and I was curious. Have you made any further progress on releasing those standards, which I guess is the point? And it is in your department, right? So I am going to ask you.

DR. RODGERS: Yes, we have made progress. We are working in an informal interagency clearance process. Normally a rulemaking that has an interest across agencies in the Executive Branch, will have a formal interagency clearance once the rule goes to Office of Management and Budget for final clearance prior to a publication in the federal register.

But it is good to find out if there

is any showstoppers with another agency before you get to that process at the OMB. It is better to work things out. Because it has significant international trade implications, and as we are talking about leveling the playing field, I guess that goes both ways, not only in terms of the standards applied towards the harvest of these species in the U.S. versus other countries, but also levels of playing field in terms of what is required in trade. We are a member of the World Trade Organization. So, we have to look very carefully. Are we setting up something that sets up an un-level playing field with regard to trade requirements? So consequently, we have had some very lengthy interactions with some of the trade-based agencies, USDR and International Trade Administration on trying to come up with a process for comparability findings that meets the test of our U.S. commitments to a level playing field with regard to trade requirements.

So it has taken some time. I know the original petition was received in 2009 or 2010. So, it has been some time but it is still in process. And we do anticipate it will be published early next year.

MEMBER BEIDEMAN: Okay, well that is at least some sort of date. Let's hope that it sticks and not slides. And recognition that these trade things are an issue.

And my only other comment is just when I thought I knew all the acronyms, you come in with a thing that has got 20,000 of them that I never saw before. Thanks.

DR. RODGERS: Well Customs has a website for ITDS. It is ITDS.gov. And I believe you can click on a link there which has a page of about, I don't know, several hundred acronyms. Because not only all the customs acronyms but all of the 47 participating government agencies bringing their own acronym.

You can go to an ITDS meeting and people can have a sentence that is entirely in acronyms.

MR. McCREARY: Okay, very encouraging, Chris, all the way around.

(Laughter.)

MR. McCREARY: All right, let's

take a short break. We have three items to cover after the break before we adjourn today.

(Whereupon, at the foregoing matter went off the record at 10:18 a.m. and went back on the record at 10:37 a.m.)

MR. McCREARY: All right. Let's refocus here. We have a couple more agenda items to address.

And the first of those is the compendium to HMS Management Measures Project. Margo.

MS. SCHULZE-HAUGEN: All right. Well I see people may be still coming in. Where did everybody go? So basically, I don't want to say it twice. I was just thinking I would wait for folks who come in.

So the compendium is a new idea. We haven't done it. We are still putting the kind of pieces together. But the concept is trying to in one place have kind of the history of HMS management, where if you want to learn about bluefin tuna since bluefin tuna management started, you would have to go through a variety of amendments and rules, and probably SAFE reports to get kind of the full, what was the issue in this action. What was done? Some of the rationale. Because a lot of our documents, the latest phonebook included are integrated with NEPA analyses and regulatory Flex analyses. And they are relevant for the action at the time but once it is done, then the books are full of things that were not implemented, were not selected.

And so the piece of like the history of the fishery and what the issues were and what the final measures were, you have to kind of dig through things to find it. And we don't have it all in one place.

And so we thought for our own use, as well as potentially others, the public, that pulling together this in a single place, kind of the history into one document could be quite useful.

And then the other aspect would be looking at that and seeing of that could be a potential model to revisit and potentially restructure the HMS regulations. I don't know if many of you spent a lot of time in the CFR,

but we do. And things are scattered throughout and they aren't always the easiest to find. And there are some good reasons for that: the history of how the regulations were developed, how they were put together, how we structure things, trying to be as simple and say things once so there is lots of cross references and things that maybe aren't always the most intuitive and you need to have a law degree to really, really get to the bottom of things.

And so as part of the compendium exercise, that might be a useful model if we come up with something that makes a lot of sense on how to pull it all together in one place. That then could be used to review the structure of the regulations.

So it is a dual purpose, sort of exercise. It is something that we would share with you all when we are ready. But at this point, as Jessica is going to go through, kind of how that outline of how we are thinking about it right now and some of the challenges that we have or probably the challenges that you have is how you think about things.

Are you a bluefin person? And how do you have just the bluefin information? Then we have multi-species fisheries. Well you want pelagic longline information and you want information on catches of billfish. So do you put that in the billfish section or do you put that in the longline section? And different people come at these issues with different perspectives and think about things differently.

So we are trying to come up with something that is kind of readily accessible no matter who you are or what your background is, how you are approaching the issue, so you can find the information you are looking for.

So in a nutshell, it is a new thing. We are not sure if it is going to work. It might go down in flames but we thought we would try. And if it is helpful, great. It is something I envisioned would be a living document that we would update as new things were done. And so I think we are looking for feedback on the outline. Is it kind of how logically you would think to put things together? Because this is one of the

challenges we have all the time. Every document that we have produced that touches different things, how do we put it together?

And then, would it be helpful? And then we will see how it goes.

MS. BECK-STIMPERT: Thanks, Margo. That was a good introduction. A lot of information there.

My name is Jess Beck-Stimpert. I am currently on my last week of the detail with HMS in the Southeast Region. So I will be -- 12 weeks went by really quickly but we tried to do some good work on this. I am actually the aquaculture coordinator down in the southeast. So this is getting back to my roots with HMS because I did do a fellowship in 2008 as a Knauss fellow. So just briefly visiting back with everybody.

And as Margo mentioned, this is basically a document where we are going to consolidate the information on the history of HMS, the management measures, and things of that nature. The idea is to have a one-stop shop for this information. Currently, it is very difficult to locate information in a timely and efficient manner. Just in putting together this outline for this compendium, I went through multiple FMPs, reports, amendments, things of that nature, just trying to piece together information to make it the most accurate and up to date.

So there is definitely a need for the HMS staff to have something like this so it is easy to grab information as new regulatory actions come up and also for the public to have some sort of context of where some things came from.

So basically, I just wanted to answer the question and Bill Gerencer just asked me this. What is the compendium? And this was a term that we can give Megan Walline credit for. She brought it up to us. We were calling it a summary. We were calling it all kinds of different things. And she said well it sounds like the compendium to me.

And the definition of a compendium is a brief summary of larger work or of a field of knowledge. And I don't know how brief this

actual document is going to be. The outline is four or five pages at this point. I am just trying to break things up in an orderly manner in something that makes sense. But that is basically what we are shooting for here is just take this information to summarize it and make it something that is easily understandable both to ourselves and to the public so that it will be a useful document.

So the objective, again, is to create this comprehensive document which outlines the history of Atlantic HMS management measures. It will be combining all the information from or all the relevant information from the various FMPs, amendments, reports, and things of that nature.

As Margo mentioned, it will be a living document. So as new regulatory actions come online, it will be updated. So this will be something that will continue to grow and to evolve over time.

I just wanted to add a disclaimer here. This document will not be a substitute for the regulations or how to comply with the regulations. We have compliance guides that provide the information on how to comply with those regulations and we also have our separate CFR regs as well, which we will be looking at some time in the future and reorganizing those into a structure that is more easily understandable.

Just to reiterate what this document is not, again, it does not include any new management measures. So the process of having to go through all of the public comment period and things of that nature that you would with an FMP or amendment probably we will have to skip over a lot of those steps but again, getting some information from the advisory panel. Probably we will have some public input at some point on the document but it won't be the formalize process that most folks are used to. Because it is nothing new. It is just basically taking what is already there and summarizing it.

It is not a compliance guide. There are already compliance guides that are available for HMS. And one thing it will not contain are certain FMP requirements that tend to take up the bulk of these documents that you see. Most of

the documents contain pages and pages of NEPA analyses. We won't need to include those. Those are already done. You can always refer back to the FMPs and amendments prior to that for that information. We will also be taking out a lot of the tables in terms of landings, things of that nature because those things also change over time.

Community profiles in some of the economic and social analyses will also not be included in this document.

I just wanted to go through the last couple of slides or just giving an idea of what the structure of the document looks like. So we are starting out with an introduction just to give a purpose of why we are doing this, as Margo had mentioned, the various reasons. The history of HMS and also the history in how we go about the management process for HMS, use of the AP, as opposed to councils, things of that nature.

There will be a section on status determination criteria, overfished, overfishing, things of things of that nature. And then there will be section on general provisions which basically apply to all of the HMS fisheries, as much as we can pull that information together.

We will have a definitions section, information on permits and fees, time and area closures, also various record keeping and reporting requirements. There will be a discussion about ACLs/AMs. The workshops will also be included in that section as well.

We will also have a section on compliance monitoring and enforcement provisions and we will be working with our GCL folks on putting that together.

We will have separate sections for management measures split up into the various gear types, as well as the species complex. And within the various species complex, too, we are also thinking of splitting those up into commercial for base tunas and then we would have a recreational section for base tunas and so on.

There would also be a separate subsection for charter/headboat as well.

It would also include chapters on

information for dealers, for tournaments, and then those permits for specially authorized activities such as the exempted fishing permits, display permits, shark research permits, and things of that nature.

There will be a section on international considerations, restrictions on imports and port inspections, some of that info would be included there.

And at the document, we will also have various appendices that can be added over time. One thing that will be included is the list of HMS-managed species.

And this is just a brief overview of the structure of the document. As I mentioned, it is about four pages right now. There is all sorts of different subsections and things of that nature. But overall, these are the main chapters that you would likely see in that document. So we are going to look for your feedback on that.

And this is a very flexible slide. This is basically the time line and next steps. As I mentioned, I will be passing this on to the HMS staff. I'm not sure that we know who is going to pick it up at this time. So once that happens, they will continue to work on this draft compendium and perhaps present a copy of that draft to you all sometime this spring, or during the next AP meeting to get some additional feedback on that.

There would also be a point where we would solicit public input on the draft compendium, whether that is just through people submitting comments or if there is a national call-in, something of that nature, just to get some general feedback from the public.

And then sometime in 2014 or 2015, the final compendium would be released. So again, very flexible but this is, in general, what we are looking at at this point.

And that is it. Only a couple of slides there. I just wanted to get some feedback from you all on what has been presented here and if you have any additional ideas.

MS. SCHULZE-HAUGEN: I just wanted to say one more thing.

MR. McCREARY: Sure.

MS. SCHULZE-HAUGEN: I just wanted to reiterate what Jessica was saying about time line. This isn't something we have to do. And so the things that we have to do come first. And this is something that we think is a good idea. I think it would be helpful for us. I think it might be useful for you all. And so I think we want to and we will keep chipping away at it.

But by all means, this may slip.

MR. McCREARY: So a question. You had asked for feedback on the outline. Will this be posted on the website?

MS. SCHULZE-HAUGEN: It should be.

MR. McCREARY: Okay. And in what time frame would you like feedback on the outline?

MS. SCHULZE-HAUGEN: I was thinking now.

MR. McCREARY: Now. Like now would be good. Okay.

(Laughter.)

MS. SCHULZE-HAUGEN: Just initial, and then obviously, you know, our phone number and email information is on there.

MR. McCREARY: Okay. Gerri, now would be good.

MEMBER LEAPE: Well, I will start to give some feedback now.

First of all, thank you for that. I think this could be actually quite a useful document. As you pointed out, it by its nature has to be a living document. Things are always changing.

And we have done a few compendiums. And I think some of the things we have tried to do in our compendiums is to look at it so this is a document that should stand on its own, whether you are a person that is on an AP or someone who all of a sudden has this interest and finds it.

And so in thinking about it, this may be implied in your outline but you would want to have a very brief history of management. You also want to not make it too big. And so a lot of you want to be able to refer to background documents and send them to a URL somewhere so it doesn't scare people from the outset.

So you want a brief history of

management, the organizations that are actually responsible for managing it. And you can do that very briefly and I know most of the websites already have those already written. Also a history of the species and how they came into management under these organizations.

I also would urge you to consider also making it a forward-looking document. And so in addition to describing what the current situation is in the history that brought us here, upcoming deadlines, everything has reviews coming up. And so to the extent that you can forecast that for people and say in these deadlines especially you can do that with a living document. And so I would suggest that be an element as well.

MR. McCREARY: Great. Well, it looks like quite a few people want to give you some feedback. So that's great.

Sonja, we will go next to you.

MEMBER FORDHAM: Thank you. Sonja Fordham, Shark Advocates International.

I think this is a great idea and I am really happy to hear about it. I think that very specifically to this group that it will help some panel members that tend to focus on specific animals to understand the issues of the other species that we work on.

And then more generally, I just wanted to point out as you know there seems to be more and more interest in sharks and shark fishing. And unfortunately, with that comes some misunderstanding and misinformation about how shark fishing is regulated. And I regularly think that people don't understand or recognize how comprehensively managed sharks are in the United States and how long they have been managed. For example, shark finning in the Atlantic was not really banned last year or in 2008 but in 1993 and that NMFS not only regulates shark fishing but actually monitors the effectiveness of regulations and response, perhaps not as quickly as I would like them to do in some cases but does respond. And I think that is really important as more and more people around the world are interested in shark fishing and actually examples for how to make shark fisheries sustainable.

And I have had some similar -- some related discussions just in the run up to this meeting with people in my community who are not really familiar with how things are managed. And I have been trying to send them explanations about hammerheads through the transcripts of the last meeting and the Federal Register Notice that explains how you got to this decision. And I do suspect that maybe they don't read the whole thing. So I think that would be really helpful for that.

So I was going to suggest that, at least for the online version, having said what I just said, if you could have hyperlinks when you explain so that people know that the Federal Register Notice goes through all the comments that were received and how the Agency responded. And then also the transcripts to this meeting because I think people go to a lot of trouble to get a written transcript and it really gives you a feeling of the meeting if you read that. But since they are so long, maybe hyperlinks so at least people know that they can delve deeper.

And then also for sharks, who are not always under the HMSFMP. So I would request that the shark management history go back to 1993 or even before just for context. I think that would be helpful for people.

And last, I just wanted to agree with Gerri in terms of the idea of doing what you can to sort of forecast what is coming next and what you have planned or are expecting.

Thank you.

MR. McCREARY: Thank you, Sonja. Bob.

MEMBER HUETER: Thanks. Bob Hueter Mote Marine Lab.

Yes, I also concur that I think this is a very good idea. I get asked all the time for information that I am sure will be in this document. And I get asked by the media. I get asked by students. And it will be nice to not have to search through dozens of PDFs and phone books to figure out which document has the right information for those.

And myself, when I have been away from the subject for a while and I want to go back and look and refresh myself, it will be nice to

have this.

My recommendation is, in addition to what everyone else has said, in addition to having a well thought out outline in a vetted outline for the document, even though I am sure it will be electronic and searchable, I would still put some good effort into a very, very good index so that you can look across these subjects because we are dealing with a lot of interconnected subjects.

And you can search a document for a key word but that is a pain in the neck. You know, what are you going to search for? You don't necessarily know. So having a very good index that is not just cursory but very, very well done could help find information, help the reader find information quickly. Thanks.

MR. McCREARY: Good. We are getting a lot of good suggestions here. Rusty.

MEMBER HUDSON: Hi, Jess. Rusty Hudson, Director of Sustainable Fisheries.

Slide 3 created comprehensive documents, summarized the history of existing Atlantic HMS. I concur with what Sonja said with regards to separation of shark. That way, when you start looking at the original effort that mid-Atlantic tried to start in '88 and then NMFS picked it up in '89, that four-year process led to the shark FMP that was finally accepted in '93.

So in the council level, and you may be able to go in and see some of this at the SEDARs, I can't speak for ICCAT but at the SEDARs, we have these management histories that start early on. And every change that has affected that particular stock, and in this case, stock of sharks, and we have like a couple different stocks there that we could really refer to. We have our coastals. We have our pelagics. We have our prohibiteds. And there is a lot of things there to follow because there is a numerous amount of species and we are actually incorporating and have incorporated when you talk about the deep water shark scenario.

So it would be very useful at the SEDAR level for our sharks because we found it useful with our different things, with the

groupers, blueline tiles, et cetera on the council level because it gives the scientist and ability to see when these regulatory changes occurred and especially the analysts because with those inputs, they can't -- sometimes they will make assumptions about stuff and this will help clear the air as far as what did really happen in say '93 and then in '94 for the trip limits. All these things that affect the productivity of the fishery.

So what Bob said about indexing is great. Something that I have seen that has been used in some of the stuff from HMS with shark and stuff, you have got management histories that have linkage to federal register notices for final rules. I am not as interested in proposed rules as I always am in final rule. Because that, along with any kind of FEIS et cetera, back to Bob's idea with hyperlinks or their ideas for the hyperlinks, that makes it very smooth for people.

So I look forward to seeing this evolve. Thank you.

MR. McCREARY: Thanks, Rusty. Sonja and Bob's ideas. Yes, Allan Willis

MEMBER WILLIS: Allan Willis, Fordham.

I, too, think this would be a valuable document, particularly as a very junior member of this panel. But as part of my work, I produce large documents that summarize decades of history of monitoring and regulation and it is not insignificant work. And every one of these suggestions, some of them add significant work.

And I would suggest that with Amendment 7, your staff probably has a lot to do and I think this is a great idea but I would prioritize the things that directly affect the fishery way before I would prioritize the document. That is my two cents.

MR. McCREARY: Thank you, Allan. Martha.

MEMBER BADEMAN: Thanks. Martha Bademan with Florida Fish and Wildlife.

Yes, I definitely commend you guys for making this effort. We have kind of done the same thing on the state level with a number of

our fisheries and I understand the time that it takes. It takes a lot of time and a lot of effort but at the same time, it is really useful for us. We are in a situation now where a lot of our senior staff have retired or are retiring. And we have lost that institutional knowledge in a lot of cases. And having documents like this, I can't express how helpful they are.

So you know as you go through this and do the history, if you have senior members of your staff that have been around since the beginning, definitely get their input because they can normally -- some of them can pick up on the real story and kind of explain some of the details that get lost in some of these documents sometimes.

I agree with a lot of what has been said. One thing that Rusty said with the SEDAR when they have their management histories, one thing they do, and I realize how challenging this is, is they also not only look at the federal regulation changes, but the state ones as well. A lot of cases, at least with some of the snapper/grouper species, Florida had regulations before the councils did or they were slightly different now and again. And sometimes those changes are helpful for the analysts that are looking at these things.

If you go down the road of forecasting things in the future, you might want to have some kind of or touch on research needs and continuing challenges in the fishery. And maybe a comprehensive list of objectives and goals for these fisheries somewhere in the document might be helpful.

Thank you.

MR. McCREARY: Ellen Peel had her card up. Maybe she took off. Allan, do you know? She is gone. Okay, thank you.

Pam?

MEMBER BAKER: Thank you. I don't have a lot new to add. But I think what we are hearing is that there are a number of different audiences. And I think kind of defining those, you know HMS panel members ourselves, even if we know a particular fishery we don't necessarily know them all.

And Sonja gave a good example, which

I will echo. When you have members of the public or organizations that don't generally deal in fisheries engaging elected officials and others in fishery management issues without an easy place for us to send them to really get an idea of what is in place and what is not. And the shark example is a perfect one.

And then again, just to echo keeping it short but having the links seems really critical. That's it.

MR. McCREARY: Thank you, Pam. Terri.

MEMBER BEIDEMAN: I also think it is a great idea. I do think that it might be a formidable task. But I look forward to seeing it and recognition that you have other priorities that are more time sensitive than this.

But I would echo a lot of the comments that other folks have said and in particular, the issue of institutional memory. Some of these species were managed prior to FMPs in a different manner. Not all of us were there. And some of us that are here won't be here later.

And our objectives have changed over time. The way that we fish has changed. So I think it is important to kind of track those. And I think it also gives an opportunity to see things that may have slipped through the cracks with the multiple layers of things. And it would be great to have like one area where you can say I can go and find those documents or links to those documents, instead of hunting all over my computers for them because I've got quite a few.

So I think it is a great idea. I hope that there is time and budget for it. Thanks.

MR. McCREARY: Thank you, Terri.

Dewey? Pass. Rom?

MEMBER WHITAKER: Yes. I think it is an excellent idea. And I also understand the time constraints. But you don't know how many times I get asked about charter industry or even recreational or just fishermen in general. You know, and I am using the bluefin just for example. Why are we shut down? Why can't you go up there and just get more pounds or more

tonnage? What is the problem? You know rather than going into a long drawn out conversation, what I am asking you all to do is when you put it together, keep it very, very simple to where a fisherman -- I mean a lot of us are just learning how to turn a computer on.

So keep it very simple where they can go to HMS, the compendium, bluefin tuna, yellowfin tuna, white marlin. Just try to keep it as simple as you can and, I guess, put the means they were talking about to delve in as deep as you want. And if you want to go back to the beginning of the management, fine. But keep it very simple.

Thank you.

MR. McCREARY: Thank you, Rom. Rick.

MEMBER WEBER: There is a lot of different views of what you are creating. What I thought I heard you trying to create was when someone floats out an idea, a single source that you could go to that would pull together ATCA, Magnuson, and FMP, those type things so that if you wanted to see everything that was currently related to bluefin or bluefin and PLL, that you would see all the references to those species, gear types.

It feels like some type of electronic document. I don't see it in paper so much as I see it electronic.

And despite the good work, I think what I would like to see your categories is figure out what crosses all of those things. You know, I just made some quick ones here which was permitting, gear, allocations. No doubt there are others. So that if I went to this electronic source and put in tournaments, white marlin, it would grab the tag. Anything that was tagged tournaments and white marlin and I could filter down to that far. If I was just interested in white marlin, I would leave out -- I would set that one to all and I would just look at everything that touched on white marlin. But that is still another view of this thing. Sorry.

MS. SCHULZE-HAUGEN: No, I mean so this is a little bit unusual, I think, for us because you know by the time we share things with

you they are fairly well formed for good or not. So this is something that Jess was on detail. We talked early about should we just how to do the A7, a football team or what, and thought we have an opportunity where she knows us. She kind of worked in HMS for a while to put some energy to something that we haven't been able to get to some time. Because we have been kicking around this idea for a long time.

And so that is part of the reason why we did this with Jess in particular. And this is kind of a point in time where we wanted to share that with you, get some initial feedback.

I totally hear you that electronic versus paper opens up a variety of different ways that we could do things differently. And so it is very early. This is, again, not something we have to do. So in that sense, in some ways it is kind of nice. It is something we can make what we want. You know there is no NEPA, no red flags. This is what we want it to be. And our hope is that it is not just for us. And so that is why we are looking for the input, something that would be useful for you all, too. So I guess it is a great idea.

MR. McCREARY: Thank you. And it is also unusual for you in that every single person around the table said this is a good idea. And then they all had slightly different elaborations on how to make it an even better idea.

Steve?

MEMBER JAMES: I guess basically elaborating on that point specifically, I think all of us have a different view of what we are talking about here because it is not necessarily defined real hard. And maybe what Dr. Graves would be looking for out of this document versus what a sixth grade student might be looking for out of this document has quite a bit of variation.

But what I am hearing is that we are building the Encyclopedia Britannica. And how you quantify this and build it into, as Robert was pointing out, was the fact that you need some way to search through this document to get to the core of the information. Because I heard everyone has got a different of what this

document is, which everyone thinks is a great idea. But I think if you ask us to go around the room and define it specifically, you would have 31 different explanations of what this document really is.

MR. McCREARY: But lots of good ideas today. Thank you, Steve.

Margo, Jess, any other feedback you are looking for? This is a lot of feedback in real-time. And again, this will be on the website, right, this presentation.

MS. SCHULZE-HAUGEN: Yes.

MR. McCREARY: Okay, great. So Jess, thank you very much. Good work.

At this point, we want to ask if there are members of the public who would like to address the panel. Jeff has already vacated his seat.

(Laughter.)

MR. McCREARY: You guys all know your roles. Don.

MR. BRADDICK: Yes, does my comment have to pertain strictly to today's agenda?

MR. McCREARY: No, it is not essential.

MR. BRADDICK: Okay. I am just trying to absorb everything that just transpired. And I will have to back up a little bit. Let's call it the report card or the gold star system, as far as the longliners go.

I am a little confused because a vessel that got a gold star is allowed to fish in the hot zone areas, which is not really an advantage. It would hurt you more than help you if you went in and had a bad catch.

A vessel with a bad report card, the way I understand it, can switch and use a different gear type and take advantage of the situation.

So, I don't know if that is a fair playing ground because it would maybe make a vessel with a good report card strive for a bad report card. And for the first time, I got a good report card and I don't think it is an advantage for me.

So I think that should be thought about a little bit because I would like to be able to utilize the fisheries to my advantage and it

seems like it is a stumbling point being that I live and exist just inside of these hot zones and don't have a vessel that can travel in great depth that time of the year to say go east of the Bahamas or whatnot.

So I hope that is a point and I made it understandable for you. Maybe it should be thought about a little bit. Okay?

All right, thanks.

MR. McCREARY: Thank you very much. Go ahead, introduce yourself.

MR. HUTH: All right. My name is Matt Huth. I am from North Carolina. I am a longline fisherman. I have just gotten into coming to these meetings and it has been interesting.

Anyway, I am proud to say that I feel like we are narrowed down to a small group of participants in the longline industry and I feel most all the guys I know, particularly up around my area and north toward New York, we fish responsibly. And I am proud of that. And we put a lot of quality fish on the dock for consumers in the United States.

And I wanted to talk about that VMS. I agree with that, that the new hail-out, that would be helpful because a lot of times we don't get down to the boat. And it would be helpful to not have to hail-out two hours prior to when we leave. So I am for that.

But the 24-hour monitoring on the boats all the time, even when you are at the dock, we can live with that. I mean I could potentially see problems on one of my boats. In the wintertime sometimes we will lay to the dock for 15 or 20 days due to the weather. You know, there could be a potential problem if the power goes out or whatever that the cost involved to keep batteries up. I have had that problem one time. It is a potential problem for some of the guys. I don't know.

The SkyMate VMS, you have heard the complaints with that. I, too, have had complaints. That thing has cost me a lot of money. I have had to lay to the dock. They said the problem was with me. The problem was not with me. It was with them.

I have talked with people at

SkyMate. Matt has been at the VMS, the enforcement has been great. I have talked with him on the phone and let he couldn't let me go fishing because my VMS didn't work. That cost me major bucks. And we finally got it figured out and it was SkyMate's end but there is no accountability.

We are responsible for everything we do. And there is no accountability fort them. If your enforcement guys went in their office and said hey, here is a $5,000 fine and you all got to stay out of business for six months, they would get something fixed about it. I don't think they can get anything fixed about it. Like Scott said, I think it is going to cost them too much money to fix it. I think there is --

But anyway, so that being said, as we are getting into this Amendment 7, we are going to be using those VMS more and either we need to tell SkyMate to fix their problem or we need to do away with SkyMate.

And then, therefore, that makes me nervous about these cameras. I mean I am telling you, you guys don't realize the stress that goes into -- we are constantly -- to get an email out, I have got to restart the computer every time. It is just we are worried about the VMS. We are steering around bluefins.

Some of the stuff is out of control. Like I say we are responsible for everything we do but now we are responsible for things that out of our control. We do an excellent job of steering away from sharks, bluefins, and we are in contact with a lot of charter guys and draggers and different people in the industry to help us do that. And do a dang good job of doing it. I am telling you there are more sharks in that ocean than you can shake a stick at. It would be like out of the hotel and say don't step on the pavement. Okay? I'm serious.

And I mean if there is a problem with the duskies, maybe the spinners and the sandbars are eating them all. I don't know. But I got an eight-year-old son and if he goes -- especially this time of year I don't want him in the water at sundown or in the morning. That is how serious this shark thing is. And it just burns me up here that there is a problem with the

stock.

But that being said, I appreciate it. We have had some dialogue with the guys with the HMS and that has been helpful. And I do appreciate that. And I think as we move forward, it has been nice to be in conversation with you guys. And I think National Marine Fisheries, you guys ought to hold your head up high. I'm serious. I mean the fish stocks in the United States are great. There are fish in the ocean -- they are having some of the best white marlin fishing there has ever been, world class white marlin fishing right now. And it has been that way for three weeks right out in front of my house.

I mean, you guys you know every time we come to a meeting it is always bad news and more regulation. And you know you have got to narrow it down to just enough for the infrastructure to stay alive. Can we just remain status quo for a while and just let this thing sort out? I think you guys are doing a good job. Let's just chill out.

If I thought I was depleting the world's stock of fish, then I would quit tomorrow. I would like to think I was that good of a fisherman. But anyway, I appreciate it.

MR. McCREARY: Thanks, Matt.

Any other speakers? Go ahead.

MR. McINTYRE: Bill McIntyre, fishing vessel Shady Lady. I would like to direct this question to Jeff over here.

Has anybody taken him up on his offer yet to go swimming around his boat? Anybody? I didn't think so.

I know I always hear of the best available science. I don't think any of these esteemed scientists here would want to put their name on any of the shark information that is coming out. We need some more information. The fishermen are here telling you the fish are here. You need to listen. If this Amendment 5 goes through the way it is now, Amendment 7 is not going to matter. We will be devastated. Okay?

That said, they were talking about education with the shark fisheries and all the rest. I have a directed permit for sharks and

I have never been trained to identify the sharks. The dealers are, I believe, but personally I can't tell most sharks from other sharks. Consequently, I won't even bring in a shark when the shark season is on because I don't know if I am bringing in something legal or illegal. I would recommend that not only the dealers be trained every couple of years but let the fishermen in there. A lot of us don't know what we are looking at in the water.

Number two, I have got a specific question for somebody up there in regards to Amendment 7. In particular in regard to NED zone. I am just giving you a "what if" scenario.

Say a boat is out of their individual boat quota. Can they then go up and fish this NED zone with the 25 tons that are up there without any quota? That is the question I have got to put forward to somebody there.

MS. SCHULZE-HAUGEN: Yes, so we have gotten some question on this. As proposed, vessels need an IBQ allocation to fish at all.

MR. McINTYRE: Okay.

MS. SCHULZE-HAUGEN: In the analysis of quota for the category, the NED 25-metric tons was not included. So the proposed quota of 137, that does not include the NED. And that is a separate set aside.

MR. McINTYRE: Okay.

MS. SCHULZE-HAUGEN: So does that --

MR. McINTYRE: Yes, thank you. I have got another question here I want to pose to everybody.

Would anybody here believe that I did not have a gray hair on my head until I purchased a SkyMate? In reference to what Scott was talking about, it does not work any better up in the northeast. And I just hope that National Marine Fishery Service learns from their mistakes on this thing because I see a potential disaster with the cameras coming up if we can't even get the VMS working properly.

And in closing, I would like to thank everybody here for listening to some old burned out fishermen and not only listening, but taking some of their suggestions and trying to implement them.

Thank you very much.

MR. McCREARY: Thank you very much. Marty.

MR. SCANLON: Yes, Marty Scanlon. Fishing vessel Provider II. I just want to comment on these monitoring systems that are coming down the road here.

One of the things I would like to talk about is that we live in a post-9/11 era here and it seems that as technology grows and grows here, we seem to be more and more willing to give up our freedom of privacy and some of our civil rights. I mean if we haven't learned anything with what is going on with the NSA right now, I mean to be encouraging to have more and more spying on us, I believe as far as that is concerned, I am against these monitoring systems on these boats. I want to be on the record for that. I believe it is a violation of our civil rights.

And also in order to just put them on to pelagic longline fleet, I believe is an issue of profiling. In Trenton, New Jersey there, there was just a Supreme Court ruling, I believe, in which even though there was a group of blacks or Hispanics that were running around in the middle of the night robbing convenience stores and the Trenton police had gone out and were basically pulling over all blacks or Hispanics that were driving around at that time of the night, it was ruled that there had to be an equal number of whites pulled over and basically harassed. That they were violating these people's civil rights, even though it would be just common sense that you would be doing what they were doing.

Here if you are going to put cameras on us, I believe you need to put cameras on everybody. And it may even be to a point where you need to put the monitors on the monitors. I mean that would be like asking us to go into your inner meetings, whether it be Pew or Oceana or any of the other environmentalists that are pushing these agendas, and overlook their agendas and make sure their agendas are up and forward.

I mean we are being regulated by our logbook data that we have cooperated with, our

observer coverage that has been extrapolated. And that is where you have gotten these numbers. And you want to regulate us against those numbers. Well, if those numbers are good enough to regulate us against us, then why aren't those methods good enough to come up with the solution? Why do we have to give up more of our civil rights? Why do we have be spied upon? And how far does it have to go?

I think that in saying that, I also, if it goes to that measure, I think we do, like a lot of people in this room have said, we need to slow down here. It is obvious that we have problems with the VMS machines which seem to be pretty simple units. And we can't seem to be even able to get them operating properly. They are already being threatened with sanctions, like Scott has said. Now you are going to complicate the matter by now instituting a whole other monitoring system on these vessels that is unproven. National Fishery says they have got no money for research, they have got no money for this, they have got no money for that. Where are they going to get the money to get these monitoring systems, these cameras up and running properly?

If we do have to go to a monitoring system and if it is ruled that we do, I believe that everyone in the HMS fishery needs to monitored, you know for the benefit of stock assessments and whatever.

I also would think that in implementing that program by slowing down, I mean that we should actually set up before we institute a full wide into the fleet, that you need to sort of start off with a sort of a pilot program, where you are going to implement these measures into a handful of boats. You know, get the system operational, find out how it should work, if it will work. Get the infrastructure in NMFS itself to do the monitoring, set that all up before we go and throw out all these cameras on all these boats. I mean I think it should be limited to one camera per boat. I mean, how many cameras are we going to have? Are we going to have them in the bathroom? Are we going to have them where we are dressing? I mean my boat is a pretty small boat. I mean I don't know whether

you want to be seeing me taking a shower. I have to take one on the back deck with a couple of gallons of fresh water.

So I mean, I think it should be limited to one camera and it should be in a pilot program where you put it on a handful of boats and get it up and running for a year, decide how we are going to extrapolate that data and how it is going to be applied, and then possibly move forward from there.

Like I said, I think it is a pretty serious issue here. I think as Americans, we all have got to sit around here and look at each other and say how much more freedom and how much more privacy are we willing to get up? I mean ICCAT may want this but all those nations in ICCAT don't live under the same freedoms that we live with in this country. One of the reasons why I live in this country is because it is a free country. I mean I don't want to give up any more rights.

I mean you go down the road here now and you have got camera lights all over the place. Everywhere you go there is cameras watching us. Who is watching us and what are they doing with that data? What is going on here?

You know when I was a student, way back when when I was in high school, one of the required readings was a book called *1984*. I don't know if anybody is familiar with that book. I can't remember the author at this time but it pertained to Big Brother and it dealt with all of these issues where you were constantly under surveillance 24/7. Everything you did, everything you said, everywhere you went, you were being watched by Big Brother. And there was no more libraries. There was no more books. Everything was censored. Is that the road we want to continue to go down or do we want to try to hold on to some basis of humanity here? Or are we all just going to turn it over to cameras, surveillance, and allow us to be spied upon?

MR. McCREARY: Okay, Marty I think your point is graphic and well expressed.

You made a good point as well about possibly monitoring being phased in on a pilot basis to make sure it works. So you have

provided some good ideas here.

Any other key thoughts?

MR. SCANLON: No, that is pretty much it. I can make the rest of my comments at a public comment period, I believe.

I do want to thank everybody for giving me the opportunity and to just to go to show how this country does operate, to have the freedom to come here and to speak in front of all you people and have the opportunity to express my concerns and some of my ambitions.

So I do want to thank everybody for putting up with me here these few days here. And I certainly do appreciate anybody's help in this matter.

I want to also thank you, Margo, and your entire team there. Because we have a bunch of these serious issues that we have been dealing with throughout the year and it is very obvious to us in the fishery that you have listened to a lot of our concerns and you have tried to address them and you are willing to work with us in these matters. And I just hope that everybody else around here can go back to their organizations and express that we are serious about reducing our interactions with animals that we don't want to interact with.

And there are solutions and we do have the solutions. And if you give us the opportunity to deal with these issues on our grounds, since we -- you know guys are all experts in your own fields. But when it comes to the pelagic longlining, you probably are looking at the handful of guys here who are the experts in the pelagic longline field and we are the leading people when it comes to conservation in that particular fishery. We are the ones that are leading in conservation. We are the ones that are working on cleaning up the gear.

And if we can clean up our gear and develop a model, which was always the intent of National Marine Fisheries in dealing with us and dealing with all these regulations, if we can develop a model that we can sell to the rest of the world where they fish under the same regulations and can show that they can be financially stable by doing so, I think that overall is the key to the success of the HMS

fisheries throughout the world, not just in this country.

I want to thank you.

MR. McCREARY: Thank you, Marty.

Are there other speakers who want to address the panel? You are not a public member, but go ahead.

MEMBER HEMILRIGHT: Well, before the day is out, I wanted to address everybody.

MR. McCREARY: Yes, we are not adjourned yet, so ago ahead.

MEMBER HEMILRIGHT: This Amendment 7 is a massive undertaking of worldwide proportion. You are sitting in a place where you are going to have a group of pelagic longline fishermen that have fished under an incidental fishing for bluefin tuna and you are going to try to put in an individual fishing quota that is basically unheard of.

For this to work, we have to have a level of cooperation from the person that speaks at ICCAT, the very top down to the level of the fishermen. We have to have time. We have to have flexibility. And we have to have quota to fix and work on this problem that is going to set precedence throughout the rest of the world.

If we do not have that level of cooperation from the very tip top of the delegation at ICCAT to the very bottom of the fishermen, this isn't going to work. And some things that give me heartburn in looking at this in the future is we have never had, and this is my perspective, the good-faith effort of our ICCAT delegation at the very tip top when it comes to negotiating to get the United States more quota. We have watched our country want to list something on CITES that we killed basically our general category tuna as far as economics.

So if this doesn't have everybody on the same page -- right now you have the cooperation ongoing and will have from the pelagic longline industry because we tend to believe, and I hope I am right, that we have got the good faith of everybody here together to work to fix this problem.

It appears that we have it at the HMS division level and through our discussions with staff and looking at this to fix the problem.

But there are so many times we have these discussions with staff that they are only able to do so much. If staff had their way with our discussions, we could probably fix things a heck of a lot more up the ladder. But once we get up that ladder, you are asking the U.S. not only the credibility of the U.S. commercial pelagic longline fleet to be put on the table here, because if this fails, it is going to fail for the rest of the world.

In closing, if it is not everybody on the same page from top to bottom, it is pretty damn useless.

So we will see going forward because this is something -- we are talking to about Marty doing fishing, it is going to take some real innovations and some figuring out because it is just not like you can put a --

Well that is enough said. But I appreciate your comments. You are able to give the comments. This is a monumental task that is going to happen and it is not going to happen over a year or two.

MR. McCREARY: Thanks, Dewey. And as you say, this will require a massive level of coordination.

So Margo, at this point, I think we are ready to pivot to your wrap-up of HMS Advisory Panel priorities and next steps.

MS. SCHULZE-HAUGEN: All right. So, I am seeing this for the first time, too.

So my usual caveats. This is intended to be a high-level summary of what we have heard. Not every point from the last three and a half days will be here. If there is a major point that is missing, something that you think is really important that we missed, if we didn't quite capture something adequately or correctly, please let us know. But the transcripts of the meeting are the record. So I am not trying to relive the last three and a half days.

But with that, all right, eDealer. In terms of our workload, this continues to be a big one but I think it is a very valuable one and it will mean that we are much better able to stay within our quotas, all of them, even the little ones. And so that is a big deal. And

that will feed into stock assessments and having catch levels where they should be. It helps the stocks and helps rebuilding and sustainable fisheries. So I think it is a big deal and it is certainly one that we have put a lot of effort into. And we will talk more about how that data is feeding into the assessments as a comment that we heard from you all.

On Amendment 8, this one is final but the implementation is coming with the 2014. Comments that zero-fish retention limit in South Florida is counter to the purpose. This is the primary area where landings occur. But fishermen in the northeast and Gulf need a retention limit of more than three. And monitor the trajectory of swordfish landings because they are increasing under existing regs. We don't want to exceed the quota. Absolutely, we will do that.

All right, Amendment 7. General support for overall direction but significant concerns: scope, details. Lots of devil in the details kinds of comments. And the questions on timing.

On the IBQ, concerns about the ability of vessels to make it work. This is the flexibility comment, needing quota, wanting to avoid closures. It is certainly complex. Implementation will take time.

And the initial allocations. For this one, several points, particularly with folks seeing IBQ or ITQ programs in other fisheries that those initial allocations are key. What about new entrants? We had a suggestion of equal shares as a possibility.

Concerns about leasing, particularly between longline and purse seine, some of the implications of that.

Comments that carryover should be allowed or there could be incentive to use it.

Methods to increase interactions with bluefin exist -- to decrease. Sorry.

And then concern about kind of the disaster sets. People don't always know where fish are.

On the GRA, Gear Restricted Areas, comments to expand the scope of the Gulf of Mexico GRA. Also suggestions to have sunset so

we can look at things. And concerns about drift in relation to the Cape Hatteras. I think that is something we looked at and I think that is something that we have continued to talk about here.

And then a desire to have hard thresholds or limits for access to the current closed areas.

On quota reallocation, some support for using inactive purse seine quota instead of reallocation from other categories. Acknowledgment reallocation may be necessary but divergence views on how best to do it.

A concern that purse seine fishing would increase just to use their quota, kind of get on the board.

And then support for additional flexibility and criteria for in-season management.

Other measures, mixed views on general category in-season flexibility. So kind of a consistent comment to look at that December allocation to January. Maybe move it or combine. Non-longline categories should also count for dead discards. And also other categories should have electronic monitoring is the other comments.

So a lot, just to back up, certainly a lot on Amendment 7. I think we got a bit back what I think you all felt were hit with a ton of stuff, a lot to go through. And I know my mind was spinning at the end of the day on Tuesday where we were getting all of your feedback and questions, too. So we are early in process. We still have a lot of the public hearings to go. Hopefully we will be seeing many of you all there.

So keep coming with them, with the questions, with the comments. And we have certainly got our work cut out for us.

All right, 5a and 5b. Lots of, I think, support for increased outreach on dusky shark ID, getting that out online social media. I think all of the expertise that you all have on reaching your folks is helpful for us. The questions about getting information to people the way they get their information. That is helpful information to share with us if you know

that; if it is emails, websites, newsletters, whatever.

Questions on ESA listing of duskies, how that would affect management. Lots of concerns on stock assessment, the range of the species, and need for more survey data. No! Okay.

Continue moving forward with A5b. And then consider the timing. I think we had a comment to think about maybe linking them up, that some of the issues in A5 and A6 there is some overlap.

Amendment 6, update the control date. Eliminate the blacknose linkage from small coastals. Increase the Gulf of Mexico blacktips. Allow commercial landing of sandbar, kind of a tagging idea.

Consider permit stacking and then mixed views on ITQs or catch shares. That is unchanged. We have had those mixed views all along.

For the recreational action agenda, support for collection of socioeconomic data. Both the Gulf of Mexico Southeast mentioned. More outreach and education for anglers. And the analysis of the effects of regulations over time. Those are all good suggestions.

For billfish management, more funding for research. I would actually couch this as an overall statement but it did come up specifically for billfish.

Fishermen are having better catches of white and blue marlin.

Education and enforcement of release regulations are needed. Yes, this one it was interesting to hear the discussion of release, how to do that. I think that is something that we can develop more materials on.

Don't ignore benefits that billfish got from existing longline prime area closures. Keep an eye on those dolphin, apparently, eating juvenile billfish.

And be cognizant of recent changes in billfish catch on PLL fishing for tunas. Okay.

VMS. Oh, good grief. No pictures. This was weird. Wasn't it? This was Diane. I saw you do this yesterday.

For those of you -- I am incredibly like photophobic. So the fact that she got me in a picture is quite an achievement.

VMS proposed rule, concerns over increased costs with 24/7 reporting. Support for the exemptions, turning the units off, and changes to the hail-in/hail-out. Lots of concerns on VMS units, particular SkyMates and that we need to get a handle on the technology.

One thing here, you will see contact info for Kelly Spalding. Kelly Spalding is the National VMS Coordinator.

So we will post this so you don't have to write it all down if you are interested. But we will certainly go back and continue the pressure that we are putting on to resolve these issues. But then that is another avenue for you all to share your concerns.

The VMS comment period closes September 30th. We have a webinar on the 23rd, which also is the day the shark specs comment period closes.

If you could -- and this is a special note, travel forms. If we can get vouchers in quickly, we can use more of our FY13 money. If we don't, that will hit our '14 budget.

So, as we are looking forward to public hearings, maybe some more public hearings, all the things we want to do, the more that we can spend of the money we have, the better off. And so you can really help us. We tried to include envelopes this time to facilitate that. But the quicker you get those in, the better off we will be budget-wise.

We like to reuse the name tags and table tents. So if you could leave them, that would be great.

The evaluation form we have adjusted a little bit. We always look at these. It is always helpful to us. You don't have to sign it if you don't want to. We will look at it all.

And I want to take a special moment to thank the HMS staff that not only help us put this meeting on but have been doing a tremendous amount of work over the last many, many months to get us to this point on all of these issues.

So, thank you, everyone.

(Applause.)

MS. SCHULZE-HAUGEN: And thank you all for all of your input. I think it was a very productive meeting. We got a lot of really good comments, a lot of good issues raised. And I look forward to seeing you all soon on the road and then at various meetings, ICCAT, IAC.

So safe travels going home. Thank you all very much.

(Whereupon, at 11:47 a.m., the foregoing meeting was concluded.)

NWX-DOC CONFERENCING

Moderator: Cliff Hutt
September 23, 2013
1:00 pm ET

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode. During the question-and-answer session, please press star 1 and record your name as prompted. Today's conference is being recorded. If you have any objections, you may disconnect at this time. I would now like to turn today's meeting over to Cliff Hutt. Thank you. You may begin.

Cliff Hutt: Thank you everyone for joining us. Today we're having a Webinar and conference call to take in public comment on a proposed rule to monitor reporting requirements for vessel monitoring systems for Atlantic HMS fisheries.

All right, currently three classes of HMS vessels are required to have VMS units onboard their boats, all pelagic, all vessels using pelagic longline gear, vessels with directed shark permits and gill-net gear onboard between the dates of November 15th and April 15th of each year.

And vessels issued directed shark permits that are using bottom longline gear and fishing between the latitude of 33 degrees north and 36 degrees 30

minutes north latitude, basically in the mid-Atlantic closed area when that area is closed which is generally from January 1 to the end of July.

Each VMS unit is required to be installed by a qualified marine electrician and the basic reporting requirements as they are now involve turning on the VMS unit and hailing-out at least two hours before leaving port.

That's to make your hail-out declaration indicating what species you're pursuing, what gear you're using. The vessels are currently required to hail-in no less than three hours before returning to port to land HMS.

They are required to provide hourly location signals while at sea and currently boats are allowed to turn their VMS units off upon returning to port. Since January 1 of this year we've been requiring vessels to utilize enhanced mobile transmitting VMS units.

These units were adopted to facilitate better communications between fishermen and NOAA Office of Law Enforcement to transmit location signals automatically on an hourly basis to allow for declarations of target species and gear types and to provide for e-mail communications while on the vessel.

The idea was all this would allow us to reduce the need for enforcement officers to board and inspect vessels at sea by allowing greater communications between the vessels and the office of law enforcement.

However, since implementing those rules we have gotten some comments and feedback from people both in the commercial fishing industry and from the NOAA Office of Law Enforcement for some needs changes, tweaks to the rules.

Some fishermen have found it burdensome to have to hail-out two hours before leaving port especially if they have gear that really doesn't require much prep time in advance of hitting the water. We've had reports from enforcement of some fishermen hailing-in several days in advance of landing because the current requirement is kind of open-ended.

As long as it's just three hours before landing, there's no kind of upper-end limit on when a hail-in can be issued other than, you know, after the hail-out so in some cases if vessels are out for multiple days if not weeks, they might issue their hail-in immediately after issuing their hail-out and this makes it difficult for law enforcement to coordinate boat inspections upon the vessels' return to port.

Some fishermen have also indicated that they find the hail-out and hail-in requirements burdensome when they are not targeting HMS species and we've also gotten indications that allowing fishermen to turn the units off when the vessel is at port is not consistent with other fisheries' regulations.

Other fisheries that are currently required to use VMS are generally required to provide 24/7 location reporting at all times whether the vessel is at sea or in port. To deal with these issues, we're proposing to require HMS vessels that are required to use VMS to provide hourly location signals at all times 24/7 whether the vessel is at sea or in port.

Unless the vessel operator obtains a documented exemption from NOAA Office of Law Enforcement which would be available in situations where the vessel is going to be in port or out of the water for an extended period of time such as when the vessel is going into dry dock or the fishermen just won't be fishing for a couple of weeks or more. That would be to allow, you know, for a reduced burden of cost when the individuals aren't fishing.

We are also proposing to allow fishermen to wait until leaving port to issue their hail-out which would be more consistent with other fisheries and, you know, because we'd be requiring hourly pings even when the vessel is at port it would make coming in and hailing-out two hours in advance redundant and unnecessary.

NMFS does not anticipate that going to these 24/7 reporting would result in a significant increase in reporting costs for most vessels as most VMS plans currently charge a flat fee, a flat rate for location ping reporting and these rates average about $44 per month on average according to the data we have.

We are also proposing to in addition to requiring vessels to hail-in no less than three hours before landing, we also want to add to that that they are required to do so no more than 12 hours before returning to port so that would give vessels about a nine-hour window in which to issue their hail-in declaration and get into port. This would allow for better facilitation of dockside inspections with NOAA Office of Law Enforcement.

We also are proposing to provide fishermen the option to declare out of the HMS fishery. If the only fishery in which they're participating in that requires VMS reporting is an HMS fishery and they're going to go fish for something else, if they issue one of these declare-out declarations, they would then no longer be required to issue hail-out and hail-in declarations each time they go out to fish.

And this would be for any cases of a period of time encompassing two or more trips targeting non-HMS species. Now obviously if those other non-HMS species you're targeting are species that you're also required to do VMS

reporting for, you would still have to issue a hail-out declaration for that species.

In this case a hail-out and hail-in would not be required unless the vessel owner or operator incidentally catches an HMS species while fishing for something else in which case they would then be required to issue a hail-out declaration from sea and then issue a hail-in before landing if they wanted to bring that HMS species back in to land it.

They would still be required to provide the 24/7 location signals so issuing a declaration out of the fishery does not allow you to turn the unit off. It would still have to remain on so that you're providing the 24/7 hourly location pings.

And the vessel would still be bound to all other applicable HMS regulations that are tied to the permit so no going into closed areas or whatnot because you declared out of the HMS fishery.

We are currently requesting comment on all aspects of VMS data collection and reporting burden because we are doing a full renewal of our Paperwork Reduction Act authorization so this would include comments on the proposed change to 24/7 reporting unless the operator has a documented power-down exemption.

Ccomments on the option to declare out of fishery when not fishing for or retaining HMS for two or more trips, the proposal to modify the advanced time range form the hail-out and hail-in requirements, the time and costs associated with the installation of the units and the time and costs associated with the operation of the units and issuing transmissions.

So we're looking for public comment on all those things if anyone has any comments on them. Individuals can make comments by either submitting them electronically to regulations.gov. Go to the Website that's listed above, click on "Comment Now" and complete the required fields.

Comments can also be submitted by mail to the HMS Management Division addressed to Margo Schulze-Haugen, our Division Chief. They can also be sent to us by fax. They can be submitted over the phone and we ask that when submitting comments that commenters include the identifier NOAA-NMFS-2013-0132 so that we can keep track of them for this rule.

Additionally questions about the Atlantic HMS VMS regulations and the new proposed rule can be addressed to either myself, Clifford Hutt, or Karyl Brewster-Geisz at HMS headquarters in Silver Springs and questions about the VMS program in general can be submitted to Patrick O'Shaughnessy who is with the Southeast Office of Law Enforcement and he's the VMS Program Manager down there at the numbers provided.

And that's the end of the presentation and at this time we'll open it up to questions and comments.

Coordinator: Thank you. We will now begin the question-and-answer session. If you'd like to ask a question, please press star 1. Make sure your phone is unmuted and record your name slowly and clearly and to withdraw that request you may press star 2.

Once again for a question or a comment, press star 1. One moment while we standby for questions or comments. And we do have a question or comment coming from Greg DiDomenico. Your line is open.

Greg DiDomenico: Hello, this is Greg DiDomenico of Garden States Seafood Association. I have a few questions if you have the time and can indulge me. One of the questions is what exactly is this facilitating for law enforcement purposes?

Cliff Hutt: The broader - the whole - are we talking about VMS in general or the things specific to the current proposed rule?

Greg DiDomenico: The current proposal.

Cliff Hutt: Basically we want to get, you know, we wanted to make our reporting requirements more consistent with the other fisheries. A lot of our fishermen had indicated that having to show up two hours in advance was burdensome and in order to compromise, to get rid of that with, you know, OLE Office of Law Enforcement they wanted us to go to the 24/7 reporting.

Because the whole point of having them, the hail-outs, go out two hours before leaving port was to get at least a couple of location pings while the boat was still at the dock.

Greg DiDomenico: Yes, no, I'm very pleased that you guys have revised that original proposed rule in the reporting requirements. It's encouraging but we're trying to figure out the burden that this puts on people and the cost is for what reason, what is law enforcement trying to enforce? What's the issue?

Cliff Hutt: The issue is monitoring the position of vessels largely to make sure that they are not going into the closed areas.

Greg DiDomenico: Okay, okay, let me specify then. The people who are going to be burdened by this in my particular sphere of influence or under our organization are people with a shark LAP. There's no intention to harvest HMS species,

they're not going to be going into any closed areas. There seems to be - they're from New Jersey - they're not going to be fishing in Florida or anywhere else down south.

For those vessels that fit this particular case, what does law enforcement want to - what compliance, what issue, what regulation - are we looking to enforce?

Cliff Hutt: Greg, are these vessels with gill-net gear?

Greg DiDomenico: Yes.

Karyl Brewster-Geisz: Hi Greg, it's Karyl Brewster-Geisz. How are you?

Greg DiDomenico: Hey, Karyl, how are you?

Karyl Brewster-Geisz: So I think the rule you are looking for is the one where we reconsider the number of people using gill-nets and where they are located in regard to whether or not they need to use VMS and that action is being considered in a separate rulemaking from this. This rulemaking was just to look at the 24/7, the hail-in/hail-out, the declaring out of fishery.

Greg DiDomenico: So you're saying in a subsequent rulemaking we may be relieved of this?

Karyl Brewster-Geisz: So at the moment, yes, what we're proposing is that you could declare out of fishery but yes, those vessels would still need to have VMS and still report 24/7 and then we are considering in a separate rulemaking whether or not to change the scope of the VMS requirement for gill-net vessels.

Greg DiDomenico: Okay.

Karyl Brewster-Geisz: Did that answer your question?

Greg DiDomenico: Well, with the separate rulemaking, is one of the alternatives that they will not have to do this any longer?

Karyl Brewster-Geisz: That would be looking at the scope of that, yes.

Cliff Hutt: It may depend on like...

Karyl Brewster-Geisz: Yes, and there are other factors but yes, it would be looking at whether or not I think the main concern you were thinking of is the requirement that all gill-net vessels no matter where they are, if they have a directed shark permit need to have VMS...

Greg DiDomenico: Right.

Karyl Brewster-Geisz: ...and that would be the scope that we're looking at...

Greg DiDomenico: Okay.

Karyl Brewster-Geisz: ...in a separate rulemaking.

Greg DiDomenico: Now as it is now with this rule, they would have the option to issue that declaration out of fishery and they wouldn't have to hail-out or hail-in each trip anymore but they'd still have to have the unit on providing the hourly pings...

Cliff Hutt: Right but if they're not fishing period for extended period of time, they can contact the NOAA Office of Law Enforcement and get a documented

exemption that would allow them to turn off their units, a power-down exemption.

Greg DiDomenico: Okay. Karyl in this subsequent rulemaking, are you considering expanding it to all vessels who have HMS permits? Is that one option?

Karyl Brewster-Geisz: You mean expanding it to recreational permit-holders?

Greg DiDomenico: To the for-hire sector.

Karyl Brewster-Geisz: No, that isn't one of the things we're looking at.

Greg DiDomenico: Okay.

Cliff Hutt: We're more looking at reducing the number of vessels that would have to have it.

Greg DiDomenico: Great. Okay. Thank you very much.

Coordinator: Thank you and again as a reminder if you have a question or a comment, please press star 1. Make sure your phone is unmuted and record your name slowly and clearly for introduction and it is star 2 to withdraw that request. Our next question or comment comes from Terri Beideman. Your line is open.

Cliff Hutt: Welcome Terri.

Terri Beideman: Can you hear me?

Karyl Brewster-Geisz: Yes.

Terri Beideman: Yes. Can you flip back I don't know maybe three slides, I had a question. Okay.

Cliff Hutt: Any questions or comments?

Terri Beideman: Pardon me? No, I think it was the next one. No, maybe even the one before that.

Cliff Hutt: Could you tell me what we were talking about?

Terri Beideman: Yes, go ahead back to 6, I think. I'm sorry. I was trying to, okay, so you have the option to declare out and how does that actually happen? Maybe you described it, I might not have heard it.

Cliff Hutt: Okay. There's an option on the units for a declare out of fishery declaration that, I mean, some of the other fisheries currently already have this option where you issue a declaration out and basically that becomes your declaration and that stays your declaration until you make another one.

So if you're not fishing for HMS or in any other fisheries that require VMS, you can issue that declaration out of fishery and that'll remain your declaration until such time as you start fishing again for HMS or some other species, some other fishery that requires VMS reporting and you issue a declaration back into that one or a hail-out declaration saying I'm going out for swordfish with pelagic longline.

Terri Beideman: Okay, all right, so they could just declare out and let's say that they had monkfish permits.

Cliff Hutt: Yes.

Terri Beideman: And they opted out - declared out - of the fishery as on HMS and what I'm trying to reconcile is this we'd still be required to have the VMS on and providing locations and...

Cliff Hutt: Yes, because we still want to be able to monitor where the vessels are.

Terri Beideman: ...right, even though the monkfish fishery does not necessarily require it. Is that correct? I mean, I don't know but I'm assuming you know which ones require VMS tracking and which ones don't but...

Cliff Hutt: The purpose of the declare-out option was just to relive the boats of the burden of having to hail-out and hail-in each trip. They would still be bound to all the other applicable HMS regulations so if you've got an HMS permit and you're not allowed into certain closed areas, even if you declare out, you're still not allowed to enter those closed areas.

Karyl Brewster-Geisz: And declaring-out doesn't tell us what species you're going to be targeting. All it does is it says you're not targeting HMS.

Terri Beideman: Okay, all right so you discussed a power-down exemption, okay, and I saw that you have a slide but, I mean, there is possibilities that people would actually have, you know, electrical problems, you know, my house does that on occasion. I don't know exactly how people are supposed to handle that, if it's just a really short-term thing.

I mean, this seems to work well if you know you're going into the boatyard and you're going to be there for three weeks or whatever but how would you handle like enforcement for, you know, I mean, I used to have to power-down the boat when I had a mechanic working on my generator.

You know, I had no juice going through anything so it wouldn't be pinging any VMS so...

Cliff Hutt: Terri, I mean, that happens sometimes, and enforcement is aware of that and they're usually pretty good about, you know, being cooperative in those situations. Usually they just ask that you contact them and let them know that something's wrong, explain why there might be a temporary, you know, loss of communication and they'll work with the vessel operator in those situations.

Terri Beideman: But there's nothing in this rule that says that if that should happen that people have to do a certain thing and then their butt is covered more or less.

Cliff Hutt: I mean, we really don't specifically cover that in this rule. That's just a general like day-to-day operations issue.

Terri Beideman: Right.

Cliff Hutt: Where you'd have to, you know, communicate with, you know, the office of law enforcement and coordinate with them. I mean, they've had cases where, you know, people have issues with the units and they just have them call in.

Terri Beideman: And I do know that NMFS is very aware that there are certain brands and providers of equipment that have problems and, you know, I know that you're aware of it that, you know, fishermen, you know, have purchased these so-called approved units and or actually been reimbursed for them in some cases and they are unreliable and you know that.

If you've heard that message many times, not just hear, so I'm wondering, you know, is the Office of Law Enforcement aware of these issues and willing to give flexibility, you know, people are human beings.

Not everybody that works upon boats or every fisherman for that matter, you know, is capable of assessing properly the situation and coming to termination (of a) malfunction rather than some attempt to (obfuscate) their activities.

Karyl Brewster-Geisz: So Terri I think Pat O'Shaughnessy is on the phone as well so I'm hoping he can jump in and answer any of the questions you had about the short-term power-downs that might be needed. Pat?

Pat O'Shaughnessy: Yes Terri, this is Pat O'Shaughnessy in the Southeast VMS office. Our current technicians work hand-in-hand with the owners and some of those problems and issues you're mentioning that would impact the 24-by-7 reporting, we're already dealing with the current reporting system.

So what would normally happen particularly with the 24-by-7 reporting is when a vessel stops reporting, we receive notice of that on reports that we run and if the owner isn't contacting our office to let us know why their unit may have gone off due to loss of power or work on a generator, it shows-up on our list and our VMS technicians are reaching out to the owner.

And those are always our first calls is to the owner to try to find out if the unit went off and they're not aware of it or if they're working on it and just didn't remember to call us so the first phone call isn't for an agent or state officer to show up at the vessel writing a ticket.

It's to try to find out what has happened to the unit or why there might be a reason why it has gone offline and stopped reporting and Matt Walia is our

current HMS technician and he deals with the owners on a daily basis and there are instances where the vessel does lose power.

There are instances where the owner did not know their unit had stopped reporting and by our notification to them, they can go down and find out what's up but that's how we handle those, you know, less than normal outages or known drydock periods or shipyard periods.

Terri Beideman: I don't know if I'm still on but I appreciate that explanation. It is my understanding at least from the folks I've talked to that your office is very helpful with all of this just trying to make sure that the regulations will work regardless of who's in your office.

But that was my intent, trying to see if we could get some discussion about that in the regulation so that there is that flexibility to address it at a less than critical stage. Anyway, so those are my questions although I'm sure that, you know, my folks won't necessarily be happy about having to put out any more money per day for signals.

I haven't had too many people really give me a lot of problem with this rule other than their big problem with some of the units that don't work well so they feel like, you know, they can't really afford to go get new ones and they're not worth it and I know you know about that.

Karyl Brewster-Geisz: Thanks, Terri.

Coordinator: Does that conclude the question or comment?

Cliff Hutt: I think so, ma'am.

Coordinator: Thank you and again as a reminder if you have a question or a comment, please press star 1. Make sure your phone is unmuted and record your name slowly and clearly for introduction. To withdraw that request, you may press star 2. Once again for a question or a comment, press star 1 and record your name. One moment while we standby for questions or comments, and we do have a question or comment coming from Greg DiDomenico. Your line is open.

Cliff Hutt: Welcome back, Greg.

Greg DiDomenico: What's the timeframe on the subsequent rulemaking regarding scope of this action?

Karyl Brewster-Geisz: This will be considered in the rulemaking we're doing regarding the Savings Clause for smoothhound sharks so that rulemaking is significant under OMB standards so it might take us a little longer than usual to get that proposed rule out.

Greg DiDomenico: And within that action, you're considering one alternative that would essentially lessen the scope of the one we're talking about right now?

Karyl Brewster-Geisz: It would lessen - it would reconsider - whether or not all gill-net fishermen no matter where they are need to have VMS onboard. That is not considered in this rule. This rule is assuming the scope stays the same as what it is in terms of number of fishermen.

Greg DiDomenico: Okay. Thank you.

Karyl Brewster-Geisz: Yes.

Coordinator: Thank you and again as a reminder if you have a question or a comment, it is star 1 and record your name and it is star 2 to withdraw that request. Again for further questions or comments, press star 1. One moment while we standby for questions or comments, and I'm currently showing no further questions or comments at this time.

Cliff Hutt: Does anyone else have anything they want to add or any additional questions?

Coordinator: And I'm showing no questions or comments from the phone.

Cliff Hutt: Okay, just to remind everybody, the comment period for this rule closes at the end of the month on September 30th so if you have any specific written comments you would like to submit, please do so by then.

Once again here's the slide with all the information on how you can contact or how you can submit comments and that's it. Thank you for joining us and thank you for your feedback.

Coordinator: That concludes today's conference call. Thank you for your participation. You may disconnect at this time.

END