

VMS-Enforcement Committee
NEFMC
April 9, 2007

Draft Summary

Italics indicate the time on the two recordings of this meeting, which may be found on the Council Public FTP site (contact Karen Roy for instructions)

Rodney Avila welcomed Pete Jensen as the MAFMC representative and opened the meeting by having everyone introduce themselves.

Phil Ruhle saw, among the letters sent out in February, no request for a VMS Outages report, from the last Council meeting.

Bill Semrau made his VMS powerpoint presentation (attached).

Recording 1, no sound after intros, for about 10 minutes

Recording 1, 0:14:00 – 0:41:30

After Bill was finished, Phil Ruhle said that we've been told the VMS has a lot of complexity, but it wasn't designed for safety. He continued that VMS was sold or promoted as a safety device. Frameworks 42 and 17 added too much complexity, but we were told by NMFS that they could handle it. VMS can be used to handle lots of problems, and it must be developed. Bill Semrau asked who promoted VMS as a safety device, and was told it was the Coast Guard. Bill added that, although VMS is a tool available to the Coast Guard, it is not monitored 24/7. **He indicated that, in the case of the Boatracs VMS unit, the VMS signal initiated by the optional panic button doesn't go directly to the Coast Guard, but to Boatracs only.** What happens then depends on what the owner pre-determines.

Gene Martin stated that for the 17 years that he's sat on the Council, NOAA never promoted VMS for safety purposes, but he said it could help. Phil Ruhle replied (inaudible) ...that safety was mentioned.

Capt. Joe McGuinness said VMS is a great tool. He described a recent case where the EPIRB went off, but when the owner was contacted he said the boat was not at sea. However, USCG used three VMS positions to locate and save two people out of the life raft; the boat was just out of port. Joe re-emphasized the order of importance of safety devices as:

1. EPIRB
2. Radio
3. VMS

Mike Leary (inaudible)

Rodney Avila agreed with both Joe and Gene that the VMS was not promoted but mentioned as a safety device.

Mike Leary commented that Bill would touch on trip stitching.

Jim Kendall wanted to comment, before the trip stitching discussion. A Boatracs representative, he said he did promote VMS as a safety tool. He said that at Council meetings people hear and remember bits and pieces of what is discussed. He gave an example of a boat owner with Boatracs who installed the Panic button, but didn't follow up by contacting QualCom and Boatracs to monitor it so that it would work effectively. I'd like to see it taken to the next step. He likened this to OnStar, which some cars cannot have installed and some cars have installed but not activated.

Phil Ruhle (inaudible)

Bill Semrau **commented on trip stitching which is a feature of OLE's monitoring system.** He used the last two slides of his powerpoint to show how trip fragments are stitched as a single trip if the VMS declaration code does not change and the vessel remains inside the **VMS demarcation line** for less than 4 hours. This feature is designed to accommodate vessels that clip the VMS demarc line **on a trip** or transit through the 'New Bedford **triangle**' **(the area encompassing Martha's Vineyard and Nantucket Island which is inside the VMS demarcation line).** He then showed **two** of Mike's trips that they had recently discussed concerning the unintended consequences of trip stitching. **Two trips were captured as one trip because his vessel ended the first trip and started the second trip within 4 hours under the same code.** Mike was subsequently charged 0.89 DAS instead of **0.74 DAS, or 0.15 DAS more.** **With regional office concurrence, Bill had reduced the trip stitching time to 70 minutes for general category scallop trips several months ago.**

Mike Russo asked to see the VMS cost slide, and wanted to speak about the fisherman paying for declarations. He has used SkyMate since September 2004, and has yet to make a mis-declaration. When he received the Notice to declare each trip, he was irked that he would have to pay for that transmission. That will add 130 to 160 emails per year in declarations. NMFS should pay for these declarations. He's been diligent about using the proper codes, and doesn't feel it's right for any fisherman to pay for mistakes by a few. Understanding that VMS was just made mandatory last fall, you're going to have a rush of problems. This is going to add a lot of characters per month for any day fisherman, for any fisherman for that matter. Just bringing his boat from Harwich to Chatham he had to declare DOF, and that's going on his bill. He has no problem declaring every day, and thinks that it's just a matter of fishermen getting use to it. Because he holds 1B scallop and multispecies permits, he has to pay for polling every half hour. Mike said he is paying a lot of money per month for requirements that he doesn't see as that necessary, and would like to see being polled for the fishery you're in, also.

Rodney Avila questioned Bill Semrau about reducing the trip stitching time for General Category scallops from 4 hours to 70 minutes, but these boats now must wait 24 hours ... or the next calendar day to begin their next fishing trip. **Bill replied that he changed trip stitching to 70 minutes several months ago when vessels were landing and sailing within a few hours and before the agency clarified the regs by permit holder letter. The change was done to get a more accurate accounting of access area trips.** Rodney said that it must be made clear to General Category boats that they now cannot sail until the next calendar day, because this trip stitching example implies that they could leave for their next fishing trip in 70 minutes. ¹

(inaudible)

Recording 1, 1:05:50

Bill Semrau addressed Mike Russo's comments concerning declaration costs. SkyMate **charges a set rate for each 1,000 characters** after you exceed the maximum number of characters per month **on your plan. Declarations are 84 characters and the cost is 12 to 17 cents per declaration depending on the plan.** However, SkyMate charges only one-way for these transmissions, whereas Boatracs charges both ways **(declaration, and approval or rejection acknowledgement).** Mike Russo responded that, regardless of the cost, the fishermen are bearing the cost ... (inaudible).

Phil Ruhle (inaudible)... you say 84 characters? Bill replied that a declaration is pretty brief, but it does include the position. (inaudible) He said Boatracs costs about 50 to 59 cents per declaration, and is different from SkyMate in calculating characters. Plus, there is an acceptance charge of 96 cents, and a rejection (of the declaration) charge of \$1.81. Thus, the maximum cost per **declaration/ acknowledgement** is \$2.40 and the minimum is about \$1.55, for Boatracs.

Recording 1, 1:12:00 low or no sound

Dave Goethal asked if we were discussing declarations now. Like Mike Russo, he has a serious problem with declarations. He said that it is hard, if not impossible, to start a frozen computer, so fishermen cannot declare in the cold. They cannot leave the computer running because they do not have shore power. It is the same situation in central and eastern Maine (in addition to western Maine), for about 3 to 4 months. Acknowledgements are also a problem; one may be 11 seconds, while another is 3 or 4 hours. This is unacceptable for a day boat, as we cannot wait from 4 a.m. to 8 a.m. to start our fishing trip. There is no reason, legal or otherwise, for this trip-by-trip declaration requirement. Framework 42 (groundfish), apparently, requires this for the

¹ **Since the meeting, OLE wants to remind industry that NE regs prohibit a general category vessel from fishing for, possessing, or landing scallops on more than one trip per calendar day. A permit holder clarifying the regulatory requirement was sent on March 27, 2007. Owners are cautioned that the trip stitching rule change to 70 minutes for general category trips will only make it more evident to enforcement when vessels sail again shortly after landing**

differential DAS program, but it now applies to everything. ... I'm being DOF'd (declare out of fishery) to death. Fishermen should be able to declare in to a fishery (once) until they declare in to another fishery, and require the declaration. This policy, now, is unworkable.

Rodney Avila asked Dave if most of the day boats carried a laptop or a fixed computer. Dave answered that he has a laptop, but it is mounted under the dash with screws. He cannot transport it to and from the vessel because of potential salt damage, plus plugs.

Dave Goethal said that he has SkyMate, but was told by Carl Bouchard that Boatracs takes time to start in the cold, too.

Mike Russo questioned whether there would be more errors expected with people declaring each trip. Bill Semrau said that was very possible. **Mike** said to go back to one declaration (per fishery), and that it's not the money but everyone paying for a few people's errors.

Sue Murphy addressed the March 7th compliance guide that required trip-by-trip declarations. **She said that some people were relying on their last VMS code and were not changing this code when starting a new trip to fish in a different area. Incorrect codes are very problematic for the various programs that need to be monitored (quota monitoring, differential DAS, numbers of trips, etc.). NMFS sent out a permit holder letter to address this concern since the agency believes that the regulations require fishermen to declare a new trip via VMS prior to each trip. Nevertheless, NMFS is currently looking at other ways to achieve their purpose of having industry confirm the correct VMS code before leaving port that would be less burdensome to the industry. One possibility would be to display the last VMS code submitted on the VMS screen and have the captain select yes/no. She also commented that fishermen don't have to wait for a VMS acknowledgement, although OLE recommends that they do because of incorrect code input.**

Jim Kendall, a New Bedford seafood consultant, relayed a situation when a boat made a declaration but missed seeing the acknowledgement, which was sent within three minutes. This vessel waited six hours before calling Jim, who resolved it in 4 to 5 minutes with Boatracs. What happens, he asked, if a declaration is denied, but the fisherman doesn't receive his acknowledgement to that effect and goes out to sea anyway. Sue Murphy replied that the regulations require that that vessel return to port, but that **OLE's current policy** allows a vessel to come **inside** the demarc area the first time and into port **for additional incorrect declarations**. Jim thought it reasonable that the vessel go inside the demarc line, rather than into port, the first time. He also wished to thank Linda Galvin of the VMS Team for her help in the situation mentioned above.

Phil Ruhle said that there is not an easy fix to the trip-by-trip declaration issue. He relayed the case where a large VMS boat didn't change its herring code. The vessel was notified, by phone, at its home office on shore, but that message was never relayed to the boat. Then, the boat was 300 miles offshore and finally notified that it must go into the Demarcation zone, which cost 20,000 to 30,000 dollars as he was 12 hours away from the zone with 15 men. Phil felt that that was kind of expensive for a little change in declaration code, and that another solution is necessary.

Sue Murphy answered that vessels are required to declare before each trip. The regulations say, for the US/Canada area, to declare prior to leaving the dock. Phil responded that the VMS system must be made more user friendly. Sue said NMFS is looking into that. They are working with OLE.

Recording 1, 1:28:53

Rodney Avila said that he was sure that Henry Ford didn't put a spare tire in the first Ford he built.

Bruce Gibbs, a fisherman from Chatham and owner of the Atlantic Queen, was there to address the new VMS rules. But on this issue, he wanted to know the reason for going back to the dock, and why the fisherman cannot change the code at sea on the phone or whatever. Sue Murphy replied that it was an enforcement issue, and described Gloucester boats that sail between their port and Provincetown, making it unclear to OLE whether or not they are fishing between these two ports when they shouldn't have been. Bruce asked if that could be checked at the dock, and isn't that the purpose of the VMS system to know that they're landing. He stated that the fishermen are paying for a pound of cure, rather than an ounce of prevention. He said although he voted for it (VMS) he hates it. Enforcement says they need it (VMS) to enforce all the issues, but it's (enforcement) not getting done as it should. All the money from fines should go to enforcement, and use the VMS and that capability to do the job right. Too many wrists are getting slapped, rather than nailing the guys who are creating the problem. He scalloped for 30 years, and he's seen nothing but more complicated (rules) and the foxes are still watching the hen house. The honest guy is getting pushed right out of the picture, because he obeys the rules, and it's really sad.

Rodney Avila asked Bill Semrau if he wanted to ask Bruce any questions about landing once in a 24 hour period.

Bruce Gibbs had spoken to Bill, and went on to the issue of sailing after 24 hours. He said the General Category boats could only land 400 pounds per day, so why handcuff them in these other ways? He questioned why they had to sit and wait until the next calendar day, while the weather may be good, and encouraged that 400 pounds per day be enforced. He thought the issue arose from the southern areas [specifically problems in the Elephant Trunk area]. He said there is no adventure in

fishing anymore, but that it's become a prison and the fishery is going in the wrong way. He thought that guys who obey the rules are paying for the crooks.

Mike Leary said that the General Category (scallop) rule is the opposite of Multispecies, that it's a calendar day.

(inaudible) ... one trip in 24 hours ... calendar day ...

Chuck Juliand thought it was a calendar day. It sounds like if you land at 11 p.m. on one calendar day, then you can sail at 4 a.m. the next morning, so you've got to be careful.

[there was much confusion and discussion about whether the rule was 24 hours or a calendar day]

Sue Murphy said that it is a calendar day. If you land at 1 o'clock in the morning, then you cannot go again until the next calendar day. She added that **the Council may want to consider** changing this rule back to the way it **was recently enforced**, and that it is worth discussing here.

Gene Martin said the calendar day was a policy issue, although it has some enforcement implications. He thought that it is appropriate for the scallop committee to discuss this change, but the enforcement committee is not technically making recommendations on policy.

Phil Ruhle said that a motion should be made to the scallop committee (inaudible). ...and the scallop committee should make recommendations one way or the other. ...

Sue Murphy clarified the issue saying that, previously, **OLE enforced this provision whereby you couldn't land more than one trip per day. The March 27th permit holder letter clarified that you cannot fish more than once per day, which is how the measure is written in the regulations.**

Phil Ruhle thought that this becomes a VMS issue, because if it weren't, then the same language should apply for squid. He said the problem was created by the VMS requirements.

Rodney Avila reiterated Phil's remarks that the regulations should be consistent.

Sue Murphy responded that she didn't think it was a VMS issue, but the details of the scallop regulations.

Rodney Avila agreed with Sue that it had to go back to the scallop committee, to change their regulations.

Bruce Gibbs described cutting his trip way short because of this new rule. He had only 275 pounds of scallops, but had to race home before midnight. He said it will force them to fish in bad weather. He said that you cannot take the fishery and cut it in half by making fishermen wait one day in between each day trip. This will force him to go fishing every other day. He said that sometimes the day is half over before he fishes, because of steaming time, and he can barely make it now if everything goes well.

Mike Leary asked what is a day or a trip. We know what 24 hours is. Why isn't it consistent with multispecies, one landing every 24 hours. He thought it was a safety issue.

Phil Ruhle moved to send the issue back to the scallop committee; the issue of declaration and not being able to leave within one calendar day. Rodney Avila wanted to incorporate some safety issues. Phil agreed to write a motion while the discussion continued.

Recording 1, 1:46:50

Dave Goethal made several points. First, declarations are not monitored on weekends, and we need 24/7 coverage. Second, declaration is undoable in cold weather must be addressed. Third, are we monitoring the good guys or the crooks? OLE should call the Coast Guard and arrest the guy who is in the wrong area, after observing that a boat declared in eastern Georges and is actually in the Gulf of Maine. If you fine the guy for pushing the wrong button, he won't make that mistake again. I agree with the gentleman who said that declaring 180 times versus 12 times a year magnifies the problem. Fourth, day boats all go out and return at the same time, so when these things (VMS) are busy the system slows down to a crawl. I was out one day near the end of the year and there were hardly any boats on the ocean, yet my transmission took 22 minutes. You put hundreds of boats out there, and I can see boats waiting 5 or 6 hours to get a confirmation. That may be acceptable to trip boats, but it is not acceptable to day boats. Last, concerning the clock and 24 hours, a weather window doesn't wait. This winter, we've had real short windows. I came in March 31st, because, rolling closures, end of groundfish for us. April 1st was nice and I'm sitting at the dock, but the next seven days the wind's blowing all the time. I've been out one day since April 1st. We should have them (fishermen) out when the weather is good.

Mike Leary said there are boats, with gear types, that never leave an area. There's 350 out of 536 groundfish boats that go to the same area. Before, the technician set up the VMS for these guys, and the code stayed the same (it was coded in the VMS). Now, they have to buy a laptop to change the code every day². The captains can't read, and the owner is incapable of comprehending the regulations. Before, if you were in the wrong area, an enforcement action was taken. All of a sudden that's stopped. Sue Murphy **stated that NMFS is considering alternative reporting**

² **To have a fully operational SkyMate unit, a PC such as a laptop must be connected to the VMS)**

mechanisms to make this easier for the public and, such as a Letter of Authorization to stay in the same area/gear for the year, but that **may involve** a change to the regulations.

The committee then took a ten minute break to caucus around the motion.

Recording 1, 2:17:40

Vendor Safety Feature Presentations

Charlie Natoli presented the Thrane & Thrane safety features of their EVMS (see attachment?) using the INMARSAT-C network. Their Distress button system is a non-SOLAS (safety of life at sea) maritime distress system, for vessels less than 300 tons that carry less than 13 passengers. They have a Distress button, a physical button, and also an EasyMail Distress message editor, on the VMS screen, into which the fisherman can type a distress message. GMDSS (Global Maritime Distress and Safety System), an integral part of the SOLAS system, operates in all four ocean regions, and transmissions are quick because it uses a 2-digit code. The Distress button must be pressed for 5 seconds, and indicator lights show that the message has been sent and received. SafetyNet messages are no cost. A Distress button transmission goes instantly to the USCG, and then the MRCC (Maritime Rescue Coordination Center) broadcasts to all distress systems, as well as phone number contacts. Inadvertant distress signals must be reported directly to the Coast Guard, not to Thrane & Thrane. To qualify as non-SOLAS, GMDSS, INMARSAT-C, the unit must be, and is, 99.8 percent reliable.

Charlie then answered two questions that had come up in previous discussions. First, the EVMS Distress button system does not replace ERIRB or radio, but was designed to do so. It is not a Panic button, but a dedicated Distress button with a dedicated channel. Second, activation of this system is required upon installation.

Rodney Avila asked Charlie if Thrane & Thrane plans on an outreach program. Charlie said that he personally has, and is responsible for, a one-on-one relationship with customers. [although only 22 T&T units are operating in the Northeast, there are hundreds in the Southeast]

Harriet Didriksen asked, on the boat, how do you know that it's really working? Charlie responded that the fisherman must know if the transceiver is working and is connected to the satellite. Distress button failure results in a pop-up window on the EVMS screen, or the fisherman can check with the link-test feature. Harriet asked what the fisherman can do while at sea, if one of these systems fail? Charlie indicated that there are no moving parts to the system, but the LCD will freeze in cold weather. He recommended that fishermen run the link-test each time they leave port. Harriet also asked about the connection to the satellite. Charlie explained that there are GPS satellites and T&T satellites out in space, and you must have a connection to both for the test to succeed. Harriet continued, questioning the effects of salt, etc.

Charlie replied that the EVMS is built for the marine environment. Harriet finally asked how long is the antennae's expected life? Charlie said that the terminals are designed to last 32 years, with a failure rate of 1 in 500.

Next, Mark O'Brien presented the Faria safety features (see attachment?). In February, Faria Watch-Dog was approved for all fisheries in the US, except the Northeast. [Faria is awaiting approval of its VMS for use in the Northeast] Faria Watch-Dog VMS is built for boats from 19 to 100 feet, uses the Iridium satellite network (there are 66 in space) and a 16 channel GPS, and GSM cell phone (GPRS data service) system. The boat owner sees a web-page on the VMS screen. Optionally, the customer chooses 4 phone numbers and email addresses, which receive notification when a distress signal is issued (by pressing and holding the H button), such as low battery or assistance needed. The distress signal for help is sent via both systems, Iridium and ATT networks. This typically takes 30 seconds; less than 15 seconds for emails to be sent and less than 2 minutes for the phone numbers to be dialed. The boat owner, as well as the web page, receives notice that the emails and phone calls are sent. The contacts decide to whom to relay the help message.

Mike Leary asked if the GPS is line-of-sight, that is, 15 miles. Mark replied yes, it is, but there are power boosters that will give you 35 miles.

Phil Ruhle questioned both vendors, asking if their software was interactive to lead the users through their safety procedures. Mark said that he had set up a Watch-Dog demo unit in the back of the room and could show how it works, using their touch-screen. Bill Semrau answered that the forms and declarations are the same for both Faria and Thrane & Thrane. Mark said the Pacific region is much more mature as far as VMS is concerned, for instance, Australia has run for 12 years, however they were impressed with forms-based and touch-screens in the Northeast.

Lou Goodreau asked about providing contacts. Mark replied that it is optional, but the installers press the issue with the owners. Faria was going to require it, but it seemed there were enough regulations for the fishermen. Rodney Avila responded that we could always use one more.

Harriet Didriksen asked Mark if the Faria system is linked to the USCG, or do they notify them when they receive a distress signal? Mark said the help message notification is sent to the 4 phone numbers and email addresses that the owner has selected. Harriet responded that they need numbers that will respond, and that the Coast Guard needs to monitor it 24 hours a day. Mark said that Faria provides the boat name, latitude and longitude, and time and date when a help message is sent, and it is then up to the contacts to decide what to do with it.

Harriet Didriksen stated that the Coast Guard must come up with a number to which these calls can be received and have it operating around the clock.

Joe McGuiness indicated that the committee was in the process of putting together emergency contact numbers. However, the fishermen and the fishermen's shore support must understand how their system works, get it set up, and test it out. These technologies are all different (vendor) systems, although they may sound the same. There are four people on duty 24/7 at the MRCC, our First District Command Center.

Mark O'Brien asked Joe what the Coast Guard does if they are notified with an emergency notification, with latitude and longitude, through Faria's system. Joe replied that the Coast Guard contacts Faria to establish communications with the vessel. Mark said he could give the Coast Guard their email address, but asked what USCG would do if the boat was going down. He wanted to know what the suppliers should tell their customers. Joe said the Coast Guard would start a search and rescue case based on the information they have. Both systems looked at today require the vessel master to a) decide he's in trouble, and b) act on it, so it's the same thought process as going out and turning your ERIRB on. Even if it's the last bit of information we get, we're going to send somebody, but we're not going to be there in ten minutes. It's important not to give that false impression. There's at least 20 minutes of mission planning before the helo gets airborne, and for most of our folks (up here in New England) maybe an hour of flight to get there. So, you can't buy any one of these systems and have the Coast Guard there in ten minutes, but of course we're going act on that information.

Joe McGuiness asked Harriet Didriksen if he had answered her question. Harriet said that they (USCG) would get the lat and lon and somebody would get there, and that's the important thing. Joe added that there will be protocols, starting with verifying that it is an actual distress. Harriet replied that time is important, and that a direct line is better than a series of phone calls. Rodney Avila stated that it is going to be as fast as any system that's out there, as fast as EPIRB. You're going to start your search and rescue, you're going to follow the protocols we have. The Coast Guard must have its protocols such as contacting the owner or the vessel, verifying the distress, and then going into search and rescue mode.

Joe McGuiness explained that, with the most of the electronic systems out there, there are a lot of false alarms. So, we have to go through the protocols to verify that there is a distress, but if we cannot verify that there is not a distress, we will go. This is based on a lot of experience and for good reason.

The committee took a break to see a demonstration of the Faria unit in the back of the room.

End recording 1
Start recording 2

VMS motions

Mike Leary moved, and Phil Ruhle seconded:

1. The committee recommends to the Scallop committee that the landing and declaration issue be addressed to be consistent with multispecies regulations and other fisheries regulations, one landing in a 24 hour period, as the committee has concerns of this leading to unsafe fishing practices. The motion was approved, by roll call, with three yes votes (Leary, Ruhle, Jensen) and three abstentions (Semrau, McGuinness, Murphy).

Bill Semrau said **VMS team** can track when a trip is across the demarc line, and the agents can track when it's landed. **And, there are 2 upcoming scallop actions that could address this issue.** One is amendment 11, in which this may be changed. Rodney Avila clarified that this recommendation was going directly to the scallop committee.

Phil Ruhle asked for roll call votes, because there had been discussion about the abstentions during Council meeting debates.

Recording 2, 0:8:19

Rodney Avila had the Emergency Contact List When Requesting Safe Harbor passed around the meeting. Some vessels do not know who to call, when the boat needs safe harbor because of weather or trip limits of other states. Boats couldn't get to Virginia because of the weather, so they asked to come into RI and MA. They were making phone calls on their own and not getting answers, and quite a bit of fish would have had to be discarded just to be safe. So we (the committee) started this Safe Harbor provision. Rodney thought a laminated card that could be hung in the wheelhouse with access to all skippers would be useful. This would show the calling priorities: radio USCG by VHF or single-side band, then call the 800 numbers. The purpose is to come in under adverse conditions, not to offload, but just to get out of the weather. We (the committee) then went on to the states, the problem being they couldn't use cell phones because the weather was so bad. So, we thought they could notify the Coast Guard and then, when they arrived, NMFS and the state in whose waters they (anchor). They have product on board, they're in because of the weather, and they're not going to offload. A follow up phone call should be made to that same agency when you're leaving.

Phil Ruhle said that it was good to get the list out, but asked how should it be distributed to fishermen? Rodney suggested sending it like a Permit Holder letter, or distributing it by hand. Phil said a letter explaining the procedure for Safe Harbor was needed, also. Rodney agreed with Phil. Joe McGuinness suggested having a flow chart showing this procedure printed on the back of the card.

Mark O'Brian thought that email addresses should also be on the card. (not everyone has email...) Rodney Avila said that all boats have VHF or single-side band, and could call when in; VMS could be used to send the emails. The only 24/7 operation he knew was USCG. (inaudible)

Jim Kendall said that the hours of operation for each phone number should be listed as well. Lou Goodreau responded that the hours were already on the card, where applicable, next to the contact person, but may need to be made more obvious.

Rodney Avila said it was important that fishermen realize to start making contacts from the top of the card, and work their way down. In that way, they would first contact the Coast Guard, then NMFS, and finally the particular state but not all the states.

Gene Martin stated that Massachusetts officials cannot exempt boats from federal regulations for safe harbor; only USCG and OLE can do that. (call the Coast Guard first) Rodney Avila responded that most of these (problem areas) are state possession limits. Gene asked do you only have to call the Coast Guard ... (several people talking at once) ... he thought that the procedure had to be spelled out. As Phil said, it's on a case-by-case basis, and if you have too much fish for the DAS, you're going to be in violation unless you contact the appropriate authority to come in for safe harbor purposes. This really needs to be carefully explained, it is a case-by-case authorization, and can only apply to federal rules by federal enforcement agents [does this include deputized state agents]. Rodney replied that that was the problem, when federal agents cannot be contacted sometimes, and reiterated the procedure he illustrated above.

Gene Martin didn't realize that the committee was just starting to develop this procedure. Joe McGuinness said the committee started by getting these emergency numbers, there is this perception that regulations are keeping people at sea, ... and will now work out the process. Gene said this procedure was worked out in Gloucester. Joe said he appreciated Gene's caution.

Recording 2; no sound 0:19:29 to 0:21:45

Joe said that they (USCG) don't want to keep people at sea in dangerous conditions. He said that OLE should provide the process, and the Coast Guard will corroborate it. Chuck Juliand agreed with Captain McGuinness, but added that we don't want to give the false impression that calling in for Safe Harbor means the fisherman is exempt from possession regulations. He has dealt with 3 or 4 of these situations for GCNE. If fishermen call them (GCNE), or call the Coast Guard first and then them, GCNE will work with the fisherman. Chuck was worried that, every time it blows, fishermen with too much fish will call in and land, but he also said that safety was the first thing (concern).

Rodney Avila exclaimed that this contact list has to be out there in public. He described the situation with 3 boats with Portuguese captains. Two went inshore for safety by calling the Coast Guard and NMFS to get permission, an agent met them at the dock to confirm their locked holds, and they called when they left. Unfortunately, the other one did not because he exceeded the Massachusetts fluke limit (but not the

Virginia fluke limit, where he intended to land), went down to Virginia in 60-70 mph winds and was almost lost. He didn't know he could call. We want to give people a procedure to follow.

Recording 2; 0:25:10 no sound to 0:28:28

Phil Ruhle wanted people to understand that the committee wants these emergency numbers, and must now develop procedures. He emphasized that fishermen must contact the Coast Guard first in order to establish a record.

Harriet Didriksen asked NMFS if they had a system now, and where is it? She was told that it is now on a case-by-case basis. She went on to describe a situation when President Clinton made a declaration of relief during a hurricane and some scallopers got their DAS back, but some did not and that's how the case-by-case worked. The fluke license is state-by-state, I understand that. You can call the Coast Guard first, and then call NMFS, but there is not 24 hour coverage. So, you should email NMFS. If there is truly a safety situation, then they have to come in. She said this process needs work. Rodney Avila replied that that is what the committee is trying to do now.

Sue Murphy explained that each safe harbor situation is handled case-by-case, **and relayed that the vessel would likely not be issued a violation but that the fish will likely be confiscated in most cases. She did not recall if DAS had ever been restored under these circumstances.**

Jim Kendall said he was not sure where we're (the committee) going, but he knew what the intent was. He told Sue Murphy that, although she is familiar with the regulations, a boat notifying for an emergency reason ... He gave an example where a boat caught too much, for the DAS it had. This boat then had a breakdown, and was told that it could not return to port with more than one day's overage; that they'd have to discard. So, he anchored and waited (until its accumulated DAS matched his catch). Jim asked why wasn't this boat allowed to dock, and let the clock run? If he discards 2000 fish, he'll catch 2000 more (and double the mortality). These regulations were originally written to conserve the resource, not punish the fishermen. We need to have a balance.

Sue Murphy explained that **the regulations were written this way at one time, but the Groundfish Committee and Council decided to change this to allow the clock to run only one day because people were calling into the DAS program and sitting at the dock for several days before heading out to fish so that they could catch the trip limit in one day, contrary to the intent of the regulations.**

Rodney Avila stated that he and Jim Kendall have to call the relatives of lost fishermen in New Bedford, and he wants to prevent that and not put anyone at risk.

Recording 2; no sound at 0:38:00

Phil Ruhle said that it always comes back to the fisherman (to change), and that some regulations are asinine and must be changed.

Rodney Avila agreed with Phil that it's the almighty dollar, and one person is making the decision for 3 or 4 more. He said the contact list was a work in progress, and that the committee just wants to make this system work.

Phil Ruhle took exception to the case-by-case approach. Rodney Avila responded that GCNE can help the committee to craft this. Gene Martin questioned what the committee is supposed to do. Rodney explained that it is reviewing regulations that are unsafe, and address them. Gene asked where it goes next; what's the next step?

Recording 2, no sound to 0:41:30

Lou Goodreau asked GCNE if they wanted to distribute the phone number and email address lists, in general, so fishermen had this information.

Phil Ruhle said that, no, the procedures are needed as well.

Jim Kendall thought that a working group should be formed to develop the Safe Harbor options, or ask Congressman Frank get something together.

Rodney Avila recommended to scratch Safe Harbor from the card, and just distribute the numbers. He referred to his earlier example, because those fishermen didn't know who or what number to call.

Joe McGuiness said that there are some people who think they have to stay out there. The committee has done the easy part of collecting the phone numbers, and now NMFS needs to develop a process. ... He recommended to: call the Coast Guard first, call NMFS next, and finally, if all else fails, just come in!

Sue Murphy said that there are all kinds of different **safety-related situations and stated that this list of emergency phone numbers should be used for any safety-related event (rather than just specific to safe harbor). She suggested that this list could go out to permit holders** with a cover letter on how to use it, **giving examples**. Rodney Avila agreed that he just wanted it out for people to use, case-by-case.

Phil Ruhle moved, and Mike Leary seconded:

2. The committee recommends that the Council request OLE draft a list of concerns and recommendations to establish a protocol for safe harbor. The motion was approved, by roll call, with three yes votes (Jensen, Ruhle, Leary) and three abstentions (Murphy, McGuiness, Semrau).

Recording 2; 0:48:35 fifteen minute break

Rodney Avila asked the committee if it was willing to take Safe Harbor out, and just put the emergency contacts and go case-by-case? Phil Ruhle said no, he wanted OLE to develop a protocol...

Jim Kendall couldn't remember if it was a consensus or a vote, but he could remember that it wasn't easy, to get a process for broken trips. But he recommended that the committee not put away Safe Harbor just because it's difficult.

Mike Leary moved, and Phil Ruhle seconded:

The committee recommends that the Council ask NMFS to re-evaluate, and report back to the Council, the VMS declaration requirement prior to leaving port and how it can be changed.

This motion was withdrawn.

Sue Murphy stated that the declaration per trip requirement is in the regulations. She said that NMFS is looking at it, and will come back to the Council with recommendations to change the regulations. She referred again to problems with the legacy code; that is, people forgetting to change it. (inaudible)

Gene Martin didn't remember the part of the FMP requiring a declaration for every trip, but he said requiring VMS codes and how they're entered was not an enforcement or safety issue and not under the purview of this committee. Rodney Avila said that then the Council could take it up, and Mike Leary and Dave Goethal said they would do so. Mike Leary responded that he remembered the vote was in Portland, but he did not recall anything about changing the code every day. He said that was written into the regulations (by NMFS). Dave Goethal explained, referencing 2 pages from Tom Nies, there was no explicit vote on this issue, but the Differential DAS program required a VMS code for each trip which inadvertently changed it in general. Dave recommended that the committee ask the Council to change Multispecies requirements to be consistent with other plans, unless fishing in the differential area. He went on to explain how confusing it was, and so it must be rectified. He thought daily coding would not solve the problems of people not being able to read, or run a computer. Some have agents or dealers fill out their logbooks, and some have technicians set up their computers, for example, to use only one code.

Phil Ruhle moved, and Mike Leary seconded:

3. The committee recommends that the Council request that NMFS develop an updated, more user friendly, VMS system, with consideration given to addressing issues that would allow easing regulations that are inconsistent or duplicative, and that would allow for reporting requirements to increase industry flexibility and

administrative ease. The motion was approved with three yes votes, 0 no votes, and three abstentions.

(inaudible)

Rodney Avila asked Bill Semrau if this, what's asked in the motion above, can be done? Bill answered that it would be very difficult. He said that VMS requirements are applied to the vendors and that's all they have to support, but they do have problems. [...] then asked Bill if a vendor could be dropped? Bill said yes, and that OLE was aware of certain problems...and NMFS has been putting pressure on the vendor.

Phil Ruhle stated that he wanted to start this process...(inaudible)

Phil Ruhle moved, and Mike Leary seconded:

4. The committee recommends that the Council request NMFS to establish a declaration that would allow vessels to transit closed areas with minimal gear stowage requirements, as the gear stowage requirements create serious safety concerns. The motion was approved with two yes votes, one no vote, and three abstentions.

Gene Martin asked the committee to tell GCNE what it (the gear stowage requirements) should be, and what's too burdensome. Phil Ruhle replied ... disengaging wires, pulling up the doors, ... Gene said that GCNE had already gotten a request of this nature; he had looked at it last Friday. Rodney Avila advised draft up the specifics and then send them forward.

Sue Murphy said that Andy Cohen (OLE) and others are pretty strong on not changing the current gear stowage rules. If fishermen are having problems with that, they should call NMFS on a case-by-case basis. Phil Ruhle had talked to Andy Cohen too, and ...that's just an Albatross, he's not fishing. Chuck Juliand asked how we know he's not fishing?

Rodney Avila asked Joe McGuiness if the Coast Guard, in hard weather and at night, can detect if there is a tarp on the gear? Joe answered maybe, maybe not, but usually you can tell when the gear is up except in certain cases like fog.

Jim Kendall reminded everyone that calling the Coast Guard just indicates that you contacted them, but they may not give you an answer because they have to contact NMFS to. Joe McGuiness responded that the only advantage to calling the Coast Guard, if you cannot contact NMFS, is you establish a record. He went on to describe the latest USCG boardings: out of 195 there were only 3 fishery violations but safety was only 93% and three vessels were sent home. He said that two boats were lost (Creole Belle; Luke n Judy). Joe had Ryan Hamel pass around the new 8 kg weight used for mesh measures. He relayed the results of recent listening sessions

held by Congressman Frank: no consensus on using VMS or stability tests for safety purposes, consensus for English lessons for fishermen and voluntary safety training. Joe added that fishing vessels do need at least one English-speaker on board. With respect to turtle-chain measurement, he said there are no big safety issues, as USCG have not hung the gear for measurement but have put it flat on the deck.

Phil Ruhle asked how the Coast Guard measures a scallop dredge flat? Joe McGuinness replied that they can get through the twine top to the turtle-chains, and that if the conditions are such that they cannot then the conditions are such that they would not board the vessel in the first place.

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Phil Ruhle moved, and Mike Leary seconded:

5. The committee unanimously approves the minutes from its February 6, 2007 meeting.

Recording 2; inaudible until near end at 1:45:40

Enforcement analysis

Rodney Avila suggested, having just received the enforcement analysis for scallop amendment 11, that the committee members read it over the next two days and prepare to give their comments to the Council directly.

The meeting was adjourned.