SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

JOINT LAW ENFORCEMENT COMMITTEE & ADVISORY PANEL

Sea Palms Resort and Conference Center
St. Simons Island, GA

March 8, 2011

SUMMARY MINUTES

Law Enforcement Committee

George Geiger, Chair
Robert Boyles
Ben Hartig
Mac Currin, Vice-Chair
Duane Harris
LTJG Matthew Lam

Law Enforcement Advisory Panel

Capt. Chisolm Frampton, Chair
Capt. Doug Lewis
Otha Easley
Mike Kennedy
Karen Antrim Raine
Capt. Jim Kelley, Vice-Chair
John Clark
Lt. Brandon Fisher
Maj. Brett Norton
Mark Rogers

Council Members

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Tom Burgess
Doug Haymans
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Mark Robson
Dr. Brian Cheuvront
Dr. Roy Crabtree
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Mike Collins
Dr. Kari MacLauchlin
Kim Iverson
Anna Martin
John Carmichael
Dr. Mike Errigo
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Kate Quigley
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Observers/Participants:

Dr. Bonnie Ponwith
Pat O'Shaughnessy
Jessica McCawley
Monica Smit-Brunello
Bob Gill
Rob Baiton

Other Participants Attached

The Law Enforcement Committee and Law Enforcement Advisory Panel of the South Atlantic Fishery Management Council convened jointly in the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, March 8, 2011, and was called to order 8:30 o'clock a.m. by Chairman George Geiger.

MR. GEIGER: I'd like to call to order the Law Enforcement Committee and Law Enforcement AP for the South Atlantic Fishery Management Council. I'd like to welcome the AP members who met yesterday concurrent with the council meeting. We appreciate you guys being here and we certainly appreciate all you do for law enforcement of the regulations that we imposed.

Before we get too far into it, I'd like to recognize two new members, John Clark and Mark Rogers. John is from Florida and Mark Rogers is from South Carolina. We appreciate your service and your efforts to help us with our deliberations. We're meeting jointly as a committee and the AP. Chisolm is the chairman of the AP; and what we'll do, Chisolm, if it's okay with you we'll just go ahead and pass it back and forth as we've done in the past.

What I'd like to do is go ahead and get the committee to approve the agenda and the minutes. Are there any changes, objections or any corrections to the minutes or the agenda? Seeing none, those are approved.

CAPTAIN FRAMPTON: From the AP, are there any changes or amendments? The agenda is approved and the minutes.

MR. GEIGER: The agenda and the minutes are approved for the committee and the AP. Okay, I'll turn it over to Chisolm and you can give us a report on your meeting yesterday.

CAPTAIN FRAMPTON: We started off yesterday talking about the comprehensive ecosystem, and one thing we came up with was that the requirement should be the same between the Gulf and the South Atlantic so that people in the Keys would – there wouldn't be any confusion down there. Another item that came up on that that law enforcement had a problem with or could see a problem with was the freeboard height determination and how you would do that.

What we determined was that we need to come up with a set way or a set definition before the vessel leaves the dock to have that height. To try to determine that in the ocean and whether the boat was loaded with ice, loaded with fuel or empty would pose a problem for us. The sufficient length or sufficient strength to be used to qualify the release gear, Rob Baiton, can you speak to what we said about the sufficient length or sufficient strength to be used to qualify the release gear.

MR. BAITON: We talked about in simple language sufficient length to aid in the release. The scenario that was brought up was when some person that was boarded had a net and his net was a little aquarium dip net for getting guppies out of your one-gallon fishbowl. We could easily I think photograph an officer at the gunnel if the device isn't long enough and take a photo of it.

I think any court or any attorney would – if he's got eight foot of freeboard and a three-foot dehooker, that's obviously not sufficient. But if the officer, with the grip at the gunnel and it hits

the water surface, that would be considered sufficient. It's very difficult – especially we talked also about the conflict between Gulf and Atlantic. If you use language that can be used for both, I think that would be beneficial.

CAPTAIN FRAMPTON: The next three all really could be grouped together – and I covered it just a second ago – but the language should be clear and the definition of freeboard and how we're going to measure it should be put in there. The last one was that Florida Law Enforcement wants to support state management of the octocoral fishery. Brett or Rob, do you want to comment on that?

Okay, we talked about the black sea bass bag limit analysis, and I believe in Florida you have a Friday, Saturday, Sunday fishery. We talked about that some, but there could be some issues in that when you talk about charterboats going out for more than a 24-hour charter trip or when that trip starts and when they would come back and how we would work bag limits on that if we did. We would need to be specific when that starts.

In Regulatory Amendment 9, it could be difficult. When you talk about weight versus numbers, it can create a challenge in law enforcement. I don't know how we would weigh fish out there or guesstimate fish weight out there, but doing simple fish counts will work. We also talked about a concern with projecting the landings to implement the reduction in how a charterboat fisherman or somebody would be able to know what they had. We do that now. We didn't think that would be a huge problem but it was something that we ought to look at. Anybody from the AP want to comment on our conversation on that?

And the Comprehensive Catch Limits Amendment, we went through those. We didn't go through every one in detail, but before anything else goes on with them or once you review them, we'd like to go back through them again just to make sure that we've looked at all of it and looked at any kind of changes that may be brought up with it. I believe that concludes my report.

MR. GEIGER: Any members of the committee have any questions? Mr. Harris.

MR. HARRIS: Chisolm, the one that I was confused about was the one on the concern with projecting landings to implement reduction; I don't understand that statement.

MR. KENNEDY: The issue was the step-down. When you got to a certain percent of the limit, you would reduce the trip limits. It was a communication issue basically.

MR. GEIGER: Any other questions? I guess I have one – and I don't mean to catch you flatfooted here, but I know you had a lot to do during your meeting – have you had any informal discussions about the Law Enforcement Officer of the Year Program and where do we stand on that? Is there a plan time-wise to begin gathering the applicants and doing that deliberatory process?

MAJOR NORTON: The last we talked about it, George, was that we were going to present those nominees to this committee and then this committee would take them up to the full council.

We have not done that. I know it's one of the things that we had discussed, but I don't know that we gave ourselves a timeline on when we would do that.

Timeliness right now for Florida and I believe the other states, I'm guessing, but this is when normally we're starting to put our Officer of the Year for the Safari Club and for the other types of organizations, CCA and others, so this is actually a good time and maybe we can go back from this meeting and put them together and then have them for the June meeting; something along those lines.

MS. BROUWER: Yes, the AP, the last time we met was I believe August of last year, we put together a list of eligibility requirements that the AP received, and so we are at a stage where we still need to refine that list of eligibility requirements. That's one of the items for the next AP meeting. We just weren't going to have time to discuss that at this meeting, but it is on an agenda for a future meeting.

MR. ROBSON: Mr. Chairman, I'm not a member of this committee. Could I make sure I understand the black sea bass issue. Go back through that again one more time; are you talking about the multi-day trip issue for possession?

MR. BAITON: No, I just brought what we did in the Gulf after Deepwater Horizon, when we got extra red snapper days back, and we were talking about seasons for options for black sea bass seasons. I told the panel that it was questionable how the Friday, Saturday, Sunday fishery for those extra days that we got back for red snapper was going to work, but it got full support after it was done and over with from the charter/headboat industry, the recreational sector.

In fact, they've gone to the Gulf and would like to have our next fishing season for red snapper be on Friday, Saturday, Sundays; just more opportunity for people to get out there and enjoy the fishery. That's when we came up with the, well, how would we address the multi-day charter/headboat overnighters, when would a trip actually start if they left the dock on Thursday, that type thing.

MR. GEIGER: Anybody else? Okay, Myra, so you'll take these comments that were provided by the AP and you'll consolidate them and distribute to the appropriate staff member working on plans that have responsibility for the comments. All right, that completes the LEAP Report and I guess that brings us down to timing and tasking motion. That's right, we have a presentation on the vessel monitoring system.

MR. O'SHAUGHNESSY: Good morning. I'm Pat O'Shaughnessy, the Southeast VMS Program Manager. I was asked to give a presentation with some of the VMS usages and recent developments. The intentions were to provide a brief overview of the Southeast VMS System; provide an update on some of the enhanced mobile transmitting unit VMS systems; provide an update on some of the newer capabilities being used by law enforcement; and then some of our recent successes with the program.

The current Southeast VMS population – I won't go through all the numbers – we have five vendors that we're using across our southeast programs. Right now we have roughly 1,172. It

changes on a daily notice as people enter and depart the fisheries, but approximately 1,172 vessels are being monitored by the office in St. Pete.

The VMS Office itself, I'm the program manager. We have four technicians, one full-time employee and three VMS contractors. Those positions are actually advertised in USA Jobs right now for conversion to full-time positions. We have two technicians that handle the Gulf reef fish, which is our largest fishery, roughly 900-plus vessels, and then we have two other technicians that divide up the HMS fishery.

One covers the Atlantic and one covers the Gulf, as well one does the rock shrimp and the other does the shark directed and bottom longline. It's a five-person team monitoring those 1,173 vessels. The major fisheries we have; VMS for the HMS fishery, this depicts all the closed areas that we're monitoring throughout the year and the times that the closed areas are open or closed.

What is noted here is there is a Gloucester office. There is an office in Gloucester but we monitor the HMS fishery from Canada all the way down through the Caribbean. Our office does all the HMS fishery. Although the northern office handles all the northeast fisheries, we do the HMS fishery throughout the Gulf and the Atlantic.

VMS for the rock shrimp fishery as well – obviously, that is the Oculina Bank, but the rock shrimp vessels are required to have their VMS units on whenever they're in the South Atlantic, primarily monitoring the oculina area. The largest fishery we have with the most closed areas or HAPCs is the Gulf reef fish fishery.

This is a depiction of all of the different areas that we're monitoring throughout for the 900-plus Gulf reef fish vessels, and that's probably the one fishery that we've done the most with taking advantage of the VMS capabilities, and I'll go into a little bit more detail there when I get a little further along.

The current vessel monitoring systems, the type-approval regulations require all new VMS units to be enhanced mobile transmitting units. We used to have pinger-only units that just sent out a position and that's all they did. In 2008 they changed the requirement to enhanced mobile transmitting. That means they can receive e-mails, they can take forms on the units, and they can transmit those forms as they're developed by the different fisheries' managers or the Office of Law Enforcement.

Currently, four – there is actually five. I have four depicted here. I didn't put the last one on. It's basically a laptop computer. There are four VMS vendors that provide a variety of pricing options. I did not go into all of them because depending on the unit you choose, the vendor you choose and how you use it, your cost can change considerably.

But in summarizing they range from 3,100 to 3,800, 3,100 being the basic model; 3,800 has a lot more bells and whistles. The 3,100 model would meet any VMS requirements that are out there. Monthly usage fees, if you're just pinging only once an hour, depending on the vendor, would range between 30 and $45.00, and then there is additional costs for e-mail usage or other features that the unit may or may not have on it.

Everybody wants to know exactly what the costs are but they vary by vendor and usage, so it's very difficult to quantify that in a short briefing. There is a reimbursement for VMS system purchases. The Federal Register, July 21, 2006, basically put forward that any fishermen that are required to purchase a VMS unit based on new regulations are eligible for reimbursement.

The reimbursement is for $3,100 towards the purchase of the unit. It just covers the cost of the cheapest unit. If you elect to go with one of the others that provide a little bit more capabilities and options, that additional cost is left for the fisherman. Right now there is approximately $6 million that remain in the VMS reimbursement account for future VMS deployments.

It's being used on a case-by-case basis. As different fishermen enter the fisheries and purchase a permit, they're eligible for reimbursement. The way the regulation is written the VMS reimbursement funds are on a first-come basis and it's not an endless fund. We get funds appropriated by congress, so that $6 million – should there be a very large deployment or a new regulation that goes in effect could bring that down considerably, and then you're only guaranteed a reimbursement if there are funds available.

I want to go over some of the examples of the EMTU VMS benefits. The newer VMS units have the ability to send and receive e-mail. This provides the capability to the owners, the captain on board, as well as NOAA offices, both at the regional offices or science center in some instances or the Office of Law Enforcement.

It enables NOAA to send critical fishery information to vessels at sea; for example, fisheries closures or area closures that the vessel may not have otherwise been advised or appraised of. Capability to send e-forms which provides greater flexibility and timeliness to fishery managers as well as to law enforcement assets, and I'll go over some of those examples here in a second.

There is also the capability for the owners to track their own vessels. With the new enhanced mobile transmitting units, the owner, at no cost to himself, with the service that he has, he can log onto his home computer and call up where his own vessel is and track that vessel. We constantly hear some good feedback from the owners on that. They're able to track where their vessel is and where their captains are, so it's a useful feature for them as well.

It also enables the owners to ensure VMS reporting in compliance with regulations. If they log on and they don't see their vessel reporting, it's pretty good odds that we'll probably be calling to ask the same question of why it's not reporting. In a lot of instances we call and the owner tells he is already working on it, he logged in that morning and checked and he saw his unit was no longer responding.

Additional examples, the Deepwater Horizon Spill was something very recent that we're all familiar with that we used VMS extensively for. This was a rather unique regulation in regards to the oil spill closure area in that it changed almost on a daily basis. At 12:00 noon they would announce that the area was closing and it would go into effect at 6:00 p.m.

At any given time we had – I think at one time we had 400 vessels that were fishing on the eastern side as that area grew further and further to the east. My office spent and inordinate

amount of time trying to contact those vessels using the enhanced capability of the mobile transmitting units to send e-mails out. Here is an example of actual e-mail.

When the change went into effect or it was announced at noon, they had until 6:00 p.m. to depart those areas; so looking at our VMS screens, we can see who was near those areas, who had been engulfed by the enlarged closed area, and we sent e-mails to those vessels to give them a heads up that they had six hours to move out.

By and large we moved a large number of vessels that unbeknownst to them had been covered by this new and expanded area. Of course, we could only do that to the vessels that had VMS units. The other vessels were on their own and had to get notified by other means or themselves checking back with their owners or fish houses.

But for those that had VMS units, we sent out hundreds and hundreds of e-mails to try to keep those fishermen from getting caught up in a rapidly changing closed area. One of the statistics there; during the time that we had all those closed areas, there were only nine cases involving VMS-equipped vessels that were fishing inside the closed area that actually became as case.

When I say case, it just required law enforcement involvement, and those vessels usually did not get the word. Either they did not check their e-mail that we had sent them or for some reason they weren't receiving e-mails, and that's why they became engulfed by that enlarged closed area. Conversely, there were 58 cases involving non-VMS equipped vessels.

A large number were shrimpers that had no VMS requirement for the Gulf of Mexico, so the Coast Guard and our state partners that were out there enforcing that closed area came across 58 vessels that were out there that should not have been actively fishing or trawling inside the closed area. The efforts using the enhanced capabilities of the VMS unit, as well as the deterrent factor, kept that number down as far as VMS-equipped vessels.

A search-and-rescue tool; certain models can send distress messages including positional data from their VMS unit if the fisherman chooses that option, and that's part of the cost difference. When you go from 3,100 up to the top of the line, 3,800, they have a distress capability. I do want to emphasize this does not in any way, shape or form replace the Coast Guard's EPIRB requirement. That is the primary tool for safety at sea.

However, this does provide a secondary capability to fishermen that choose to have that capability on board their vessel. I always provide one example. The Fish Vessel Peach Dream got overtaken by Hurricane Ike. September 10, 2008, they were coming back from fishing the Caribbean; came through the Yucatan Pass; the hurricane overtook them. They were stuck in 25-foot seas, hundred mile an hour winds, split a seam and started taking on water.

Their EPIRB was on top of the cabin at the base of their mast, which nobody can get to because they were taking 70 degree rolls; so the only thing they had was to press the big red button they had inside their pilothouse, and that button went to the vendor who then contacted the District VII Coast Guard in Miami; sent a Falcon Jet; deployed two pumps; and they were able to

dewater their vessel; get the engine going again; and then continue their journey to St. Petersburg.

That's not my quote there; that's the quote from the captain who was interviewed when he got back to St. Pete, but he credited VMS for it literally saved our lives. So, although it is not a primary means and in way does it lessen the requirement for EPIRBs, it does provide a positive capability to the vessel owners and the vessel crew that's on board. A number of examples for expanded usage of the VMS, the v-Track Software, all JEA partners are now able to establish v-Track accounts, and v-Track Software we use to track the vessels.

All of our JEA partners are able to get access to for their state officers and take advantage of the capability to track vessels in their particular areas. Similarly, all Coast Guard Operation Centers, Sector Field Offices and the larger cutters are also able to establish VMS v-Track accounts. Both of those are only limited by either the state of the Coast Guard policy on who does and does not get it within their own organizations.

But the capability to access the VMS data has expanded to all of our Coast Guard and JEA LE partners, so it's a valuable tool. We're constantly getting questions from more and more law enforcement folks that are taking advantage of the capability. I wanted to go over two particular functions that the Gulf reef fish units are using and the regional office has enacted with regulations that are very positive.

This is a declaration form, and this is the screen shot which is on two of the units that are out in the Gulf reef fish fleet. What they do is the yellow box is what they would select with their mouse, their roller ball, and they select the trip declaration, then they select the region of the trip. In this highlighted Gulf; and when you highlight Gulf those activities come up.

We're getting ready to do an update to expand the capabilities because we keep finding more need to be up there. But once they select the activity that they're going to be involved in, they then select their permit type, whether they're commercial, charter or recreational; and then based on what they choose, different gear types come down, and then they select that.

And if you see on the bottom, it comes up with a declaration code; and where that is valuable is we have 1,173 vessels, a variety of closed areas that allow some gear, don't allow other gear throughout the Gulf of Mexico and the Atlantic; so here is a screen shot of just three vessels. That bottom line where it says "Gulf RFS GMCR, that is telling that they declared a Gulf reef fish trip, and that they're using bandit gear.

So, based on their declaration we can tell what gear they're using and where they can and cannot fish. Now, granted, this is the fisherman making that declaration and in some instances they might make mistakes and we can also tell by the vessel's track history what it looks like they're fishing, but allows us to sort through the vessels and see who is allowed to be and where at any given time.

For the middle grounds right there you cannot bottom longline but you are able to bandit fish. You can have 10 or 20 vessels in there that are all bandit fishing. We use the declaration to help

us sort through them and also their VMS signature to see that they're actually bottom fishing versus longlining.

A second tool that is being used right now; this is an eForm and this eForm meets the regulations to comply with the three-hour pre-landing notice. All Gulf reef fish vessels have to declare three hours prior to landing where they're going, as in location, which actual landing location they're going to go to and which dealer they're going to sell to and announce the time that they're going to be there. In addition, they have to report their estimated catch on board.

This is another screen shot. The first thing they would select is state; then drops down to the next one; cities would come up by – if you selected Florida, it would have all the Florida cities; and then the location drop-down would have the approved landing locations that they have to select from. And then from those approved, then they select a dealer that they'll be selling to.

And then on the right side they estimate their catch. They are not held to this catch amount, but they pretty much know what they have coming over the gunnel, so it gives them an opportunity to estimate their catch. This three-hour notice then goes to the VMS Data Center in Silver Spring, and the IFQ System that the region has connects to it.

And out of that, this is an example of an e-mail that gets sent out. It has the who, what, when and where. This is a three-hour notification for this particular vessel. They were landing at Fish Busters at 528; 10:00 Eastern Time; and they would be selling to Fish Busters in Madeira Beach The next one, vessel catch and IFQ check, the second red arrow, that gives their estimation of catch. They estimated they had 1,000 pounds of red grouper and 15 pounds of gag.

In parentheses next to that, the IFQ System checks with their IFQ account to see if they have sufficient IFQ available to land that amount of catch. In this case it says sufficient allocation. If it did not, it would just highlight it as insufficient allocation. That doesn't there is a violation. They may still be trying to purchase that allocation from someone else.

The next line or the next section down is the list of officers. This list actually went a lot further. The e-mail is sent to all of the officers in that particular location that have requested to be notified when a vessel is coming into port. So you now have the law enforcement officers not waiting and wondering. They're given at least three-hours notice of who is coming in, where they're going, who they're selling to and how much catch they have on board.

So if you have 15 vessels coming in and only have time to meet 2 or 3, you can pick and choose which ones that you actually want to meet at the dock to observe their offload. Recent VMS cases – I always try to put this in because everybody just thinks of lat and long is all VMS provides, but I gave an example of the two forms that we're now using for declarations and three-hour advanced notification.

This is the classic slide that is seen all over. VMS is a deterrent. This is obviously Oculina Bank and this is the height of the rock shrimp season where the rock shrimp are out there with their VMS units on and you can see the compliance that knowing that our office is watching to see if

anybody goes into oculina, you can clearly see that it serves as a deterrent to stay out of that particular closed area.

Similarly, VMS is a detection tool. This is an HMS vessel that departed out of Florida. You can see in the center of the map, they did a number of sets in the Bahamian EEZ and then they continued on to the right and they did a number of sets in the high seas. We can check with the foreign governments to confirm whether they do or do not have permission to fish in another country's EEZ as well as we can confirm whether they have a high-seas permit.

In this case the vessel had neither, so VMS was able to detect those 200 miles offshore and notify us that this particular vessel on two instances were doing something that they were not permitted or authorized to do. Again, VMS is a detection tool. This is another fishing vessel. The red line going up and down is the longline buoy gear restricted area demarcation line. To the left is legal to bottom longline; to the right is not.

This particular vessel we could easily see that he had pulled up short and had set his longline repeatedly on the illegal side, so it's another example of how VMS is used as a detection tool. The last example, VMS as an intel tool, in the HMS fishery you're not allowed to use live bait in the Gulf of Mexico. However, a number of fishermen prefer live bait so they often will stop on their way out at known shallow areas, oil platforms.

Time is money for the fishermen so in this particular instance we can observe them stopping on their way out instead of going straight offshore. In this instance they stopped three times on their way out, went down to the southwest side, did a number of longlines, went back up, spent another day at the shallow area and then went back offshore.

It took some time – this is about 200 miles offshore – before we could get a Coast Guard boarding there and found two of their holds filled with live bait and a loaded catch of swordfish and tuna; obviously in violation. But, using VMS we could see activity that does not fit the norm for that particular fishery, investigate further and get an asset on board to confirm our suspicions. In this case that's exactly what we had found.

This is a VMS as a deterrent. We had a number of those HMS vessels that we had observed stopping repeatedly to load up on live bait, and we're only limited by the assets that we had to try to board them. However, after we did two of those cases and got successful boardings on both, you can see the VMS activity for the next two weeks of those HMS vessels nobody was stopping because word spreads rather quickly and all of those tracks go straight offshore right past areas that they had previously stopped. VMS as a deterrent is a very valuable tool.

This year just since January 1st there has been six detections using VMS as the sole notification that vessels were indeed fishing inside closed areas whether that be to the western side of the oil closure area, which was an HMS vessel, the Alabama SMZ which was just south of Alabama or the edges and Steamboat Lumps, which are closed areas, the primary grouper breeding grounds on the eastern side.

Those are just in the two and a half months that ran six instances where fishing vessels were fishing inside the closed area for one reason or another, whether it was intentional or unbeknownst of the regulations, but VMS was the only tool particularly that far offshore to detect those violations as they were taking place.

Again, we're often limited only by the asset to get out there to catch them in the act or we board them when they come back in, but VMS is the tool that let's us know well in advance and far offshore. That was the brief update on some of the new advances that we're using and some of the capabilities that we're trying to take advantage. I'd be open to any questions that anyone might have on anything that I covered or any other questions that are out there.

MR. GEIGER: Thank you, Pat, that was a very information presentation and we appreciate it. I have a couple of questions that early on the program we heard a number of complaints from the fishing public about battery drain and waterproofing of the equipment and the timely replacement of units that had failed on board and preventing people from going offshore. Have most of those problems all been resolved with the vendors?

MR. O'SHAUGHNESSY: The communication with the vendors has improved. The problems with some of the units, when you put a water-resistant unit on a 20-foot center console and go offshore, there are still issues with the amount of green water that particular boat takes over the bow and drenches that unit. The type of approval requires them to be water resistant and not waterproof.

It's the same requirement for radar or a marine radio, those types of things. I think some people expected them to be waterproof and capable of submerging. Those have improved with the vendors. Certainly, the warranties that were provided, we've assisted a number of the fishermen to do those.

The battery drain, we still are fighting some battery drain issues. Again, it's the smaller boats, the 20- to 22-foot center consoles, which we do have a fair number of Gulf reef fish vessels, and they have one Diehard Battery in the back of their boat, and they're running the GPS off it, the radar and now this VMS unit; there is some battery drain.

Some of them can work with vendors to take advantage of some capabilities the vendors have done to try to mitigate some of that. Others have added an additional battery that solely supports the regulatory requirement of the VMS unit. I'm continually amazed and we have a number of cases that the vessel will stop at night, run a TV, a VCR all night long with the GPS and everything else going, but everybody points to that one VMS unit as the only thing that drained the battery. That is something that we continually deal with.

MR. CURRIN: Pat, I think you indicated you have 1,100 units in operation now by your shop. What is your current for capability for expansion; how many more units could you handle with your current staff and then how many more staff would it take for you to expand your monitoring capability?

MR. O'SHAUGHNESSY: Right now with 1,100 vessels and four technicians, it's roughly about 300 boats per technician; the ramp up which requires the most amount of people, I could probably add a smaller fishery with the number of folks that we have. However, if we're going in excess of 5, 700 to a thousand, I would require additional personnel to keep up with the daily maintenance of talking to those fishermen and helping them through the problems they have learning the software, learning the e-forms to provide the level of service that we'd like to provide to those fishermen. I would say I would need an additional person. Otherwise, people are going to be too long to get phone calls back from my office to help them as they're installing, learning to use them and troubleshooting when they have a problem.

MR. CURRIN: And how about hardware requirements for expansion; have you got what you need now to, say, double your monitoring capacity?

MR. O'SHAUGHNESSY: Originally we were five independent VMS offices; the northeast, southeast, Alaska, Seattle and Hawaii and each had their own servers and were somewhat limited by those server capabilities. What they did two years ago is they combined all of those five regional offices into one data center in Silver Spring, Maryland, with a duplication in Seattle, Washington. It's a fail safe; if one system goes down, we can fall back to the second one in Silver Spring. We have the capability to expand unlimited with the new data center. We'd be more limited by the level of service we could provide by the people that we have in those offices.

MR. KENNEDY: Pat, the question is pretty simple and I guess it's a takeoff on what Mac just asked. How many units can you serve, downstream users? For example, the Coast Guard, you said some Coast Guard vessels receive this. I assume they receive it by satellite electronically. I guess a corollary to that is we know that not every state is a member of the JEA. Is there any reason we couldn't share that for the non-JEA states. It's good information to be out there particularly in the situation of a distress call or something like that.

MR. O'SHAUGHNESSY: Certainly, for search-and-rescue capabilities, yes, if we get an alert of something is peculiar, we contact those states. I'd have to check but I believe the Magnuson Act requires us to provide the v-Track capability to all of our JEA partners, so that is why it's right now limited to JEA and Coast Guard.

As far as the capability, what I'm talking about is the Coast Guard and the states can access it. They actually can log in on a computer anywhere they have a terminal through an SSL BPM secured connection and connect to our date base in Silver Spring and then access the software to track any vessels that are out there.

MR. KENNEDY: That seemingly would be almost unlimited, I suppose, in terms of log-in capacity. It just seems to me logical that as many bona fide law enforcement agencies, JEA or not, who sign on, it would be a help to all of us in the enforcement. I would encourage perhaps you all will look to that opportunity.

MR. O'SHAUGHNESSY: Originally when we had the previous software, we were limited by the number of licenses that we could put on the software. We have since changed to a new vendor, a new software, v-Track software and we're no longer limited by licenses; we limited by

equipment capabilities. Right now we have not come close, from what the IT folks tell me, of exceeding that capability to have more and more people access it from the law enforcement side.

MR. O'SHEA: Thanks, Pat, for the presentation. When you said that you're required to give it to the JEA state partners; does not being a JEA partner preclude you from sharing it; for example, with North Carolina.

MR. O'SHAUGHNESSY: I don't know if I'm the right person to ask it. I'll defer to my immediate supervisor, Otha, who is giving me that look like, no, you answer it. I know right now North Carolina does not have access to the JEA software. I do believe – and I'd have to go back and check the regulations – I believe Magnuson is written that it is to all of our signatory JEA partners. I would have to confirm if that is truly the case.

There were additional things that had to take place. The VMS system is considered critical infrastructure and there were requirements on the releasability of this data and they had to be exempt from any state's rights or policies to release data. I know Florida has one of the broadest sunshine states. Each state's attorney general had to submit paperwork to document that VMS data would be exempt, and that was part of the approval process that the JEA signatories went through to get access to the v-Track software.

DR. LANEY: Pat, thank you for your presentation. If a recreational user wanted to install VMS on their vessel for some reason, would you all be responsible for tracking that vessel or is there any capability for you or is there some private institution that tracks recreational vessels if they wanted to use VMS?

MR. O'SHAUGHNESSY: To my knowledge there are no private institutions that track vessels. There are a number of vendors. Much of our software is used in the trucking industry, so the trucking companies have private contracts with these same vendors to track the trucking fleets, particular trucking companies. There are a number of vessels out there – the offshore supply fleet, a number of them have VMS units so the parent company can track their vessels.

Those reporting positions do not get put into our system. Only the ones that are required by regulations get reported to the NOAA VMS System. There are other vessels out there that may or may or not have – I know Louisiana is working to – they have a court-ordered VMS system where repeat state offenders are required to put VMS units on that report to the state, and they're looking to broaden that further for some of their fisheries, but we don't get that data either because that's a state requirement. We just have the federally mandated data that is required by the regulations.

MR. HARTIG: Thank you. From a fisherman's perspective that was a very good, concise and informative presentation. On the e-mail capability do you have to pay for e-mails that you receive also or just those that you send?

MR. O'SHAUGHNESSY: If it's sent from at noaa.gov address, NOAA pays for all of those e-mails; so the large e-mail that we sent out there to all the vessels as the oil spill changed, if it comes from at noaa.gov all the vendors charged NOAA OLE for those. If it's an e-mail from a

spouse, friend, family or owner, then it is incumbent upon the owner of the vessel to pay for those costs.

There were some problems early on when we first had this capability because you pay by the character. I'd have to look at each printer, but each character is like 0.0037 cents. What would happen is the owner would ask the fisherman a question and they hit reply and it would go back and then six e-mails later that e-mail has now gotten to be three pages long and they were being charged.

So you can set up the software that when you reply to an e-mail, it truncates off the previous e-mail. There were some learning curves that both OLE and the fishing community had to go through to prevent that from happening, but there were some instances where replied e-mails got to six and seven pages and those bills grew considerably; only to find out when you came back.

Similarly, some of the units have the ability to surf the internet. When they first came out, there were folks surfing the internet extensively and that has a cost because it's the band width that goes through. We've pretty much worked through all of those; and when they talk to our office, we remind them to make sure you set it up properly to not replied e-mails where you resend what has already been sent.

You can set up the permissions as far as surfing the internet or who can send e-mails. The owner could actually put in the e-mail addresses in the unit and authorize them to receive e-mails from or who they're authorized to send e-mails to. The owner has a lot of latitude in how they can set it up, because a lot of instances they're not certain of the captain that they hired so they can put those limitations in to protect both the captain from getting charged with sending things that he didn't or the owner from incurring costs that he was not aware of.

MR. GEIGER: Any other questions? Okay, thank you, Pat, very, very good presentation. I guess, Myra, that brings us now to timing and tasking. Okay, do we have any timing and tasking elements from the committee? I guess one of the things I'd like to put on there is that we move forward and develop a timeline for when we're going to receive and evaluate the Officer of the Year inputs. I was hoping to see that done before but obviously it's not going to be done before my demise on the council. Anything else? Mac.

MR. CURRIN: Yes, the LE AP indicated that they'd like another shot at the Comprehensive ACL Amendment, and I just would ask I guess are they scheduled to have another meeting between now and June when we will perhaps move that on?

MR. GEIGER: They're not scheduled for another meeting between now and June. I would ask would it be feasible to do it via webinar? This might be an opportunity to try something like that via a webinar and get it done. Why don't we investigate that? I think with SEDAR we've learned quite a bit about the webinar process and it might be a viable tool. Anything else?

MR. O'SHEA: While we have the advisors here, I just wanted to let both the advisors and the council know that the Atlantic States has had a law enforcement advisor coordinator – Mike

Howard, retired DNR officer from the state of Maryland had served in that position. He has moved on and we have a solicitation out for a new coordinator at ASMFC.

It is posted on our website and I think in my view the ideal candidate would be someone who has been in the marine patrol law enforcement business in one of our states and has since retired and would do that function. He doesn't need to be in the office; he can do it from a remote location; so just to make everybody aware of that, Mr. Chairman.

CAPTAIN FRAMPTON: Any new business from the AP? We're good.

MR. GEIGER: Okay, I guess that takes care of it. Seeing no other business, we stand adjourned.

(Whereupon, the meeting was adjourned at 9:15 o'clock a.m., March 8, 2011.)

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St. Simons Island, GA

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