

**In the Matter Of:**

**Second National Commercial Fishing Vessel Safety**

**ADVISORY COMMITTEE MEETING**

*September 26, 2023*



**Vet Command  
14810 Brick Road  
Carson, VA 23830**

In The Matter Of:  
SECOND NATIONAL COMMERCIAL FISHING VESSEL  
SAFETY ADVISORY COMMITTEE MEETING

SEPTEMBER 26 - 28, 2023  
SEATTLE, WASHINGTON

FEDERAL COURTHOUSE  
700 Stewart Street  
Room 19205  
Seattle, Washington

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APPEARANCES:

COMMITTEE MEMBERS:

JERRY DZUGAN: CHAIRMAN, SITKA, ALASKA  
MATT ALWARD: HOMER, ALASKA  
KRIS BOEHMER: OLD TOWN, MAINE  
TOM DAMERON: PHILADELPHIA, PENNSYLVANIA  
BARB HEWLETT: MARATHON, FLORIDA  
BUTCH HEWLETT: MARATHON, FLORIDA  
GREG LONDRIE: BROWNSVILLE, TEXAS  
ERIC ROSVOLD: PETERSBURG, ALASKA  
MIKE THEILER: WATERFORD, CONNECTICUT  
DAVID TURNER: SEATTLE, WASHINGTON  
FRANK VARGAS: SEATTLE, WASHINGTON  
TIM VINCENT: STANWOOD, WASHINGTON

COAST GUARD PERSONNEL:

JONATHAN WENDLAND: ADFO, CG-CVC-3  
CAPTAIN NEELAND: DFO, CG-CVC-3  
CAPTAIN BEACH: 5PC, CG-CVC-3  
JOSEPH MYERS: ADFO, CG-CVC-3  
OMAR LA TORRE REYES: CG-INV  
ANGEL CALDERON: CG-CVC-3

ALSO PRESENT, OTHER COAST GUARD STAFF, DISTRICT  
COORDINATORS, MEMBERS OF THE PUBLIC, STAKEHOLDERS, (SEE  
SIGN-IN SHEETS ON WEBSITE.)

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Day One  
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Day Three

1 \*\*\* DAY ONE PROCEEDINGS \*\*\*

2 September 26, 2023

3 (A 1-hour committee member only meeting was  
4 held between 8:00 and 9:00 a.m.)

5 (Public meeting begins at 9:00 a.m. PST.)

6 MR. WENDLAND: All right. It is 9:00, so this  
7 session is open to the public. So, first of all, for  
8 those of you that don't know me, my name is Jonathan  
9 Wendland. I work out of Coast Guard headquarters in the  
10 Fishing Vessel Safety Division. And I just wanted to  
11 take a moment to welcome everybody to Seattle and this  
12 beautiful facility that we have here. Just walking  
13 around in this nautical town, you can pretty much smell  
14 the sea air and it's great to be back in Seattle.

15 So I just wanted to give everybody a heads-up  
16 what we'll be doing today. As you can see on the  
17 screen, that's the agenda. But I just wanted to go  
18 through a couple of admin things to get everybody  
19 familiar, acquainted with the building and the  
20 procedures a little bit.

21 So for those of you that are drinking coffee and  
22 you need a head call or a bathroom break, these  
23 restrooms here on this deck, the 19th deck, are secured;  
24 there's no water in them. So what we're asking  
25 everybody to do is to go down to the 18th deck or the

1 17th deck to use the heads.

2 Any type of emergency, you know, the stairways  
3 are locked to go onto any other floor, so if you get  
4 into the stairways, you're going to have to go all the  
5 way down 19 floors to the bottom. So stay out of the  
6 stairways, you know, don't try to use those to go to the  
7 heads, because you're going down 19. You'll probably  
8 get sweaty coming back up.

9 All right. So I did just want to take a note  
10 here. We do you have 11 members by my count. So,  
11 Captain, we do have a quorum, so we can proceed with  
12 this meeting. And I do want to let all of the members  
13 know we had one member out of Texas that ran into some  
14 glitches with the airports. The weather was fine, but  
15 they secured all flights out of there and this member,  
16 Greg Rosvold, (Londrie) will be flying in late tonight  
17 and will be joining us tomorrow. So just giving you a  
18 heads-up on that.

19 Also, it's very important that we conclude these  
20 meetings no later than 4:30 today and tomorrow. So  
21 Tuesday and Wednesdays', we need to cut it sharp at  
22 4:30. And we need to be out of the building by a  
23 quarter of 5:00; no later, no lingering, has to happen.

24 The reason for that is the marshals are in charge  
25 here and there is overtime pay and that kind of thing

1 involved, so we've put the Captain's sailboat on a  
2 mortgage. And so, if it doesn't happen, the marshals  
3 are taking his sailboat. So everyone needs to be out.

4 And on Thursday, if -- you know, we need to be  
5 out, the meeting has to conclude by 1615, 4:15, to give  
6 us time to set up the rooms as they were when we found  
7 them. So I'll reminded everybody of that again. But we  
8 do want to be very, very cognizant of that, because,  
9 again, it's an expensive boat and we've got some names  
10 on the line this time around.

11 Also, as we go forward here, I just want to  
12 acknowledge Mr. Boehmer, Kris Boehmer and Frank Vargas  
13 for the coffee and the treats in the back of the room.  
14 Their generosity and their companies' generosity is most  
15 welcomed and appreciated, I'm sure, by all here to have  
16 that. So thank you both.

17 (Applause.)

18 And if you guys, you know, it's a lot, so if  
19 there is -- you want to take up a collection, we can do  
20 that. But just doing that has been great. So if you  
21 need anything, we can pass the hat, as well. So thank  
22 you.

23 Also as a quick reminder, everybody's cell  
24 phones, please put on mute so that the people talking  
25 don't get distracted. Any other type of electronic

1 device, just put it on mute so that the meeting is not  
2 interrupted.

3 Also, again, as a reminder, that we talked about  
4 at the 8 o'clock session for members, these mics are  
5 hot, so it's a little bit different from the Norfolk  
6 meeting. When you're not talking, just move them away  
7 and then you can't hear anything. So when you are  
8 talking, just bring the mics to your mouth.

9 Also, as you may have noticed, we do have a court  
10 reporter here, and we thank her for being here, Tamara.  
11 And she will advise anybody if you're not speaking up or  
12 if you're not speaking clearly.

13 And speaking of speaking clearly, when you do  
14 speak into the mic, speak clearly, concisely, with  
15 intent and purpose before you get on there just so the  
16 transcription goes well.

17 Also, be mindful to always go through the Chair,  
18 because we are using Robert's Rules of Order,  
19 Simplified. So for example:

20 "Mr. Chair, I'd like to make a comment on the  
21 discussion that occurred." And the Chairman would  
22 respond: "Mr. Wendland, you have the floor." Say,  
23 "Thank you, Mr. Chairman," and then go on and state your  
24 name, "Jonathan Wendland ..."

25 So it's very important to state your name so that

1 it's always in the transcription correct, so the  
2 transcriber has that. We might have to remind -- you  
3 know, it takes a little bit to get used to doing that,  
4 but very important.

5 Over the next three days, the committee has been  
6 asked to do ten tasks. The Coast Guard has put out ten  
7 tasks for you in the Federal Register that we are asking  
8 you to take a look at. So, hopefully, at the end of  
9 three days, you'll accomplish all or some of these  
10 tasks. You don't have to accomplish all of them, and  
11 that's going to be up to you folks, how you want to  
12 attack it, and to give the Coast Guard your  
13 recommendations.

14 And what the Coast Guard does once we get those  
15 recommendations, you know, we'll respond to them  
16 accordingly. And then we provide that information up  
17 the chain from the Commandant to DHS. So it's the Coast  
18 Guard that's advising DHS, not the committee. So we  
19 talked about, a little bit of that at the last meeting  
20 as well.

21 So what we will do now, I think it's best to do a  
22 role call. And so we'll go around the room starting  
23 with my left with the members. And then I'll open up  
24 the floor mic for everybody in the audience, the public,  
25 and the District Coordinators, whoever else is here.



1 And then we'll come back and introduce the CVC and  
2 headquarters staff that's at the table.

3 So starting on my left.

4 MR. VINCENT: Good morning. My name is Tim  
5 Vincent. And I wear a couple different hats in  
6 commercial fishing. In the summertime, I fish in  
7 Bristol Bay, Alaska. Been in the industry since 1976.  
8 Did a long time in the Bering Sea crabbing. And then  
9 the rest of the year, I am a certified marine surveyor  
10 with the National Association of Marine Surveyors and  
11 the Society of Accredited Marine Surveyors. And I am  
12 the President of the Board of Directors of NPFVOA.

13 MR. HEWLETT: I'm Butch Hewlett, commercial  
14 fisherman out of the Florida Keys.

15 MR. ROSVOLD: Eric Rosvold, commercial fisherman.

16 MR. TURNER: David Turner, Naval Architect.

17 MR. ALWARD: Matt Alward, commercial fisherman.

18 CHAIRMAN DZUGAN: Jerry Dzugan, commercial  
19 fisherman and educator.

20 MS. HEWLETT: Barbara Hewlett, retired Coast  
21 Guard, vessel examiner, and commercial fisherman wife.

22 MR. VARGAS: Frank Vargas, retired fisherman and  
23 compliance officer.

24 MR. DAMERON: Thomas Dameron, retired commercial  
25 fishermen. I am the government relations and fishery

1 liaison for Surfside Foods. And my concentration right  
2 now is on a fishing vessel safety management platform  
3 that I'm producing.

4 MR. BOEHMER: Kris Boehmer. I guess I'm a  
5 retired commercial fisherman and now commercial marine  
6 insurance.

7 MR. THEILER: Mike Theiler, commission fisherman  
8 Waterford, Connecticut.

9 MR. MANNION: Good morning, My name is Patrick  
10 Mannion. I am the U.S. Coast Guard drug and alcohol  
11 program manager out of Washington DC.

12 MS. AUTH: Good morning, Nicole Auth,  
13 representing the 9th Coast Guard District in the Great  
14 Lakes.

15 MR. WILWERT: Good morning. Scott Wilwert,  
16 representing District 17 for the Coast Guard in Alaska.

17 MS. DWYER: Good morning. Kyra Dwyer,  
18 representing the 1st Coast Guard District. I am a  
19 vessel examiner.

20 MR. MAHONEY: Good morning, Rick Mahoney, Coast  
21 Guard District 14.

22 MR. HENDERSON: Good morning. Brian Henderson,  
23 Pacific Area of the United States's Coast Guard.

24 MR. KEENE: Good morning. I'm Ken Keene. I'm  
25 with NOAA Fisheries Headquarters. I run the National

1 Observer Program.

2 MR. HOPPE: Walter Hoppe, U.S. Coast Guard  
3 District Coordinator for D-7 in Miami.

4 MS. CASE: Good morning, Samantha Case, The  
5 National Institute for Occupational Safety and Health.

6 MR. DIGGS: Good morning, Andrew Diggs, Sector  
7 Virginia, representing District 5.

8 MR. RAU: Good morning. George Rau, MSU, Homer,  
9 Louisiana, representing District 8.

10 MS. MURPHY: Good morning. Peg Murphy. I'm from  
11 District 11, California, Fish and Vessel Safety.

12 MR. WENDLAND: Okay. That looks like everybody  
13 in the audience. Was anybody in the audience missed?  
14 Hands up. Okay. Omar.

15 MR. LA TORRE REYES: Good morning, Omar La Torre  
16 Reyes, Commandant, headquarters investigations.

17 MR. MYERS: Good morning, everybody. Joseph  
18 Myers, I'm the Chief of the Fishing Vessel Safety  
19 Division at Coast Guard headquarters.

20 CAPTAIN BEACH: Good morning, I'm Amy Beach. I'm  
21 the Director of Inspections and Compliance at Coast  
22 Guard headquarters.

23 CAPTAIN NEELAND: Good morning, everyone. Mark  
24 Neeland. And I am the Office Chief of Commercial Vessel  
25 Compliance at Coast Guard headquarters. And I'm also

1 the Designated Federal Officer, DFO for the meeting.

2 MR. WENDLAND: And in the corner we have, without  
3 a mic, Angel.

4 MR. CALDERON: Good morning. Angel Calderon,  
5 CVC-3. I'm here to help you.

6 MR. WENDLAND: Very good. I think we got  
7 everybody.

8 One thing I want to mention, we do have sign-up  
9 sheets and they are on the back table. So every day  
10 when you come in, please sign in your name and your  
11 information there. That information will be posted on  
12 our web page. So each day, a new sign-in sheet will be  
13 available to you. So we request that you do that every  
14 day. And I'll try to remind everyone of that.

15 Also, just wanted to, for the record, wanted to  
16 let everybody know, I did check the docket number and  
17 there were no comments to the docket regarding the  
18 Federal Register notice that went out to this meeting.

19 And with that, I would like to turn it back over  
20 to Captain Neeland for some opening remarks. Sir.

21 CAPTAIN NEELAND: All right. Thank you, Jon.  
22 Thank you for everyone for joining us today. I'm  
23 looking forward to our meeting over the next several  
24 days. We have a good agenda. As Jon mentioned, there's  
25 ten different tasks. We're going to be swearing in a

1 couple of our new members that were not able to make our  
2 last meeting, and we'll also, kind of, also review the  
3 results from the last tasks and the last meeting. We  
4 really appreciate the good work you've done on all of  
5 that. We look forward to hearing from all of you as we  
6 work and continue to advance commercial fishing safety  
7 across the United States and beyond.

8 So with that, looking forward to good dialogue  
9 and discussions. Thank you.

10 CAPTAIN BEACH: Good morning, distinguished  
11 members and guests, fellow participants. Welcome to the  
12 National Commercial Fishing Vessel Safety Advisory  
13 Committee Meeting. It's a pleasure to be here with you  
14 all and see you all again.

15 You know, we're all united by a common goal,  
16 which is the safety and well-being of our fishermen and  
17 women. Your presence here signifies a collective  
18 commitment towards enhancing the safety standards for  
19 the industry, and we're privileged to have such a  
20 diverse group of experts and stakeholders who bring  
21 invaluable perspective to these discussions.

22 This meeting serves as a platform for robust  
23 collaboration, knowledge sharing, and, hopefully,  
24 proactive measures that will undoubtedly make a  
25 difference in the lives of those who brave pretty

1 unpredictable waters every day. And I'm hoping that by  
2 working together, we can identify challenges, address  
3 some concerns, and ultimately strengthen the safety  
4 measures that protect those who make their living at  
5 sea.

6           So my heartfelt gratitude to each and every one  
7 of you for your expertise, experience, and dedication to  
8 this committee. Your efforts truly underscore the  
9 significance of this committee and the immense value  
10 that it brings to the fishing vessel community. Thank  
11 you.

12           MR. WENDLAND: Thank you, Captain. Thank you for  
13 being here and taking the time out of your busy  
14 schedule, everyone certainly appreciates that.

15           Captain Neeland, at this time, the  
16 appropriate -- we have two members that were not at that  
17 meeting in Norfolk, so it would be appropriate to swear  
18 in those two members at this point in time.

19           CAPTAIN NEELAND: All right. Thank you, Jon.

20           So at this time, I will ask Mr. Vincent and  
21 Mr. Hewlett to stand and raise your right hand and  
22 repeat after me:

23           (Collectively.)

24           "I," state your name, "do solemnly swear, that I  
25 will faithfully execute the duties of a member of the

1 National Commercial Fishing Safety Advisory Committee.  
2 And will, to the best of my abilities, fulfill and carry  
3 out the policies and purposes of the federal advisory  
4 committee act. I take this obligation freely and  
5 without mental reservation or purpose of evasion, so  
6 help me, God." Thank you, gentlemen.

7 (Applause.)

8 MR. WENDLAND: Welcome to you both. Very  
9 thankful you both were able to make the trip. Thank  
10 you.

11 So, Captain, also, at this point in time, I think  
12 we did have a little discussion with ethics this morning  
13 and it's appropriate at this time to go over the FACA  
14 conflict of interest statement using the long form.

15 CAPTAIN NEELAND: Okay. Thank you, again.

16 So as stated in the agenda, at this meeting, we  
17 will be reviewing Tasks 04-23 through 13-23. Task 12-23  
18 is particular matters for the purpose of criminal  
19 conflict of interest statute. You are reminded that if  
20 you, an immediate family member, an organization for  
21 whom you serve as an officer, director, trustee,  
22 partner, or employee, a prospective employer, or a  
23 general business partner has a financial interest that  
24 would be affected by the outcome of this particular  
25 matter, you must disqualify yourself from participating

1 in the discussions, deliberations, and voting on that  
2 issue.

3 However, note that an exemption to this rule  
4 allows for the participation of members if the financial  
5 interest is in the member's nonfederal employer; if the  
6 matter will not have a special or distinct effect on the  
7 employer other than as a member of the employer's  
8 industry.

9 MR. WENDLAND: Thank you, sir. And just for  
10 everyone's knowledge of this. It's ethics and most of  
11 you are representative members. So that does not apply  
12 to you, okay. It's specifically stated for the SGEs for  
13 this FACA.

14 So in this case, Mr. Alward, after discussions  
15 this morning and working it through with Task 12-23,  
16 Matt, you have nothing to worry about. And so you can  
17 speak freely representing the public as an SGE. So I  
18 just wanted to have that on record, that due diligence  
19 was looked after with this one task.

20 Anybody have any questions on that? Okay.

21 So at this point in time, Mr. Myers, I would like  
22 to turn it over to you and we will proceed through the  
23 agenda, just to give everybody a heads-up of what's  
24 going to occur today and over the next three days. Mr.  
25 Myers.



1           MR. MYERS: Thank you, Jonathan.

2           Okay. I'm going to give a general rundown of the  
3 agenda. And I understand that most have seen it online  
4 or as posted, but, again, for the record, we'll just go  
5 over the next couple of days events. What we'll be  
6 doing is addressing, after the agenda, some of the  
7 expectations also.

8           We will be, at 10 o'clock, we're going to have  
9 some general updates and get everyone up to speed on the  
10 regulatory process status. And also with that, we will  
11 update the committee and the public on the Coast Guard's  
12 response to the spring tasks that we went over in  
13 Norfolk. And that's going to be 01-23, 02-23, and  
14 03-23, so I'll give you a breakdown of that.

15          After a short break, we will have District  
16 Coordinator and Examiner presentations from the various  
17 Coast Guard districts. We will go to lunch. After  
18 lunch, we're going to have the Office of INV, or the  
19 Coast Guard Office of Investigations, provide a delivery  
20 on marine casualty case review. And what this will do  
21 is connect you with some of the taskings and  
22 expectations later on in the day.

23          At 2 o'clock, the office of INV, also will give a  
24 separate presentation on drugs. It's listed as a drug  
25 presentation. We will have public comments and then we

1 will go to a break roughly between 3:00 and 3:10 p.m.

2 We will then, after the break, come back and the  
3 committee members will have the opportunity to get  
4 familiar with the marine casualty cases that we will be  
5 discussing later, and which you have a copy in front of  
6 you, of course. And then we will come back after the  
7 committee has time to soak in the marine casualty cases  
8 and come back for final thoughts and wrap up the day and  
9 we will adjourn at 4:30.

10 Tomorrow morning, we will regroup at 8:00 and we  
11 will reconvene the meeting. It will be open to the  
12 public at 8 o'clock. We will review the agenda briefly,  
13 discuss a few admin items, and then go into the  
14 assignment and acceptance of tasks. We will read those  
15 tasks individually so there's no question on what they  
16 encompass.

17 Then, if and when, the committee accepts those  
18 tasks, we will go into the breakout sessions and the  
19 assignment of subcommittees and assigning of chairs and  
20 scribes for the subcommittees.

21 And then we'll basically, throughout the rest of  
22 the day, the morning and afternoon, and absent the  
23 breaks, the committees will meet in separate breakout  
24 rooms. This will be one of them, I think we have one in  
25 the back, and one on the 6th floor which, there is a lot

1 of room on the 6th floor.

2 Towards the end of the day, at 4 o'clock, the  
3 committee will regroup here. At 4:15 there will be  
4 public comments, or an opportunity for public comments.  
5 And then we will wrap the day up at 4:30 p.m. with final  
6 thoughts, adjourning at 4:45.

7 Thursday, September 28th: We will reconvene at  
8 8 o'clock. Have the general comments first thing in the  
9 morning, along with the general review of the days  
10 events and the schedule. Reconvene the committees into  
11 their task subgroups. And throughout the morning they  
12 will have that opportunity to meet to conduct their  
13 business and discuss the tasks at hand. At 1 o'clock,  
14 after lunch, the committee will meet, the full committee  
15 will meet back here to provide a report. The  
16 subcommittees will provide a report to their, to the  
17 committee.

18 Then Thursday afternoon on or about 2 o'clock, we  
19 will open up for public comments and discussion of the  
20 subcommittee reports. At 2:10, the subcommittee will  
21 make any formal recommendations to the Coast Guard. And  
22 then at 3:30, there will be plans for discussions for  
23 plans for interwork and future actions by the committee.

24 And at 3:45, on Thursday September 27th (28th),  
25 the meeting will wrap up with final comments. And there

1 will be a hard stop at 4:15 p.m., as Mr. Wendland  
2 commented on this morning to wrap up this National Fish  
3 SAC Committee session.

4 So that's all I have with the agenda.

5 MR. WENDLAND: Thank you, Mr. Myers.

6 MR. MYERS: Yes, sir.

7 MR. WENDLAND: And, again, we have built-in  
8 public comments into these three days, so we have at  
9 least one public comment period each day. So if there  
10 is anybody in the public that arrives, you can just tap  
11 me on the shoulder or let one of us know that you would  
12 like to speak and we will get you up front to the podium  
13 to, you know, to advise us of your comments or thoughts.  
14 So, again, just tap me on the shoulder and we'll get you  
15 into one of those public comment periods.

16 I think, at this time, Mr. Chairman, I would like  
17 to turn it over to you because, you know, as all of us  
18 in the fishing vessel safety division over the years, we  
19 were gifted information from a pillar of the fishing  
20 vessel community. So he put together, you know, a web  
21 type system that advised everyone out in the public,  
22 including the Coast Guard, of what was happening there.

23 So we dearly miss this representative. And I  
24 just want to turn it over you for your thoughts of the  
25 committee on Mr. Richard Hiscock.

1           CHAIRMAN DZUGAN: Thank you, Jonathan.

2           Yeah, we're talking, of course, about Richard  
3   Hiscock. Richard Hiscock passed away about six weeks  
4   ago. Richard Hiscock -- we were all involved with  
5   fishing vessel safety on our boats; before we go on a  
6   trip, after the trip, so let me acknowledge that first  
7   of all. But a few of us, a rare few of us, have spent  
8   their entire lives in fishing vessel safety from a  
9   legal, regulatory end. And that was Richard Hiscock.

10          As a matter-of-fact, it was genetic with him.  
11   His father and mother worked in a small department  
12   during World War II that dealt with survival equipment  
13   for pilots flying in World War II over the Pacific to  
14   help improve their survivability basically. And he grew  
15   up with that. Only a two-person office and both  
16   happened to be both his parents. And so he grew up in  
17   that environment.

18          He worked as a sternman on a lobster boat out of  
19   Chatham, Cape Cod. And he got involved in fishing  
20   vessel safety as an insurance examiner after casualties,  
21   and especially on the regulatory side, he had a hand in  
22   2018 Act, the Fishing Vessel Safety Act of 1988 along  
23   with John (indiscernible) and with the 2010 Act, as  
24   well, as a senior staff person as a representative.

25          He was a mentor to me and a lot of other people.

1 The fishing vessel safety pool, in terms of people who  
2 just do the kind of work that he did was very small.  
3 His knowledge of the regulations and his correspondence  
4 all the way back to the late 1950s, anything the Coast  
5 Guard did involving or touching fishing vessel safety,  
6 he had cabinets full of information. That stuff is, I  
7 believe, now with a university back east, and it's  
8 archived for that.

9 And he was -- I served by him, as he was a member  
10 of this committee in the '90s. And he was invaluable on  
11 the committee meetings. Sometimes reminding the Coast  
12 Guard of what they could and couldn't do and just  
13 general background in general.

14 So he will be sorely missed. I was planning to  
15 see him and sit down with him and kind of sit at his  
16 feet again to learn more about the history, the present,  
17 the future potential of fishing vessel safety. And I'm  
18 very sad to hear about the loss and that we won't be  
19 meeting with him ever again. The lesson to me is,  
20 again, always if you want to see people and meet them,  
21 just do it; don't put it off.

22 So I have been in touch with his wife. I had a  
23 call with her as well. And we would like to be able to  
24 do something for him in remembrance, maybe with this  
25 committee. And maybe advance something onto the Coast

1 Guard as our hopes and wish is that we might be able to  
2 do something for him for his remembrance; whether it be  
3 accommodation posthumously or whatever.

4 But just wanted to let you know of his passing.  
5 And he will be sorely missed by a lot of people. People  
6 like that only come along maybe once in a generation.  
7 But in this tiny pool of fishing vessel safety ...

8 So I thought we would take a moment of silence.  
9 Afterwards, maybe come up with some ideas, if not right  
10 afterwards, but during the course of the next couple of  
11 days that we could pass along to the Coast Guard and  
12 ourselves as a committee. And take that moment of  
13 silence to think about Richard and what he did.

14 And if you didn't know Richard well, think about  
15 somebody you know, who, in this industry, who you fished  
16 with who is no longer here, who was lost at sea. So  
17 we'll take a few minutes of silence if there is no  
18 objection.

19 (Moment of silence observed.)

20 CHAIRMAN DZUGAN: Thank you. And thank you,  
21 Richard, wherever you're listening from.

22 MR. WENDLAND: Captain Neeland.

23 CAPTAIN NEELAND: Thank you. I'd just like to  
24 take a few moments. The U.S. Coast Guard just also  
25 wishes to recognize Richard Hiscock for his lifelong

1 contributions to advance safety in the fishing industry,  
2 and his large impact on mariners and their families,  
3 which were felt on many levels.

4 He partnered with the Coast Guard in the drafting  
5 of the fishing vessel safety publications and provided  
6 critical input on fishing safety draft legislation which  
7 resulted in the Coast Guard Administration Authorization  
8 Act Provisions. This being a small example of the  
9 numerous drivers he championed that impacted a diverse  
10 industry and nation.

11 His life work was progressive and unique and  
12 clearly influenced a culture of safety in a challenged  
13 industry. We offer our sincerest condolences to his  
14 family. Thank you.

15 MR. WENDLAND: Thank you, sir, and thank you, Mr.  
16 Chairman.

17 CHAIRMAN DZUGAN: Thank you.

18 MR. WENDLAND: Mr. Myers, at this point in time  
19 on the agenda, would you like to provide everybody with  
20 some general updates and some regulatory project status  
21 updates as well?

22 MR. MYERS: Yes. Thank you, Jonathan. Joseph  
23 Myers speaking.

24 I want to provide, first and foremost, an update  
25 on the task items that were responded to in Norfolk.



1 And what I'm going to do, since, you know, the committee  
2 responded and made recommendations to three tasks. And  
3 they were 01-23, 02-23, and 03-23. What I'm going to do  
4 is read the tasks so that everyone is really  
5 re-familiarized with the task at hand, and then the  
6 Coast Guard response to that which is posted on our  
7 website.

8           The committee in May of 2023 made -- responded to  
9 task recommendation 01-23: The committee recommends the  
10 adoption of a regulation to include language that  
11 requires each vessel MUST have a written policy for  
12 preventions of falls overboard and for wearing PFDs.  
13 The policy must identify known hazards that may result  
14 in falls overboard, list best practices to prevent falls  
15 overboard, and methods for recovering of man overboard.

16           The Coast Guard response: The Coast Guard agrees  
17 with the importance of incorporating safety policies  
18 that address falls overboard prevention, recovery  
19 methods, and activity appropriate wearing of personal  
20 flotation devices. We will evaluate implementing this  
21 recommendation in future regulatory projects and will  
22 include these measures in the updates to the Voluntary  
23 Safety Initiatives and Good Marine Practice for  
24 Commercial Fishing Industry Vessels Guide.

25           Task No. 2, 02-23: The committee recommends that

1 the Commandant amend 46 CFR (Code of Federal  
2 Regulation), 28.50, definitions of terms used in this  
3 part to include skiff, which means a fishing vessel up  
4 to 32 feet in length of open construction arranged with  
5 little or no combination or interior spaces. This  
6 definition excludes auxiliary craft.

7 The Coast Guard response: The Coast Guard is  
8 currently evaluating amending 46 CFR 28.50 definitions  
9 to include the definition of skiff, and the description  
10 capturing fishing vessels up to 32 feet in length of  
11 open construction arranged with little or no combination  
12 or interior spaces excluding auxiliary craft.

13 Another item within this task, 02-23, the  
14 committee recommends that the Commandant amend 46 CFR  
15 28.110, life preservers or other flotation devices be  
16 modified to include paragraph C, which reads:  
17 Individuals onboard vessels defined as skiffs, when  
18 operating in cold water shall wear a garment or device  
19 designed to provide flotation.

20 The Coast Guard response: Wearing an activity  
21 appropriate personal flotation device will significantly  
22 benefit crew in certain high risk situations, especially  
23 in cold water environments. We will evaluate  
24 implementing this recommendation in a future regulatory  
25 project and will address these measures in future

1 updates to the Voluntary Safety Initiatives and Good  
2 Marine Practice for Commercial Fishing Industry Vessel  
3 Guide.

4 Task 03-23: The committee recommends the  
5 adoption of a regulation requiring owner/operator of a  
6 commercial fishing vessel subject to 46 CFR 28.105  
7 lifesaving equipment general requirements, to establish  
8 and maintain a suitable means onboard the vessel for the  
9 safe recovery of persons from the water and their  
10 subsequent embarkation onto the vessel.

11 The Coast Guard response: The Coast Guard agrees  
12 with the intent of this recommendation establishing  
13 suitable means onboard a vessel for the safe recovery of  
14 persons from the water and their subsequent embarkation  
15 onto the vessel is vital for crew safety in high risk  
16 situations.

17 We will evaluate implementing this recommendation  
18 in a future regulatory project. The Voluntary Safety  
19 Initiatives and Good Marine Practice for Commercial  
20 Fishing Industry Vessel Guide addresses man overboard  
21 recovery. The Coast Guard highly encourages fishing  
22 vessel and fishing industry stakeholders to incorporate  
23 this guide in their operational safety plans.

24 And also there was another recommendation  
25 attached to this task, 03-23. Prioritize the issuance

1 of the Voluntary Safety Initiatives and Good Marine  
2 Practices for Commercial Fishing Industry Vessels  
3 January, 2017 guide. The committee recommends that the  
4 Coast Guard updates the Voluntary Initiatives and Good  
5 Marine Practice for commercial practice industry vessel  
6 document.

7           The Coast Guard response: The Coast Guard agrees  
8 with this recommendation. We recognize certain fishing  
9 industry stakeholders may not be aware of the Voluntary  
10 Safety Initiatives and Good Marine Practices for Fishing  
11 Industry Vessel Guides, which was co-produced by the  
12 Coast Guard and the Commercial Fishing Safety Advisory  
13 Committee in 2017.

14           We will pursue a focused campaign that promotes  
15 the Voluntary Safety Initiatives and Good Marine  
16 Practices for Commercial Fishing Industry Vessel Guide  
17 to commercial fishing industry stakeholders. This guide  
18 will also be emphasized during Coast Guard fishing  
19 vessel dockside examinations. We have commenced our  
20 review of the Voluntary Safety Initiative Good Marine  
21 Practice Guide and will incorporate relevant updates as  
22 necessary.

23           And so that is the review and comments by the  
24 Coast Guard of the three tasks that were delivered to  
25 the Coast Guard this past spring in Norfolk.

1           Are there any questions?

2           MR. ALWARD: Yeah, Matthew Alward. Part of the  
3 recommendation on that last item, was -- I believe we  
4 also recommended that you guys look at renaming the  
5 document to make it more accessible. I don't know if  
6 that got captured in the notes for you guys. Or maybe  
7 reviewing that document or maybe making -- coming up  
8 with a different name for it?

9           MR. MYERS: Yeah. So that was not part of the  
10 recommendation, but we hear what you're saying and we  
11 can look at that. And I think any changes to that  
12 document which was advised by the advisory committee  
13 back, I think, it was several meetings back, we are  
14 happy to always entertain renaming that.

15           And so maybe we can reconnect with the committee  
16 during our review and come up with a sensible  
17 identifying name that you all agree with also, because  
18 you are co-authors of that document obviously. Yeah.  
19 Okay.

20           Anything else? Yes, sir.

21           MR. DAMERON: Chairman. Thank you, Mr. Myers.  
22 Thomas Dameron.

23           When might these updates to the document be made?

24           MR. MYERS: We don't have a -- well, we are  
25 currently reviewing it now. So I'm hesitant to give a

1 deliverable date today, but I can tell you that we are  
2 actively reviewing it. And I would say we could provide  
3 an update during the spring meeting, you know, when  
4 there's official committee business conducted. And we  
5 can give you an update on our review and  
6 recommendations. So it just has not been completed yet.

7 Any other questions? Okay.

8 I want to provide a quick update on the reg  
9 project, the fishing -- fishing vessel safety reg  
10 project that is in the final stages, the final rule  
11 process. On the spring unified agenda, which is posted  
12 on our website, the deliverable for this final rule has  
13 been updated to reflect 08 of 2024, which is August of  
14 2024. And that's posted on the unified agenda which we  
15 encourage everyone to visit frequently because  
16 occasionally there are updates.

17 I have a copy of that here along with the reg,  
18 the Federal Register Notice of Proposed Rulemaking that  
19 it's based on. So during this meeting, be it the public  
20 or the committee, if you want to take a look at this,  
21 you are more than welcome to it. As a matter of fact, I  
22 will leave it on the back table here so everyone knows  
23 where it's at.

24 Are there any questions on that?

25 Okay. Mr. Wendland.

1           MR. WENDLAND: Yes, sir. Thank you very much,  
2 Mr. Myers.

3           We're a little bit ahead of schedule, which is  
4 good, because, like we said, we've got a full agenda and  
5 ten tasks to go through in these three days. So I would  
6 suggest to the Chairman maybe we can just take a break  
7 now before we get into the presentations from the  
8 Districts.

9           And, again, those presentations will be quick  
10 updates from the presentations that were just done at  
11 the Norfolk meeting. So they will be probably a little  
12 bit quicker than the Norfolk meeting, but we do have all  
13 of the district coordinators here to provide everyone in  
14 the room and all of the members an update.

15           So with that, Mr. Chairman, it's your call on  
16 that.

17           CHAIRMAN DZUGAN: I propose that we take a recess  
18 to the top of the hour and reconvene at the top of the  
19 hour, 10 o'clock. So we are recessed.

20           (The meeting recessed at 9:46 a.m. PST.)

21           (The meeting reconvened at 10:02 a.m. PST.)

22           MR. WENDLAND: All right. So welcome back. And,  
23 again, this is the Second National Commercial Fishing  
24 Safety Advisory Committee Meeting, the first one took  
25 place in Norfolk. And in Norfolk, we had the district

1 coordinators come up and present some of their data on  
2 what's been happening in the last year or so.

3           So at this point in the agenda we're going to ask  
4 each coordinator to come up again, and just give us  
5 updates of what's happened since the last date in  
6 Norfolk. So we'll do that just starting in D-1 and  
7 going around the country to D-17. So at this point in  
8 time, if we're ready, Angel, do you have the D-1  
9 presentation? You can put that up.

10           CHAIRMAN DZUGAN: Jonathan, if I may, for people  
11 in the audience, again, is my head in the way? Can you  
12 see the screen? Okay.

13           MR. WENDLAND: And so with us from D-1 is Kyra  
14 Dwyer. And Kyra is representing, on behalf, I should  
15 say of Trevor. So with no further ado, Kyra, the floor  
16 is all yours. And thank you for coming on the short  
17 notice, as well.

18           MS. DWYER: Thank you, Jonathan. He stole my  
19 intro, but I'll repeat. Kyra Dwyer and I'm an examiner  
20 out of New Haven, so Sector Long Island Sound, on behalf  
21 of Trevor Cowan. And I am excited to be here today to  
22 see what goes on.

23           I'm here to brief you on the latest developments  
24 in the 1st District. And I'm just going to go quickly  
25 through the statistics, but if you have any questions



1 please feel free to stop me. Back on the first slide,  
2 starting over. I'm still on the first slide, the  
3 picture of the boat. Thank you.

4           So that's Gaston's Legacy. It's an 85-foot  
5 dragger. It is one of the recent casualties in our  
6 area. August 13th there was a report of a suspected  
7 missing crew member suspected being overboard. A search  
8 was conducted. No body recovered until 13 days later.  
9 And so the investigation is still pending. And we're  
10 awaiting the ME report. But the key points are no life  
11 jacket and suspected of working on deck alone. So  
12 that's, again, just one of the most recent casualties.  
13 Next slide please.

14           All right. Simply, the objectives today, just to  
15 go over our fleet and the stats of this past calendar  
16 year. And then I just wanted to talk a little bit about  
17 our safety workgroup. I believe Trevor's probably  
18 spoken about that in the past. It's a working group  
19 that we established after a peak in fatalities in 2020,  
20 and it's an ongoing effort in the 1st District.

21           So this is our fleet size and it comes from NOAA  
22 data. 15,000 active fishing vessels; 5000 of which are  
23 documented, 10,000 state registered. And that's going  
24 to include the highly migratory species or I'll say, you  
25 know, the part time. And then our averages for exams

1 are between 1000 and 1100 exams a year, and that is  
2 including third-party exams.

3 All right. So this one is a little -- there's a  
4 lot of numbers. This is essentially our compliance  
5 statistics broken down by month, so this is the past  
6 year. So it's all going off of boardings. So if you go  
7 into the centermost, red data fields. So it's spelled  
8 out. It's got a compliance rate. So that is just a  
9 measure of the safety violations that were determined  
10 subsequent to boardings. So you see compliance rate of  
11 83 percent. That means 83 percent of the time of these  
12 boardings, vessels were found to be in compliance.

13 And I found it, kind of, interesting to go  
14 through by month to track the compliance percentages.  
15 You see June and July were the lowest. So I would like  
16 to investigate that a little bit further.

17 Next center red column percentage with current  
18 exams, that's the five-year exams. That's going to be,  
19 what is that, 70 percent. And then the last one over to  
20 the right, percentage with decals, that's 60 percent.  
21 So that's the 2-year decal.

22 The notes. Let's see that bottom block, again,  
23 over to the left, that is observed PFD wear. We've been  
24 asking boarding officers to make a note if crew members  
25 are wearing PFDs. Observed wear, 46 percent, which is,

1     that's up 30 percent from calendar year 2022; so that's  
2     very positive. All right.

3             Any questions? Yes.

4             MR. DAMERON: I noticed no boardings October,  
5     November, December.

6             Ms DWYER: Yeah, so that's up to August. So  
7     January through August.

8             MR. DAMERON: Oh, 2023.

9             MS. DWYER: Yeah, I asked the same question when  
10    I was going over it with Trevor. That's why I can  
11    answer it right away. Yeah, so that's just for the  
12    calendar year.

13            Anything else?

14            MR. WENDLAND: One question. So when the Coast  
15    Guard goes by and observes the life jacket wearing, is  
16    that folks on the back deck or is that boardings, or how  
17    is that done exactly for the knowledge of everybody?

18            MS. DWYER: So as I understand it, this is on  
19    deck at the time of the boardings. So anybody that is  
20    working on deck, if they're wearing -- so it's subject  
21    to some variability, but that's the idea. The team gets  
22    on and observes, you know, starts their boarding, you  
23    know, anybody who is on deck working, were they wearing  
24    a life jacket.

25            MR. THEILER: Kyra, does that include -- is that

1     only Coast Guard approved or would that include  
2     something like the bibs that have the full flotation;  
3     does that include all of those?

4             MR. DWYER:   I'm not sure, Mike.   And I can ask  
5     about that.   If I had to guess, I would say just  
6     observed wear, regardless of type.   But I don't know for  
7     certain.

8             MR. VINCENT:   And so those were boardings at sea  
9     or dockside?

10            MS. DWYER:   Boardings at sea.   So these are  
11    boarding teams, yeah.   So this is realtime.

12            CHAIRMAN DZUGAN:   Just for clarity.   In that  
13    first column, the number of POB, persons onboard, right?

14            MS. DWYER:   Yes.

15            CHAIRMAN DZUGAN:   And then the number of POB  
16    worn, those were just what was observed, right?

17            MS. DWYER:   Observed.   Yeah.

18            CHAIRMAN DZUGAN:   Thanks.

19            MS. DWYER:   You're welcome.   All right.   Anything  
20    else?   Next slide, please.

21            All right.   So this is a breakdown of all of the  
22    violations by item.   And, again, August, that's just the  
23    last month that we've got recorded.   The top three  
24    violations, missing or expired flares, missing or  
25    expired exam, and survival craft issues.   I know it's

1 quite -- it's a little difficult to break that down by  
2 the columns, but if you have any questions I'm happy to  
3 read through it with you right now. And, again, this is  
4 subsequent to enforcement boardings, that's where all of  
5 this data comes from.

6 MR. BOEHMER: Have any of these resulted in  
7 terminations?

8 MS. DWYER: Yes. The next slide -- yes.  
9 Stealing my thunder. Yeah, there you go.

10 So these slides, the top right is going to be the  
11 past nine years, and it's broken down by year. And then  
12 the top left, that's your terminations. Again, it's for  
13 that time period, the past nine years. So it doesn't  
14 break it down by year. And also the fatalities within  
15 those last nine years, so it's really just by subject.

16 So the top termination violations are going to be  
17 life rafts. That's the top left, the red half. And you  
18 can see in the recorded fatalities, 2020, that was a  
19 spike for the 1st District at 17. And then, after that  
20 we trended downwards, which was fortunate, until this  
21 year, we're going up again, we're at 6.

22 Of those 6, 4 are what we're categorizing as  
23 fishing vessel related -- so, you know, sinking, fire; 2  
24 were health or drug-related, so we break those out  
25 separately on the 6 overall fatalities.

1           And then I did ask about that, if you see on the  
2   cause of death for the lowest block, man overboard and  
3   then sinking/capsizing, I wanted to know if it was a  
4   coincidence that those numbers were both 18 or double  
5   counted. It's actually coincidentally they are separate  
6   events. So there were, you know, 18 sinking or  
7   capsizings, and then counted separately, 18 individual  
8   man overboards for that time period.

9           Any questions?

10          CHAIRMAN DZUGAN: Again. Jerry, just for  
11   clarity. The upper left-hand pie chart up there, 116 in  
12   red. That was terminated because there was flooding, it  
13   was --

14          MS. DWYER: Oh, sorry. That's for life rafts.  
15   So the 116 -- yeah, it's hard, the flooding was the  
16   smallest.

17          CHAIRMAN DZUGAN: Sorry.

18          MS. DWYER: That's all right.

19          MS. HEWLETT: Is the termination for life raft,  
20   I'm just curious if that's that they weren't onboard or  
21   were just expired and hadn't been repacked?

22          MS. DWYER: Yeah, so one of these slides -- and,  
23   again, I can't speak to it exactly, I think one of the  
24   prior slides, it describes whether it's hydrostatic or  
25   whether it's a general issue with the life raft. If I

1 had to guess, I would say it's servicing. You know,  
2 beyond that five-month grace period.

3 MS. HEWLETT: And I wonder if in coordination  
4 with, were those boats examined --

5 MS. DWYER: Right.

6 MS. HEWLETT: -- were they -- yeah.

7 MS. DWYER: Yes. And so, I agree. I think  
8 that's definitely worth looking into. Because we've had  
9 a lot of issues with service delays in our area. So,  
10 but, unfortunately I don't know beyond that in general.

11 MR. VINCENT: Were any of those related to say  
12 positioning of the life raft, like, where it's obviously  
13 probably to the point of ridiculous to try to deploy it  
14 in a manual emergency.

15 MR. DWYER: I would venture to guess, no, just  
16 having done the work, you know, in the field. I feel  
17 like that's usually sorted out prior to the boat  
18 leaving. And I would feel comfortable saying that a  
19 boarding officer, as long as it is accessible and has a  
20 chance of deploying, they will not terminate. But it's  
21 more to do with expired hydrostatic release or servicing  
22 that's beyond the due date plus 5 months. We do give a  
23 grace period of five months before terminating, but  
24 usually it's a servicing issue.

25 And I know in my area we have good communication

1 between the boarding teams and myself. So if there is  
2 any issue of accessibility or mounting, that's something  
3 that's typically communicated back to me for dockside  
4 follow-up. And then I will work with the operator to,  
5 you know, come up with a more suitable location.

6 MR. VINCENT: And that five month grace period,  
7 is that just particular to your district?

8 MS. DWYER: No, that's a national policy.

9 MR. DAMERON: And is it the same situation with  
10 the life extinguishers, that it's, those are expired  
11 past five months? Or fire extinguishers.

12 MS. DWYER: Yeah, so that's typically not  
13 serviceable. You know, so you do not have the required  
14 number onboard, whether they're just missing or they're  
15 beyond the service date. Most importantly, that would  
16 be the hydrostatic testing of the cylinder itself.

17 MR. DAMERON: And do you know if your boarding  
18 officers and the examiners are looking at mounting in  
19 the brackets?

20 Ms DWYER: They are. They are. That's a  
21 challenge. And, again, it's working with operators, you  
22 know. I would say the typical boarding officer is not  
23 going to terminate if they have the requisite number of  
24 extinguishers, but one is not properly mounted, even  
25 though the approval, you know, does state this is only



1 approved equipment if it's probably mounted.

2 But typically, the boarding officer will, you  
3 know, give some latitude, and, again, you know speak  
4 verbally to that. "I'm going to let you go this time,  
5 you have the requisite number, but this needs to be  
6 mounted." And then that's something that would be  
7 followed up, communicated between the boarding officer  
8 and myself as a follow-up, you know, once they get back  
9 to the dock.

10 MR. DAMERON: Right. And is that usually  
11 followed up subsequent?

12 MS. DWYER: Yes.

13 MR. DAMERON: And to make sure that they get  
14 those properly mounted?

15 MS. DWYER: Ideally, yes. At our best, that is  
16 the ideal coordination. It's between underway  
17 enforcement and dockside examiners. In my opinion,  
18 that's how everything -- that's how we maximize our  
19 effectiveness. But it's sometimes challenging, you  
20 know. I mean, if I could be frank, that's one of the  
21 biggest obstacles is just maximizing the communication  
22 and the followup.

23 But, yeah. You know, I'll speak for myself.  
24 That's something that I work hard at. And that  
25 includes, you have to visit with the stations and you

1 have to stay in touch with the people who were doing the  
2 work. You have to do consistent training. And you have  
3 to be very technical and have good relationships.

4 MR. BOEHMER: Kris Boehmer. I'm just wondering.  
5 I don't see EPIRBs on there. Is that included in the  
6 life raft pie or is that something that you don't  
7 terminate a trip for as it's not an issue?

8 MS. DWYER: I think it was not an issue, yeah.

9 MR. DAMERON: And how about survival suits and  
10 the inspection on survival suits. Because we have life  
11 rafts up there. Are you requiring that survival suits  
12 are inspected in the same way that life rafts are?

13 MS. DWYER: Yes, they are inspected. But the  
14 service dates, you know, they're not stamped with an  
15 expiration date. And the general rule of thumb is about  
16 20 years service life, but it depends how it's been  
17 stowed, where it's been stowed. You know, the condition  
18 of the neoprene.

19 But what we are looking at consistently is that  
20 it has to be marked; it needs the whistle, and a light,  
21 you know, depending on when they're operating. And fit,  
22 fit and accessibility. I mean, I think that's probably  
23 the most important.

24 MR. DAMERON: Because I think most manufacturers'  
25 guidance requires servicing every two years within the

1 first five years of life and every year thereafter. And  
2 I'm seeing an awful lot of survival suits that are 10,  
3 12, 15 years old that never been serviced. So I'm  
4 wondering why boarding officers and Coast Guard  
5 inspectors aren't flagging that?

6 MS. DWYER: Yeah. I can't answer, other than not  
7 doing it. You know, my inspection is a visual. And  
8 I'll recommend somebody, because I know the testing for  
9 those suits is to do, you know, essentially, hydrostatic  
10 testing, check for leaks. And encourage people to put  
11 it on and get in the water and see if it leaks. But,  
12 no, I am not checking for the servicing stamp. 20 years  
13 is the cutoff for a serviceable suit.

14 CHAIRMAN DZUGAN: Jerry. A comment and a  
15 verification. This is not a regulation, that's a policy  
16 from district to district in terms of the examinations  
17 of immersion suits. So it's going to change from  
18 district to district from what I've seen. And we'll  
19 learn more about that. And it's not a regulation, that  
20 manufactures guidelines, kind of, exist separately from  
21 that.

22 But my question is on those yearly fatalities; that's  
23 vessel related?

24 MS. DWYER: Fataals?

25 CHAIRMAN DZUGAN: Does that include medicals,

1 suicides, murders, or are they vessel-related?

2 MS. DWYER: And that was in the sixth slide  
3 right, from 2023?

4 CHAIRMAN DZUGAN: Yeah. So I want to know if  
5 there was any other than in the pie chart?

6 MS. DWYER: Yes, so two of those fatalities were  
7 either health or suicide.

8 CHAIRMAN DZUGAN: Okay. So that an includes all  
9 fatalities in the upper left. Okay. Thank you.

10 MS. DWYER: Yes.

11 CHAIRMAN DZUGAN: I'm glad I asked.

12 MS. DWYER: All right. The next slide please.

13 So this is the workgroup that I was describing  
14 earlier. This was formed in 2020 after a spike in  
15 fatalities. And I've been a member of the work group  
16 and it's been a great initiative. I think most  
17 importantly, it is coordinating the efforts of our  
18 prevention teams or our marine inspectors, our examiners  
19 and the enforcement teams, and those policy leaders.

20 And we are executing our efforts with something  
21 called the safety enhancement bulletins. So that's  
22 internal direction to all of the boarding teams and the  
23 dockside examiners. And it's a concentrated focus on  
24 safety issues. So it's a dynamic response to realtime  
25 issues.

1           The first one that went out was six months ago.  
2    It was on watertight integrity. So recognizing that we  
3    do not have the regulatory authority to hold a certain  
4    standard, but we do have the authority, interestingly,  
5    to terminate. So the reality of that situation, we get  
6    back to terminate, based on excessive flooding or  
7    failure of those watertight fittings. We all know that  
8    doors, hatches, typically don't fail immediately, so  
9    that's a maintenance standard.

10           And so what was recognized by this group is let's  
11   increase the focus on this maintenance issue that occurs  
12   over time and that can result in a catastrophe. Because  
13   it's low-hanging fruit. It doesn't cost a lot, but it's  
14   critical. So we figured by getting our boarding teams  
15   to take a closer look at watertight doors, hatches, make  
16   note of the configuration. And it's largely an  
17   education effort.

18           And our second, and this one is just going out  
19   now, focuses on man overboards and drill training. And  
20   there is an effort to do more than just ask to see  
21   somebody's drill conductor card. There is a consensus  
22   that, if we can, we want to actually perform proof of  
23   compliance. Confirm that, not only have people attended  
24   the training, but they understand the equipment and they  
25   can actually execute, you know, the drill requirements.

1           And it's a very challenging issue, especially for  
2   the captains, because, you know, we've had a transient  
3   crew, so lot of times, they are new deckhands. So it's  
4   a challenge for these captains to keep everybody trained  
5   up. So the idea is to have our boarding officers do a  
6   little bit more of proof compliance. So not just check  
7   for the card, but go onboard, take the watch, quarter,  
8   station build and say, you know, "Okay, deckhand. Your  
9   assignment is this in a fire. Show me how you do that;  
10   tell me what you do?" You know, "show me how to deploy  
11   a raft," et cetera. Again, raising awareness.

12           So that said, I think it's ultimately going to  
13   prove very effective. And, if anything, it hits that  
14   button of coordinating the Coast Guard internally,  
15   again, between the dockside examinations, examiners, and  
16   the enforcement, which is critical.

17           And this picture of the Miss Kara, just to  
18   conclude, again, another August. This was a sinking 55.  
19   So this is before, this had gear modifications, so it  
20   started life as a lobster boat that was converted to,  
21   I'll say, scallop or dragger. But the big A-frame was  
22   added on. And less than 79, so no stability  
23   calculations.

24           And it's reported, because there were three  
25   survivors, that there was a, you know, essentially gear

1 shifted on deck in some rough weather. And it was a  
2 pretty immediate capsized. So three people in the water.

3 We received, the EPIRB deployed immediately. The  
4 survivors were recovered within an hour. Only one of  
5 them could swim. None of them were wearing PFDs. They  
6 were very lucky. They were hanging on to small buoys  
7 when the Jayhawk arrived. But, again, so, you know, a  
8 good ending, a very positive ending, but it could have  
9 had a very different outcome. Questions?

10 MR. VINCENT: On your enhancement you were  
11 talking about watertight integrity.

12 MS. DWYER: Yes.

13 MR. VINCENT: Are they just doing like spot  
14 checks or are they actually doing shock tests, like, you  
15 know, checking knife edges and stuff like that?

16 MS. DWYER: Yeah, so we have a basic. They are  
17 not doing, you know, shock tests. No, they are not  
18 doing that underway. They are assessing the general  
19 condition of the fittings. They aren't checking the  
20 gaskets. And if there are things missing, you know,  
21 oftentimes we'll see, seized dogs, you know, one dog out  
22 of four is working. They're making a note of it and  
23 again, communicating their findings to the dockside  
24 examiner, who will pursue it further if needed. So, you  
25 know, conducting some of the tests to better quantify

1 and actually test against a standard. But either way  
2 it's a general assessment.

3 MR. THEILER: I'm just curious. I'm a safety  
4 officer, but I'm really pleased to see that in writing  
5 that first paragraph, "developing non-regulatory  
6 interventions that might reduce the high rate of  
7 fatalities in the northeast."

8 You know, I think that the training and this type  
9 of prevention is going a lot further than the regulatory  
10 types of enhancements to safety.

11 MS. DWYER: I appreciate that, Mike. Thank you.  
12 And, yes, I skipped over the bottom line. But that is  
13 the premise of what we're trying to do. We approach it  
14 as everybody is rowing in the same direction. You know,  
15 it's reducing fatalities. And if we can work together  
16 and really focus dynamically on the realtime issues, not  
17 just, you know, the standards of expiration dates, but  
18 respond to what is happening realtime, that's what we  
19 are focused on.

20 MR. WENDLAND: Awesome. Thank you, Kyra.

21 MS. DWYER: You're welcome.

22 MR. WENDLAND: Fantastic job. Very detailed.  
23 It's never easy to just jump into the fire like that.  
24 And especially up in D-1, there's a lot going on there.  
25 So it's great to hear, Mike, that things are going well



1 for you. It's a challenging environment at times. And  
2 thank you again for that. An excellent presentation.

3 So at this point in time, we'll move to D-5. And  
4 D-5, we have a vacant position as far as a coordinator.  
5 And filling that position is active-duty lieutenant Gary  
6 George, who was not able to be here today. So, again,  
7 in his stead, we have Andy Diggs.

8 MR. DIGGS: Good morning and thank you. I am  
9 from Sector Virginia. I am a fishing vessel safety  
10 examiner. And Gary, Lieutenant Gary George put this  
11 presentation, for me, together and I'll go -- it should  
12 be pretty brief.

13 For those not, kind of, geographically  
14 understanding what a Coast Guard district, District 5 is  
15 generally speaking from Toms River, New Jersey to  
16 Wilmington, North Carolina. That might be beneficial  
17 for those who operate in that area.

18 Our biggest hub is in the mid-Atlantic, at  
19 Hampton Roads. We've got a pretty robust mid-Atlantic  
20 scallop industry fleet there. They're doing very well.  
21 You can go to the next line already, Angel.

22 Of those vessels, we do have a couple of  
23 different components. About 5700 altogether, again,  
24 from Toms River, New Jersey to Wilmington, North  
25 Carolina. A lot of our documented vessels are the

1 offshore, mid-Atlantic style. There is a very robust  
2 fleet there out of Hampton Roads, Cape May, New Jersey,  
3 some of the Delaware Bay, a few out of Ocean City,  
4 Maryland. Our big bread and butter boats are the  
5 Chesapeake Bay Deadrisers. They are classed as the  
6 42-foot deadrisers that operate during the crabbing and  
7 oyster season. Those are voluntary programs or  
8 voluntary dockside exams for those particular vessels.

9         Okay. So what this particular statistic, these  
10 were at-sea boardings. And of those 30 boardings are  
11 associated with operations -- or, I'm sorry, lifesaving.  
12 And I can attribute that to probably the reason we check  
13 the big 8 items would lend us to reach out to the  
14 lifesaving components on the vessels.

15         We do a lot of station training. I tell the guys  
16 and gals, listen, check something with an expiration  
17 date, because when I was on there, the flares were good  
18 and serviceable; however I don't go back and check them  
19 two months from now that they have been replaced. So I  
20 attribute the great majority of that lifesaving  
21 equipment for decal vessels that are receiving one of  
22 the big 8 items being checked at sea.

23         I noticed there is 10 violations for fisheries.  
24 As commercial fishing vessel safety examiners, I do not  
25 check twine top, scallop reengages; that is not what we

1 do. So I can't really speak to the fisheries part of  
2 that. I am familiar with a lot of what, they're  
3 required to have the turtle chains for scallop dredges  
4 and so forth and the tents, but we don't physically  
5 check any of those items.

6 At the very top, "personnel," as a little wedge  
7 of that, that's also something we don't generally check.  
8 When we're there, it's usually the master, and a crew  
9 member, potentially a vessel manager is there. Not all  
10 in the mid-Atlantic scallops, seven persons are not all  
11 onboard. So we don't do a check for nationalities and  
12 so on and so forth. That's, more or less an at-sea, an  
13 at-sea requirement for the Coast Guard.

14 Of the violations issued, I see 69. I'm asking  
15 the boat owner and operators here in the room. Has any  
16 of you all ever been issued a citation by the Coast  
17 Guard? No.

18 So let me give you a little background of what  
19 happens, right. So their boarding officer finds  
20 something that they determine to be deficient. They  
21 issue the citation. The boarding officer then sends  
22 that to the vessel violation case coordination center,  
23 and the boat owner is issued a PICV letter, a  
24 preliminary inquiry commercial vessel.

25 And it identifies via the CFR, what it was that

1 was deficient on the boat. And then they come with a  
2 max civil penalty, scary numbers; I don't know how they  
3 got this \$10,000 for a COD being expired. But at the  
4 very end of all of that, it gives you information on how  
5 to contact the commercial fishing vessel dockside safety  
6 examiner and the Coast Guard may consider suspending the  
7 civil penalty process.

8 I can tell you this, I've done a lot of these, we  
9 call them 4100 F fix-it exams, and I have yet to see the  
10 Coast Guard pursue the civil penalty. The Coast Guard  
11 doesn't want your money. I'll tell any operator or  
12 mariner who's out there, the Coast Guard has no interest  
13 in the money associated with the fine.

14 You needed a life ring; do you have a life ring?  
15 In addition to that, we've checked everything from the  
16 mast light to the bilge pump, and now you're in full  
17 compliance. We'll issue a safety decal and then  
18 petition the 4100 processing center to suspend the civil  
19 penalty process. That's how it's worked in my  
20 experience. Next slide.

21 All right. This is some dockside exam  
22 information. Again, let's see, lifesaving, these are  
23 deficiencies associated with what the examiners may have  
24 concluded. Deficiencies issued, pretty common. The  
25 primary lifesaving equipment there is -- it looks like

1     80 different deficiencies.

2             The navigation is that what the 41 is? It  
3 appears -- I'm like you, Jerry, I'm a little colorblind  
4 when it comes to that. It appears like 41 deficiencies  
5 were associated with navigation. That could be anything  
6 from mat hubs, mat lights. It could be quite a few  
7 different things.

8             I notice there was some information or interest  
9 earlier in terminations, vessel terminations. So  
10 basically there's 11 unsafe practices that create  
11 especially hazardous conditions that could warrant a  
12 vessels voyage being terminated. There's a lot of  
13 variables to go into that.

14            The Coast Guard doesn't say right off the bat,  
15 "oh, your EPIRB batteries are expired; you've got to go  
16 back to the dock." There's a tremendous amount of  
17 communication that's associated with that. Is it, "are  
18 they inbound or are they outbound?" Are they, you know,  
19 can the deficiency -- a fire extinguisher, can it be  
20 corrected on the spot? Is the boat alongside, you know,  
21 it has too many (indiscernible). You know. So there's  
22 a lot of variables that go into the Coast Guard's  
23 determination to terminate a vessel's voyage. Next  
24 slide please.

25            So, the 5th District public outreach, again.

1 This is a pretty popular event for us up in the Maryland  
2 Waterman's Association meeting or Waterman's Expo. It's  
3 in Ocean City, Maryland. It's well attended, about 2500  
4 attendees. A lot of those folks are on the bay side of  
5 the peninsula, Delmarva Peninsula.

6 So it's a voluntary program. But we try to reach  
7 out to members of -- as we walk around the convention,  
8 we have a booth and we pass out some promotional items  
9 trying to promote the dockside safety exam along with  
10 the Atlantic City and Snead's Ferry Shrimp Festival.  
11 That would be for my coworkers down south of me. I  
12 should probably look at my notes. Let's see 5th  
13 District planning committee direction.

14 Oh, on the -- so back to the dockside safety  
15 exams. There's really two schools of thought when we  
16 deal with vessel operators. There is "tell me what I  
17 need to have Coast Guard, and I'll get it." Or, we go  
18 onboard and every piece of equipment is laid out in the  
19 galley. The immersion suits are laid out; the flares  
20 are laid out. And there is no right or wrong way to do  
21 that.

22 But I just realized, if I start a safety exam and  
23 ask for the vessel's documentation and he's pulling  
24 through a chest of drawers looking for it, more than  
25 likely this isn't going to be a -- you know, this is

1 going to be a lot of deficiencies associated because he  
2 didn't take time to present the vessel ahead of time.

3 I often say, you don't need -- "I don't need to  
4 tell you your stern light is out." This is not the  
5 program's design is not for me to tell you your port  
6 running light's extinguished. There's things you guys  
7 can get ahead with. I say "you guys" I mean the  
8 industry folks I deal with.

9 We use risk-based decision-making when using the  
10 limited Coast Guard resources to target commercial  
11 vessels, particularly those with expired decals. And we  
12 maintain a tickler file here in Sector Virginia. I know  
13 if I did a boat that's required to have a mandatory  
14 decal in 2021, he is due in 2023. We reach out to the  
15 vessel ahead of time.

16 What happens in the mid-Atlantic Scallop Fleet is  
17 that they get the ice, they get the fuel, they get the  
18 crew onboard. They head into the fishery and they maybe  
19 select a carrying observer and they can't get underway  
20 until the observer is onboard and they have a current  
21 decal. So that industry has been very, very proactive  
22 in establishing a 2-year renewal requirement for their  
23 decal.

24 The next slide. To be honest with you,  
25 Lieutenant George created this. I'm not even sure what

1 "maintain consistent engagement with an organic  
2 intelligent staff" means. I'm okay with it. But, it  
3 sounds nice. I'm good with that. We don't -- you know,  
4 we're not enforcement. We're compliance. So it's  
5 really if we are the kinder, gentler Coast Guard, not  
6 the over-enforcement part of it, we fix it, if it's  
7 identified as a deficiency.

8         Again, expand existing outreach, how to reach the  
9 commercial fishing community. We do -- we just recently  
10 did two, 3-day trips into our remote areas. The  
11 northern neck of Virginia up in the Reedville area sees  
12 very little Coast Guard except in the fall and winter,  
13 predictable (indiscernible) operations associated with  
14 oyster harvesting.

15         And then we did a 3-day event out on Tangier  
16 Island, which is a remote Virginia Island in the middle  
17 of Chesapeake Bay where those men go to oyster grounds  
18 and we try to get ahead of them, prior to predictable  
19 (indiscernible) cold water operations as well.

20         Let's see. Seek to enhance station cutter. This  
21 is prime time what we do this time of year. We get  
22 ahead. We, every year in Oyster Sector Virginia is  
23 slated for 2-day carriage commercial fishing vessel  
24 training. We do some mock boardings.

25         I'm familiar with some of the operators and they



1 will let us use their platforms. I purposely put  
2 deficiencies on these boats so these operators -- sorry,  
3 so these boarding officers can identify some of the  
4 deficiencies.

5 We have worked with AMSEA and the fishing support  
6 partnership service or fishing support partnership  
7 program out of New Bedford, that's done some  
8 drill-conductor training, very, very productive. We  
9 have a predictable April 1st opening for the scallop  
10 season. March is generally when a lot of maintenance is  
11 done. Last March, we had 35 attendees for the 2-day  
12 course, and it was very, very productive. So I thank  
13 those folks for helping us out.

14 Because as Kyra alluded to, training is the key  
15 to some of these operations. And we don't have enough  
16 teeth in the regulations to force people to do it. But,  
17 certainly for those that are willing to do it, it is  
18 certainly productive that they attend.

19 And lastly increase participation and optimize  
20 Coast Guard Active Duty, Reserve, Auxiliary. Honestly,  
21 our Auxiliary is aging out. We have few active duty  
22 folks who do this. And our reserves, in my opinion,  
23 it's very tough to do this on a part-time basis, so  
24 thankfully the Coast Guard has civilianized a lot of  
25 these positions. So that is how I was able to become,

1     this is my 10th year as a civilian doing these same  
2     boats. And I know most of these folks by name. And I  
3     can -- and I appreciate our relationship with them.

4             Any questions for me. I know that was pretty  
5     quick.

6             MR. WENDLAND: That was perfect.

7             CHAIRMAN DZUGAN: I have a question, Mr. Diggs.

8             MR. DIGGS: Yes.

9             CHAIRMAN: It sounds like you're covering a lot  
10    of vessels with scant resources. What would you like to  
11    have in terms of more resources; what are you deficient  
12    in, maybe we can help from the program?

13            MR. DIGGS: Jerry, I think "we," I'm speaking for  
14    Sector Virginia, myself, I have two other coworkers. We  
15    can maintain our current workload. It's out in the far  
16    reaches that, the auxiliary members, that may need some  
17    help in that regard. But our area of our responsibility  
18    is from Reedville, Virginia down around to Shakatay,  
19    Virginia.

20            Now some of these are 2 hours one way to go to,  
21    but I'm confident we can handle that part of it. I  
22    can't speak for some of the other district coordinators  
23    and fishing vessel examiners that are relying on  
24    auxiliary members to do some of this far and away stuff.

25            And I'll tell you, it's very easy to get this

1 wrong. Even our boarding officers, from time to time  
2 get it wrong. That's why I say there is a lot of  
3 different moving parts when it comes to a vessel that's  
4 issued -- or a vessel that has an unsafe practice that  
5 creates an especially hazardous condition -- there is a  
6 lot of answers to the question, "Why do we want to send  
7 this boat back to the dock?" Yes, sir.

8 MR. BOEHMER: Mr. Diggs, Kris Boehmer. I think  
9 Reedville has a lot of the (indiscernible) boats there  
10 and they are over 200 gross tons, correct?

11 MR. DIGGS: That's correct.

12 MR. BOEHMER: So do they fall under a different  
13 type of exam or is it the same exam?

14 MR. DIGGS: It's the same exam. But, of course,  
15 the mariner is credentialed, where that's the only fleet  
16 in our AOR that has credentialed mariners. But, yes,  
17 sir, it is the same. I've used FishSafeWest, the  
18 checklist generator, because they're somewhat of an  
19 anomaly boat, coffers, they've got some things that just  
20 aren't your run-of-the-mill 80-foot dragger. So we do  
21 have to frontload. Some pollution issues, pollution  
22 requirements. Yes, sir. But, yes, they are part of our  
23 fleet responsibility.

24 And I won't -- I was going to touch base with  
25 something else that's pending, and maybe this isn't the

1 appropriate time, but there is some question about  
2 whether some of those vessels are actually fish tender  
3 vessels. But that's another discussion for another day.

4 MR. WENDLAND: Awesome. Great presentation.  
5 Thank you. Thank you for stepping in too. We really  
6 appreciate that.

7 MR. DIGGS: Okay. You're welcome. Thank you.

8 MR. WENDLAND: Yes, sir. Okay. So moving on  
9 down south to lovely Florida, which is home to some of  
10 the members on the Board here. We have Walter Hoppe  
11 District Coordinator out of D-7. Walter.

12 MR. HOPPE: Well, while we're waiting for it to  
13 come up. My name is Walter Hoppe. I'm at the 7th  
14 District office. I've been there since 2013 as the  
15 fishing vessel coordinator. We cover from  
16 Charleston -- or from South Carolina, Georgia, Florida,  
17 with the exception of the panhandle, and Puerto Rico,  
18 and the U.S. Virgin Islands.

19 We have quite a few different boats, varying from  
20 shrimp boats to long liners to small trailer boats which  
21 are not kept in the water. We actually do some of the  
22 exams at people's houses, so it's quite a variety. You  
23 can go to the next slide.

24 So I'm just updating, basically, since I left the  
25 last meeting. So the count of the year 2022 numbers

1 obviously haven't changed. This year to date, we've had  
2 4 commercial fishing vessel losses, but none of them  
3 since the last meeting. We've had zero fatalities this  
4 year to date. And for injuries, that's our biggest  
5 area, we've had 8 this year to date; 6 of them since the  
6 last meeting. And I'll get into, on the next slide,  
7 just the breakdown of what those were.

8 Our fleet is roughly 6900 vessels, 4900 of them  
9 state, and 1900 of them documented. The dockside exams,  
10 we're averaging around 500 a year. This year to date,  
11 we've got 329 and 188 of them since the last meeting.

12 Outreach initiatives, pretty much the same as  
13 other folks, you know, AMSEA trainings. Dockwalking is  
14 a big one. Just personally, the examiner's going out,  
15 walking the docks, introducing themselves. And then, of  
16 course, the training for the cutters and stations just  
17 like everyone mentioned. So that they know, when we do  
18 the exams, what we're looking for. And so when they go  
19 out and do the boardings, they know if they see a decal,  
20 what we've already checked and, you know, what's part of  
21 our required equipment.

22 And priorities are just basically the mandatory  
23 exam requirement, the aging fleet and consistent  
24 enforcement between units. Which, I know, that's a big  
25 issue where people will come to me and say, "oh, when I

1     operated over here, they didn't check that. And when I  
2     operated here, they check it this way."

3             So our goal at the district is to look at the  
4     different examiners and say when you're, you know,  
5     enforcing things on people, are we doing it the same or  
6     is there a reason why we're doing it different in a  
7     different area?

8             From a district-sponsored things, we do the South  
9     Atlantic Fisheries Management Committee. This committee  
10    we do third-party audits. We have three of the TPOs  
11    down in Florida, even though we have only, I believe,  
12    this year so far one third-party exam done in our area,  
13    but the organizations are located in D-7. Go ahead.

14            So I mentioned the 6 injuries. What I did was a  
15    little breakdown. One of them was due to a slip and  
16    fall. And that was a documented vessel that did have a  
17    decal. The collision, it says, it wasn't basically due  
18    to a collision. Two individuals on the same vessel were  
19    injured. And that was a state registered vessel, did  
20    not have a decal. The lacerations, there's two separate  
21    incidences. Both of them documented vessels. One with,  
22    and one without a decal. And then a severed finger was  
23    a documented vessel with a decal. So just a quick  
24    breakdown of, we're looking at, you know, what were  
25    those things. Is it something that there's a common

1 trend, things like that. I kept mine pretty short, so  
2 if there are any questions. Thanks.

3 MR. WENDLAND: Thank you, Walter. Very well  
4 done.

5 Okay. Moving to D-8. John Sherlock, our  
6 District Coordinator also could not make it today. So  
7 with that, George Rau stepped in.

8 MR. RAU: Yes, George Rau. I actually work for a  
9 marine safety unit out of Homer, Louisiana. I'm filling  
10 in for John. I'm an examiner there.

11 So I'll talk about a few things that are on the  
12 slide first. One of the big concerns we have in the 8th  
13 District, because we're a very shrimp industry heavy  
14 district, that's our primary fishing industry. And it  
15 is on the verge of collapse currently. The imports into  
16 the country from foreign countries of shrimp and diesel  
17 prices currently are just making the fisheries not  
18 profitable at all.

19 Our big concern is that we have a fishery that's  
20 not profitable, the first thing that people let go are  
21 safety equipment, right. They're not wanting to go out  
22 and buy flares and then invite us on to do safety exams  
23 when they can't even turn a profit on their trips.

24 So we talk to big-dog riggers that come in here  
25 all the time and they're going backwards to the tune of

1 10, 20 grand a trip right now, and it's just not  
2 feasible. They're tying the boats up and not fishing.  
3 And the ones who are fishing are just, they're working  
4 for almost nothing at this point. Go ahead, Angel.

5 So the bottom numbers this year, 655 exams so  
6 far, 11 injuries, 5 vessels lost and we've had 5  
7 terminations. Go ahead.

8 So I picked up two of the casualties that I  
9 thought were interesting. So one of our big double  
10 rigors, as can imagine decking your rig and finding a  
11 dead body in the trawl, that happened to them. And  
12 through some investigation with the local sheriff's  
13 office, they figured out who the individual was,  
14 identified him. And talked to his family and figured  
15 out that he was out there trawling in a smaller vessel.  
16 What it came down to there was a lot of drug  
17 paraphernalia on the boat. Our personal theory is he  
18 probably jumped overboard and it cuts him out of his  
19 wheel and never made it back up.

20 So single op -- we've got a large population of  
21 single-operator vessels. A lot of skimmer, trippers and  
22 smaller crab boats, probably not the same as the crab  
23 boats up in Alaska. They operate by themselves. And  
24 one of our biggest hazards is them falling overboard by  
25 themselves and nobody ever recovering them. Nine times



1 out of ten, they ain't running a kill switch. So the  
2 boat is just doing circles out there and they're  
3 treading water and headed for the nearest land. So this  
4 particular individual was found.

5 Any questions on that? All right. Thank you.

6 MR. WENDLAND: Thank you. All right. So why  
7 don't we move forward to District 9, which is the Great  
8 Lakes and the Rivers, particularly the Great Lakes.  
9 Mark Bobal, also a District Coordinator was not able to  
10 make it today and we are thrilled to have Commander Auth  
11 represent D-9. Commander Auth, the floor is yours.

12 COMMANDER AUTH: Thank you. Good morning,  
13 everybody. Nicole Auth. I oversee inspections and  
14 investigations for the Great Lakes. We have a little  
15 bit of rivers, but rivers is mainly D-8. So the lakes  
16 is our primary focus. Next slide.

17 So our AOR covers 8 states, 5.4 million boaters,  
18 6700 miles of shoreline, and 1500 miles of that is  
19 international border with Canada. The district where I  
20 work is located in Cleveland. We oversee 4 Sectors  
21 located throughout the Great Lakes in Buffalo, Detroit,  
22 Milwaukee, and Sault Ste. Marie. We also have marine  
23 safety units in Duluth, Chicago, Toledo, and Cleveland.  
24 And marine safety detachments in Sturgeon Bay, Wisconsin  
25 and Massena, New York.

1           We have no billeted commercial fishing vessel  
2   examiners in the Great Lakes, but we have 15 qualified  
3   active-duty and civilian marine inspectors, two Coast  
4   Guard auxiliarists, and 13 tribal examiners for a total  
5   of 30 examiners spread throughout D-9. As you can see  
6   it's a large area of water; not a lot of people in any  
7   one spot, so we're kind of spread out. Our assets are  
8   spread out all over the Great Lakes.

9           The Great Lakes fisheries work more than  
10   \$7 billion annually and cooperative fishery management  
11   sustains that economically important element of the  
12   Great Lakes ecosystems. Fisheries of the Great Lakes  
13   are jointly managed by provincial, state, and tribal  
14   agencies with the support from both the Canadian and the  
15   U.S. Federal Governments. And one of those  
16   organizations is the Great Lakes Fishery Commission.

17          All right. Here's our tiny but mighty commercial  
18   fishing vessel fleet in the Great Lakes. We currently  
19   have 318 active commercial fishing vessel licenses. Of  
20   the total of 469 commercial fishing vessels in the Great  
21   Lakes, 286 of those are tribally owned. The  
22   overwhelming majority of our fishing vessel fleet is in  
23   Sector Sault Ste. Marie's area of responsibility.  
24   That's 362 of our vessels are based out of Sault Ste.  
25   Marie. Next slide.

1           Here is an example of a few of our commercial  
2   fishing fleet. Primary vessels are made of steel and  
3   aluminum. All of them are less than 65 feet. Some of  
4   the fisheries that they participate in are Lake  
5   Whitefish, walleye, yellow perch, and ciscos, as well as  
6   salmon, walleye trout and other species recreationally.

7           So our primary efforts are with outreach and  
8   education. These are a few pictures from our recent  
9   outreach efforts in May, 2023. Sectors Sault Ste. Marie  
10   personnel met with conservation officers from the Five  
11   Tribes that make the Chippewa Ottawa Resource Authority,  
12   or CORA, to discuss the upcoming fishing season and  
13   conducting commercial fishing vessel exams. And that's  
14   an annual outreach effort from them.

15          The other picture on the left shows District 9  
16   and MSU Duluth staff meeting with the Galena Bay Indian  
17   Community conservation officers for training following a  
18   community meeting with 33 fishers and their families to  
19   discuss safety requirements for commercial fishing  
20   vessels.

21          And pending any questions, here's my contact  
22   information. And also Mr. Mark Bobal, our fishing  
23   vessel safety specialist, if you have any questions.

24          CHAIRMAN DZUGAN: One question. Fatalities, do  
25   you have any fatalities?

1           COMMANDER AUTH: We have not had -- so I asked  
2 Mark this question, and he said we have not had a  
3 fatality since the mid '90s. The Great Lakes is a  
4 little different when it comes to the fishing vessel  
5 fleet.

6           CHAIRMAN DZUGAN: We've done training there for  
7 the Chippewa/Ottawa tribe, about 12 courses, I guess.  
8 And, yeah, they've got a very organized and very  
9 professional interest in the sea.

10          COMMANDER AUTH: Yes, definitely. Yeah, they're  
11 a great partner.

12          CHAIRMAN DZUGAN: I can see that.

13          MR. WENDLAND: Commander, thank you.

14          COMMANDER AUTH: Thank you.

15          MR. WENDLAND: And if I could just put in a plug  
16 there. For up in D-9, I have a mole, a friend of mine  
17 up in D-9. And I have a great amount of respect for  
18 this gentleman. And he told me prior to this meeting  
19 that Commander Auth is one of the best people to ever  
20 come through D-9. So if you do decide to change into  
21 retirement, I hope some of this is extra benefit for  
22 you. But, yeah, thank you.

23                 And with that, D-11, Peg Murphy.

24          MS. MURPHY: Hi Jonathan.

25          MR. WENDLAND: Hi.

1           MS. MURPHY: Welcome, everybody. It's good to be  
2 here again. I am Peg Murphy and I work in Alameda,  
3 California. And I am a fishing vessel safety  
4 coordinator. Go to the next slide.

5           So D-11 actually comprises four states. There's  
6 California, Nevada, Utah, and Arizona. So the bulk of  
7 our fishing vessels are off the coast of California.

8           We have 1100 miles of coastline which includes  
9 the Channel Islands, with nine major ports from San  
10 Diego to Crescent City. Our fleet is fairly small.  
11 We've got 2700 active commercial fishing vessels that  
12 employ about 6000 workers. And 80 percent of our fleet  
13 is between 30 and 50 feet in length. It's mostly small  
14 business owners, mom-and-pops, 1 to 2, 1 to 3 people  
15 onboard. The majority fish outside three nautical miles  
16 and it's a robust economy for the State of California.

17           When I took over the job in 2001, so I've been  
18 doing it for awhile, we had just myself and an examiner  
19 in Southern California based out of Sector LA, and an  
20 examiner in Northern California that was based out of  
21 Sector San Francisco. And they covered everything in  
22 that territory.

23           So in 2013, we got four more examiners. So we  
24 have 6 full-time civilians: One in Eureka, one in San  
25 Francisco, one in Monterey, one on the Central Coast out

1 of Santa Barbara, one in Sector LA, and one in San  
2 Diego. So we have very good coverage of our fleet now.  
3 And we've built a great relationship with our fleet  
4 because of that. Everybody knows their local examiner.

5 So these are our casualties. I covered the last,  
6 the last year in our Norfolk meeting. We've had a few  
7 more since that meeting, but overall we've had three  
8 fatalities. We've lost 8 vessels. And I like to count  
9 how many lives have been saved by the CFIVSA Act. On  
10 those vessels that were a major casualty, we had 24  
11 lives saved.

12 We've had 4 man overboards or falls overboard.  
13 And every single one of those, except for one, ended in  
14 a fatality. And nobody was wearing a PFD. We've had 4  
15 sinkings. Everybody survived on those and we've had 4  
16 groundings; 3 of which occurred in the last couple of  
17 months.

18 I also -- if you could go back, Angel. I also  
19 like to count our SAR incidences. So if a vessel breaks  
20 down and gets towed in, I think that's significant in  
21 terms of Coast Guard resources for the fleet. Also, if  
22 they sink at the dock, that's good for us to know. Some  
23 type of collision or (indiscernible) that maybe didn't  
24 result in major casualty, we want to reach out to those  
25 people. It just, you know, helps us know what's going

1 on in our fleet on a daily basis. I can get that  
2 information usually from the command centers. We've got  
3 3 in D-11. And next slide.

4 So the Pacific Knight, we've had three boats run  
5 aground due to fatigue since our last meeting. This is  
6 off of Catalina Island. There were seven people  
7 onboard, this was a squid boat. In California our major  
8 fisheries are salmon, Dungeness crab, and squid. We  
9 used to catch the market squid -- the world's market for  
10 squid off the Channel Islands. I'm not sure if that's  
11 still the case, but we have a lot of squid boats.

12 And they fish at night and they work very hard.  
13 They usually have between 5 and 7 people onboard. And  
14 they'll usually fish with a light boat and they'll just,  
15 kind of, if they don't have a good catch, they'll stay  
16 out overnight. And a lot of times they run aground just  
17 like this because the operator gets fatigued and  
18 everybody else is sleeping. And when they run aground,  
19 and they usually run aground on the Channel Islands  
20 because that's where they fish. And as you can see it's  
21 a hard place to salvage anything.

22 So this guy ran aground and he was submerged in  
23 about ten feet of water. And then he washed up on  
24 shore. And I -- he's not going to be able to be  
25 salvaged. So the boat's a total loss. And we've had

1 three of these cases since our last meeting, and  
2 they ...

3           So fatigue has been a big issue. And I actually  
4 put out a newsletter. So you may have seen it if you're  
5 further north of me. But part of my outreach is there  
6 is a 2-page article in there on fatigue. And it just  
7 talks about how to prevent it and how to manage it.  
8 Because it is -- it's an inherent part of the job,  
9 obviously. And nobody wants to lose their vessel. So  
10 going on.

11           We get on -- for every boat boarded at sea, we  
12 get on 4 at the dock. So I think fishing vessel safety,  
13 in California anyway, given the task, we've got good  
14 bang for the buck. We have a lot of migrant issues in  
15 California that really take up a lot of our resources  
16 for boarding, and that's not going to change anytime  
17 soon.

18           We do have a lot of marine protected areas off  
19 the coast. And those are pretty well managed by the  
20 State of California, but they don't do a whole lot of  
21 boardings. And our boardings on fishing vessels are not  
22 what I would consider robust. I think that -- well, I  
23 set a standard for boardings to be ten percent of the  
24 fleet, which is -- we would make about half of that  
25 every year.



1           But enforcement equals compliance equals safety.  
2    So if we're not boarding the boats and, you know,  
3    fishermen have told us that they're just going to come  
4    into compliance when they get boarded. Because it's,  
5    you know, it's a business decision. If they're not  
6    being boarded and cited for not being in compliance,  
7    then they'll just wait until they get boarded. And  
8    there's been boats that haven't been boarded in over  
9    five years. So it's a big -- I think, that's a driver  
10   for our safety program personally.

11           So about half of our fleet, so of the 2600 boats  
12   we have, half of those are within the mandatory  
13   five-year exam. Given the 2-year decal, we've got about  
14   half of the fleet also with a current decal. Our high  
15   risk vessels, those that are over 50 feet outside three  
16   that are over 25 years old, most of those are in  
17   compliance. We do a lot of NOAA observer exams as well,  
18   and those comprise about a third of exams.

19           I'm not sure if it was mentioned for  
20   terminations, but every district creates their own  
21   termination policy. It follows that the marine law  
22   enforcement manual and how they -- how the boarding  
23   officer observes commercial fishing vessels, but  
24   everybody does it a little bit different.

25           On the West Coast, I work very closely with Dan

1 Hardin my counterpart in D-13. Since we cover the whole  
2 West Coast to standardize how we're doing it. So it's  
3 not different when a boat goes into Oregon or  
4 Washington.

5 We have about a 98 percent compliance rate. So  
6 if somebody gets boarded and has a violation, 98 percent  
7 of them come into compliance. The two percent will get  
8 a letter from the hearing officer, and then they'll come  
9 into compliance. I consider that a success. Next  
10 slide.

11 We do two initiatives every year, OP SAFE CRAB,  
12 and OP SAFE SALMON. The crab and the salmon fleet are,  
13 comprise a great deal of the boats in our AOR.  
14 Unfortunately, this year, we did not do OP SAFE SALMON  
15 because they closed the salmon season due to poor  
16 returns. And that has tremendously impacted our  
17 fishermen in California.

18 I just learned before I came up that OP SAFE CRAB  
19 probably isn't going to happen either because the opener  
20 for the crab fishery has been moving back and back and  
21 back. So it used to start November 15th, and the last  
22 five years it hasn't really started until January. So  
23 it was a traditional fishery for the Thanksgiving and  
24 Christmas holidays.

25 And it just hasn't been happening due to a number

1 of factors, whale entanglements as well as size of the  
2 crab and toxicity, et cetera. So we probably won't be  
3 doing an OP SAFE CRAB this year. It's just, it's too  
4 hard to, kind of, gear up with all of the team and not  
5 have anybody on the dock. So we'll see how that goes  
6 though.

7 And we have a robust training. We'll be doing  
8 some training in Eureka next month with AMSEA, and then  
9 later in the month down in LA. We do about 3 to 5 of  
10 those annually along the coast of California. We do  
11 train fishermen and NOAA observers and NFMS and reserve  
12 and active duty every year.

13 The Commandant has said that we will, in addition  
14 to the LNR fisheries training, that we train units on  
15 fishing vessel safety as well. So we try to cover all  
16 of the units in our AOR every year. Next slide.

17 And so not to steal Mike's thunder, but Mike  
18 Rudolph got this done on the trailer up in D-13. And we  
19 decided, since we got some money, to go ahead and do it  
20 on our trailer. We've got two of these DC web trainers  
21 in California; one in Southern and one in Northern  
22 California. So, as we speak, our Northern California  
23 one is getting this really good advertisement for the  
24 program on it. Pretty cool, it's vinyl wrap.

25 That's all I have. Happy to answer any questions

1     you might have.   Yes.

2             MR. ALWARD:   Matt Alward.   Can you explain the  
3     difference in the numbers of exams and then decals  
4     given?   Is that just people that didn't pass their exam?

5             MS. MURPHY:   Yeah, so for every exam we do -- so  
6     if we do an exam 3 times or for every boat that we go  
7     on, 1 out of 3 will get a decal.   So not everybody  
8     finishes the process even though we give them a work  
9     list.

10            MR. ALWARD:   Then you might go back when they  
11    make corrections?

12            MS. MURPHY:   Pardon?

13            MR. ALWARD:   And then after they make  
14    corrections, you go back and examine them again?

15            MS. MURPHY:   Right.   So we go to the boat.   We've  
16    been trying to use the checklist generator.   Are you  
17    familiar with that?   So that, kind of, saves some trips.  
18    And go to the boat, check it out.   If they're not ready,  
19    we leave them a work list, and then come back and  
20    hopefully they're ready then.

21            MR. ALWARD:   And then just a quick comment.   Is  
22    high risk vessel like a Coast Guard wide term for boats  
23    that are 25 years old or?

24            MS. MURPHY:   Yeah.

25            MR. ALWARD:   I would argue that if a fishing

1 boat's been out there for 25 years working and it's not  
2 capsized or sunk yet, it's probably not a high-risk  
3 vessel.

4 MS. MURPHY: I could see that.

5 CHAIRMAN DZUGAN: Conversions are not.

6 MS. MURPHY: Any other questions?

7 MR. VINCENT: On the groundings, were those all  
8 squid related; all three of them?

9 MS. MURPHY: Let's see. I've got it here. No.  
10 No, two of them were smaller boats. So the Pacific  
11 Knight that you saw, that was 62 feet. The other ones  
12 were 28 and 32. And they were most likely fishing off  
13 the Channel Islands for something else. There's a lot  
14 of sea bass, black cod, that sort of thing.

15 MR. VINCENT: Watch alarms on all of those boats  
16 or none or not a one?

17 MS. MURPHY: No. The smaller boats, they all  
18 just have one POB onboard. Good idea, though, those  
19 watch alarms.

20 MR. WENDLAND: Peg, thank you very much. Very  
21 informative, once again. Thank you.

22 MS MURPHY: All right. Thank you.

23 MR. WENDLAND: So just doing a quick time check  
24 here. It looks like we've got about 15, 17 minutes or  
25 so before we hit the 11:30 lunch break timeframe. So I

1 think we have two presentations to go. And as most of  
2 you know Dan Hardin out of D-13 has retired. His  
3 presence is missed here.

4 But in Dan's stead, we have Troy Rentz in D-13  
5 who is covering for Dan and also serving multiple roles.  
6 So a very busy guy at the moment. Troy. Thank you.

7 MR. RENTZ: So I'll talk about, while Angel's  
8 bringing up the presentation I'll talk about the type of  
9 difficulty we're experiencing Coast Guard wide. I think  
10 it's something like we're 2000 people short. And, like,  
11 it's really affecting us in our district, you know,  
12 having those gaps and things like that. People are  
13 transferring out and not being replaced.

14 And I know we've got a couple of fishing vessel  
15 examiner civilian bills we're trying to fill for Sector  
16 Puget Sound. We did fill the one that was in Sector  
17 Columbia River. So, yeah, and we don't know really  
18 what's going to happen with the possible funding issues  
19 coming up and that we're seeing on the political news in  
20 that arena. So that's an additional challenge that we  
21 have.

22 But yeah, like, Jonathan said, I'm Troy Rentz.  
23 I'm with the 13th Coast Guard District. I am the  
24 coordinator for the alternate safety compliance  
25 agreement. And also filling in for Dan Hardin as the

1 13th District Fishing Vessel Safety Coordinator until we  
2 get a replacement. And then doing other jobs for the  
3 district as needed.

4 All right. So here is the big news. Dan Hardin  
5 is the local icon. He's awesome. This guy was  
6 responsible for what we call the checklist generator,  
7 which you've heard mentioned a couple of times already.  
8 He had 25 years of service in fishing vessel safety and  
9 a total of 50 years in the Coast Guard.

10 And fortunately he made my job a little easier  
11 filling in for him because he was an expert on job aides  
12 and made it easier to manage the fleet, easier for  
13 fishermen, for examiners, and for me, ultimately,  
14 because there is the fish checklist generator but also  
15 lately we've been using his termination job 8, which is  
16 really helpful, and it kind of eliminates all of the  
17 gray areas.

18 If there is a question of whether or not a vessel  
19 should be terminated is a very detailed -- you answer  
20 some questions, kind of, like the checklist generator,  
21 and then it's a yes or no if the vessel qualifies for  
22 termination or it doesn't. And then, of course, you've  
23 got to consider other factors. You know, do they have  
24 assistance on the way already or a sister vessel  
25 alongside, those kinds of things. All right. Next

1 slide, please.

2           So there is our district, the 13th District. We  
3 do have, this is just listing our full-time civilian  
4 fishing vessel examiners. There are five billets out of  
5 Seattle, they're not all filled right now. We have two  
6 out of Portland and one in North Bend. In addition to  
7 that, we've got some really awesome auxiliaries that do  
8 an awful lot of work for the fishing vessel safety  
9 program, as well as some active duty fishing vessel  
10 examiners at the unions. Next slide, please.

11           All right. So I didn't really include a lot of  
12 statistics, because I know that was covered in April,  
13 right. So I chose to concentrate on a few other items  
14 of interest. So we have a few events coming up and a  
15 lot of it is right around the Pacific Marine Expo. So  
16 on the 7th of November, we're going to have an examiners  
17 and coordinators meeting for the Pacific area. And now  
18 with our remote capabilities, it's opened up for all of  
19 the other districts and units that can participate  
20 online if they'd like to.

21           We've got the third-party examiners meeting.  
22 Right now, it's set for 0800 to 1000 on the 8th of  
23 November in Sector Puget Sound. And then, of course,  
24 the Pacific Marine Expo runs from the 8th to the 10th of  
25 November. The Coast Guard has our traditional booth



1     there and they have over 5000 people that participate in  
2     the event and stop by the booth for information.

3             We generally have a variety of experts there, for  
4     commercial fishing has always been, like, the main push  
5     of the Expo, but we also have towing vessel examiners  
6     there that come in, marine inspectors, and the regional  
7     exam center sometimes send representatives, so they  
8     could be there. Okay. Next slide, please.

9             All right. So because I didn't have to go  
10    through a lot of statistics, I wanted to highlight  
11    shared fleets. And I'm, kind of, highlighting our  
12    shared fleet between D-17 and D-13, but also we have  
13    shared fleets with D-11. Because as you know, the boats  
14    are going to be where the fish are, right. And they're  
15    going to follow the tuna; they're going to follow the  
16    openers for Dungeness crab, right. That doesn't really  
17    follow any district boundaries, right.

18            And so we have a lot of what we call industry  
19    vessels. So a lot of you might not know it but Part 28,  
20    the fishing vessel regulations, includes a lot of larger  
21    vessels. And the majority of those are based out of the  
22    Puget Sound region. So I'm going to, kind of, highlight  
23    that. They operate primarily in the Bering Sea and  
24    Aleutian Islands area. Some of them are the Gulf of  
25    Alaska, even southeast Alaska.

1           We get a few of the larger catcher processors,  
2   you know, just a couple a year that are based off of the  
3   West Coast, doing a little bit of process and catching  
4   and processing. Next slide, please.

5           All right. So we have the coastal fleet which,  
6   you know, these are regulated under the same part of the  
7   regulations. As, you know, the fishing vessels, the  
8   small family-operated fishing vessels, but they have a  
9   special subpart in Part 28 for Aleutian Trade Act  
10   Vessels.

11           They are essentially coastal freighters that  
12   operate in the remote locations of Alaska. There's a  
13   history of that where the fish tenders and fishing  
14   industry vessels were supplying the factories, the  
15   docks, the fishing communities with supplies. And so  
16   that's how this made it into the regulations. And you  
17   can see they've got cargo (indiscernible) on them and  
18   all of that stuff. It doesn't look like much of the  
19   fishing boat, but these are regulated. And our fishing  
20   vessel examiners cover these vessels. And we have a lot  
21   of third-party examiners that do the exams on these  
22   boats. Next slide, please.

23           We have -- the number changes a lot because these  
24   are aging, you know, like all the other fleet, the  
25   industry vessels are aging. So we have about five large

1 factory processors and they have a subpart of Part 28 as  
2 well. And these are the vessels that just process.  
3 They receive the fish; they process the fish. And they,  
4 you know, come down here for their shipyard work. Their  
5 companies usually have docks down here so they're  
6 getting all of their support, or the large part of their  
7 support, in the Puget Sound area and then they go and  
8 operate in the Bering Sea, Aleutian Islands area. Next  
9 slide, please.

10 All right. So here's, kind of, like a lot of  
11 them, about, probably about half of these larger vessels  
12 are in this category of catcher/processors. And they  
13 have fishing gear, right. So they're catcher vessels;  
14 they're catching the fish and then they bring it into  
15 their factory space. It's a processing deck in there  
16 where they've got freezer plates and they're, you know,  
17 cutting fish and freezing it and it ends up down in the  
18 freezer hold.

19 So pretty interesting and pretty complex vessel,  
20 really. Because you've got a fishing boat, and you've  
21 got an industrial vessel, because of the processing  
22 going onboard, and then you've got a cargo vessel,  
23 because of your large freezer holds onboard, right. So  
24 these are pretty complex vessels, but they are still  
25 regulated under Part 28 of 46 CFR. Next slide, please.

1           All right. So here's the newest one, which was  
2 spotted on marine traffic, and this is the Arctic Fjord.  
3 This is a really beautiful vessel that's coming into the  
4 pollack fleet. And so it will catch pollack and process  
5 onboard even to -- there's not a lot of information out  
6 on it yet, but from what I understand they're going to  
7 process all the way down to (indiscernible), and keep  
8 that onboard. It's a really beautiful vessel.

9           And the replacement vessels have been, you know,  
10 really top quality that have been coming out. I know  
11 some of them are conversions, major conversions, and  
12 some of them are actually new builds. There's not very  
13 many of them so we'll, you know, typically a new vessel  
14 will replace two of the older vessels because they are  
15 more efficient, right. They can catch more. They can  
16 stay out longer. They just have more capability. Next  
17 slide, please.

18           Okay. So in addition to the large vessels, we  
19 have a lot of the traditional, you know, family-operated  
20 vessels that are based out of Washington and Oregon,  
21 Bellingham. This is Fisherman's Terminal. A lot of  
22 them head up to Alaska, you know, for the summer. A lot  
23 of the salmon boats. And there is also a lot of, you  
24 know, long liners, fairly large fleet, various fisheries  
25 involved there. Next slide, please.

1           All right. So I'm just going to highlight some  
2 of the casualties on these larger boats that have been  
3 happening. Oh, yeah, Kodiak Enterprise happened about  
4 the time you all were meeting earlier this year. And  
5 that burned or at least smoldered for about a week. And  
6 a total loss of vessel. No loss of life, fortunately.

7           And prior to that, in 2021, I put this one on  
8 there as well because it was so similar, was the  
9 Aleutian Falcon which was a total loss of the vessel due  
10 to fire. Both of them were, you know, at the dock, one  
11 was. We know -- the Aleutian Falcon, that NTSB report  
12 is out on it so, you know, it was inadequate preparation  
13 for hot work was determined to be the cause of that.  
14 They're still investigating the Kodiak Enterprise. That  
15 investigation is still ongoing, but the fire started  
16 somewhere forward in the vessel and eventually consumed  
17 the vessel. Next slide.

18           This was a really interested one. This is one of  
19 those large grandfathered processors. And when I say  
20 grandfathered, I mean grandfathered. A very large  
21 vessel that really, because it was grandfathered, the  
22 requirements for class, requirements for load line, it  
23 really was just meeting the basic Part 28 requirements.

24           Built in the '40s, 1940-something. But anyway it  
25 was tied up and having ammonia leaks. They had had a

1 response that a release of ammonia onboard, and then the  
2 State of Washington, kind of, took it over because they  
3 saw the pollution potential with the oil onboard, the  
4 poor condition of the vessel, and a lot of oily water  
5 and other hazardous materials onboard.

6           So we have that kind of stuff happening. And if  
7 you're local, you see it on the local news, like, all  
8 the time, this kind of stuff. But these are some of the  
9 things that, just different things, you know. If you're  
10 from a different area, you might not be aware at all of  
11 this stuff that goes on here. And that it's all  
12 regulated under Part 28 of the CFR.

13           Just, you know, they're considered fishing  
14 vessels, fishing industry vessels. And our examiners  
15 here have to go into a lot more depth on these types of  
16 vessels when they do the exams. It might take quite a  
17 while to do an exam on one. Next slide, please.

18           There is just my contact information. Feel free  
19 to contact me anytime. Our new office helpers, I don't  
20 know who else is using this, but we have new numbers  
21 that are assigned to our computer. So it doesn't matter  
22 if we're teleworking or we're in the office, it's going  
23 to bring us up. And if we're not there, it compiles a  
24 voicemail for us, so I think that's going to help us be  
25 more reachable for folks. That's all I have.

1           Do we have any questions?

2           MR. WENDLAND: Any questions for Troy, D-13?

3           MR. RENTZ: All right. Thank you.

4           MR. WENDLAND: Thank you, Troy. And, spot on, so

5 I think what we'll do at this point in time --

6           MR. MAHONEY: I'm going to be quick.

7           MR. WENDLAND: I don't think we're going to be

8 that quick.

9           MR. MAHONEY: I'll make it quick. I'll make it

10 quick. I will be five minutes. I'll get us out of here

11 at 11:32. Real quick.

12           MR. WENDLAND: Yeah, we just have two so I mean,

13 I think if -- unless you really want to go.

14           MR. MAHONEY: I'm ready to go.

15           MR. WENDLAND: Mr. Chairman, I'm going to leave

16 this one up to you. Is it okay?

17           CHAIRMAN DZUGAN: The clock is already running.

18 You've got five minutes.

19           MR. MAHONEY: I'm in.

20           MR. WENDLAND: So without further ado, Aloha to

21 D-14.

22           MR. MAHONEY: Aloha. Good morning, Captain,

23 Staff, Committee. Rick Mahoney, District 14. Of

24 course, the big news we had out there in Hawaii was the

25 wildfires in Maui. I was in Lahaina the week before for

1 an exam, so just devastating what happened out there.

2 So our thoughts are with those folks.

3 Total, had 35 casualties. Those are all involved  
4 in long line fleet. Those boats are getting old,  
5 they're in the '70s. Most of the casualties are broken  
6 shaft, prop fowl. We had two fatalities. Both were no  
7 foul play. One was an observer, sorry to say. The  
8 other one was a captain and they were just found in the  
9 cabin. We had one total loss sinking, all were  
10 recovered. One drowning, you can see there on the  
11 bottom left, that guy just had it on auto pilot and  
12 showed up.

13 We've had some illegal immigration issues. You  
14 can, kind of, see on the right there, that slide.  
15 Coming from Mexico, they're just throwing life rafts and  
16 life jackets on these boats and showing up. So working  
17 with customs on those.

18 We've been doing the port orders in accordance  
19 with a policy letter. It's working out really well.  
20 We've got 30 of those actually. So that's a good tool,  
21 and appreciate being able to use that. The new MSIB for  
22 American Samoans is well received out there. They're  
23 very happy, those folks were. That's definitely adding  
24 to the population for chief engineers and captains  
25 coming from Samoa.



1           And, what, I've got 105 decals issued. And I'm a  
2 one-man show out there, so there so there's no other  
3 billeted examiners. So I'm, kind of, doing everything,  
4 mostly examinations, a little bit of coordinator. Next  
5 slide.

6           That's an example of our Captain Port Order, so  
7 you can see how we're writing them out in accordance  
8 with our policy letter. They're issued on Sector and  
9 I'm doing the clearing on those as well, so.

10           It's was quick, huh? You guys are hungry. Okay.

11           MR. WENDLAND: Thank you, Rick.

12           No further questions for D-14? Well, look at  
13 that, 11:30 on the spot.

14           MR. MAHONEY: See.

15           MR. WENDLAND: Awesome. So what we'll do is  
16 we'll take a break, and we'll do an hour break. And  
17 we'll come back at, that would make it, what, 12:30.  
18 And we'll continue on with the last presentation out of  
19 D-17.

20           So, again, please be back through security in an  
21 hour. And for those of you that didn't hear earlier,  
22 there is a restaurant, a café-type club sandwich place.  
23 If you go out the doors, take a right, and take another  
24 immediate right, and just go down the steep steps. It's  
25 the restaurant right there. Thank you.

1 (The meeting recessed at 11:31 a.m. PST.)

2 (The meeting reconvened at 12:37 p.m. PST.)

3 MR. WENDLAND: All right. Welcome back. We  
4 always learn some great things on lunches and evenings,  
5 right, about each other and what's going on in the field  
6 and fish boat safety. So it's always a joy and a  
7 privilege to spend some time with you folks. I always  
8 learn a lot and really appreciate that from my side  
9 anyway.

10 So we left off with D-14 doing a mahalo with us  
11 with a five-minute presentation. Right on the nose,  
12 11:30, made us all look good, so I appreciate that.

13 So we'll kick it off here with D-17, Scott  
14 Wilwert. Just heard great stories about you. I'm not  
15 going to bring them up. So Scott Wilwert, D-17.

16 MR. WILWERT: Good afternoon, everyone. I get  
17 the after lunch crowd, so that's good. I'll try to keep  
18 it as entertaining as possible to keep you awake.

19 Again, my name is Scott Wilwert. I know most of  
20 you and met a lot of you at the Norfolk meeting back in  
21 May. My presentation isn't drastically different than  
22 it was last time, but I do have some, you know, there's  
23 some good news and bad news since May. But anyway, next  
24 slide, please, Angel.

25 So up in D-17, you know, we talked a lot this

1 morning with other folks about how their personnel are  
2 set up. We're scattered, kind of, throughout the state.  
3 But as far as program -- program designated people, we  
4 have one coordinator, myself in Juno, and we have five  
5 civilian examiners which are staggered; three in the  
6 Southeast in Ketchikan, Sitka, and Juneau, and a  
7 civilian examiner in Kodiak and one up in Anchorage.

8         So unlike probably a lot of my counterparts, we  
9 rely heavily on the active-duty element to carry out  
10 this mission for us. We have entire units like Dutch  
11 Harbor, Homer, Seward, and Valdez that do not have a  
12 civilian examiner presence and are, you know, some of  
13 them a plane ride away from the civilian examiner going  
14 out there.

15         So, you know, we work really hard. You know, we  
16 have a couple third-party that are, kind of, active up  
17 in Alaska and probably some others that travel from down  
18 here up to Alaska to do some third-party work. Our  
19 auxiliary pool is getting shallow. We're down to maybe  
20 two or three active boat owners, but that's not -- it's  
21 just a dynamic, I think, of where they're at and our  
22 access to them, and just frankly the job sometimes.

23         So where we have a pretty decent auxiliary in  
24 Alaska, I think that a lot of times their missions are  
25 better suited in the recreational and UPV world because

1 climbing around on these boats and in these places is,  
2 you know, hard for us sometimes.

3 So at any given moment, if we're lucky, our total  
4 examiner count between civilians, TPOs, auxiliarists,  
5 and active-duty, we like to try to stay around 50. And,  
6 again, with the active-duty folks not being a primary  
7 mission for them, we need them, because they do a lot of  
8 work for us. So next slide, please, Angel.

9 So this is, kind of, some places we go. It's  
10 probably not all-inclusive, but it would give you an  
11 idea of our footprint. It's a big footprint and it  
12 takes a lot to get around there. It takes a lot of  
13 money, it takes a lot of traveling on some small planes  
14 and other interesting conveyances.

15 But year to date, we've done 1439 exams. I know  
16 that that will go up. That was as of about a week ago  
17 and I know we've done a handful since then, and we've  
18 got a couple of operations coming up in the end of  
19 September -- late August into September before, you  
20 know, when I calculated this for some you know some dye  
21 fisheries and whatnot. So I'd say that number is going  
22 to climb up to around 1500 which is pretty normal.

23 Bristol Bay was a big year this year. We did 442  
24 exams in, I think, 8 or 9 days at Bristol Bay. So that  
25 was a lot. Created a lot of paperwork for someone.

1 Fortunately, I didn't bring any of it home. Someone had  
2 to enter it.

3           So fatalities, so this is the bad news side of  
4 things. So we were on a pretty nice run our last  
5 operational fatality in the industry was July 1st of  
6 2021. And we were on a 25-month run with no fatalities.  
7 And that came to an end August 1st and then again on  
8 August 17th. So we did have two operational fatalities  
9 in August of 2023. So we'll have to start that trend  
10 over.

11           But one of those was someone that got jettisoned  
12 out of a seeing skiff and was retrieved within, I think,  
13 two or three minutes, but had already expired. So, the  
14 investigation is still going on and we haven't seen any  
15 kind of an ME report, but it sure seems like a maybe a  
16 cardiac event by that, you know, submersion into cold  
17 water, maybe. Because, you know, it just doesn't seem  
18 like -- it seems like anybody should be able to make it,  
19 you know, two or three minutes in theory, but maybe not.  
20 So could be some extenuating circumstances there.

21           And then the second one was something we don't  
22 see often, I can only think of two. We had an ammonia  
23 incident where somebody got tangled up with an ammonia  
24 release and you know those boats do carry SVAs for  
25 ammonia, but that's only when you know you have an

1 ammonia problem. When you're working on a system or  
2 doing something otherwise that you're not expecting to  
3 get a face full of ammonia, and you do, it usually  
4 doesn't end well. And it didn't in the case of the  
5 August 17th.

6 But, again, that trend is awesome. You know we  
7 got the decade in the '90s, you know, 210, and then the  
8 decade in the early 2000s down to almost half. And then  
9 almost half again. And, you know, if you look at where  
10 we're at now, it seems like we are on pace to, you know,  
11 at least half that. So if we keep doing that, we will  
12 be -- maybe they won't need me anymore, so it will be  
13 good. So next slide, please.

14 This is, kind of, a break down, the dots, a  
15 little color-coding up there in the circle on the left  
16 kind of tells you what, the types of disasters. It  
17 doesn't account for everything. I don't think you'll  
18 see ammonia on there, that gets captured under onboard  
19 accident. But, you know, those are kind of where and  
20 how those 71 fatalities from 2011 to 2023, how they  
21 broke out; where they happened.

22 And an interesting little breakdown. This is  
23 more internal for us, but engaged in federal versus  
24 state fisheries, so we always have a little  
25 back-and-forth with the enforcement folks. You heard a

1 lot of people before me this morning talking about  
2 coordinating with enforcement and boardings.

3 The federal fishery mission is, it is what it is,  
4 you know, it's really hard to reach the goals on federal  
5 fisheries, let alone dedicating assets to state  
6 fisheries of which, in Alaska, we have a ton. And I'm  
7 not saying that because of that, because we're not doing  
8 a lot of boardings on state fisheries, you see almost,  
9 you know, twice the amount of fatalities. But I don't  
10 ever miss an opportunity to let people know that there  
11 is stuff happening in the state fisheries.

12 So, you know, they're pretty good about throwing  
13 cutters our way. We did have some dedicated cutters up  
14 in Bristol Bay this year. One of our FRCs and in the  
15 wintertime, you know, we get some station and patrol  
16 boat buy-in to go out and engage with these state  
17 fishery folks. But, again, it's really tough just  
18 meeting the federal fishery boarding rule. So next  
19 slide, please, Angel.

20 So this is some things that we have going on.  
21 Everybody has their anomalies, I'm sure, in their own  
22 areas that are unique to them. These are just some of  
23 the, kind of, Alaska anomalies: The ACSA program, you  
24 know, the alternate compliance safety agreement is a  
25 D-13, D-17-ish, kind of, collaborative effort for some

1 creative exemptions for some vessels that are doing some  
2 processing, but not meeting the full requirements of a  
3 processor. The Aleutian Trade Act; you heard a little  
4 bit about that already this morning from Troy.

5 Fish Tender barges, that's sort of a new thing.  
6 We've got a couple of really big 400 x 100 foot barges  
7 that are, as we speak, being converted into fish tender  
8 monsters, that are, you know, going to be anchored  
9 probably up in Bristol Bay and take fish. 78 people on  
10 board, yeah, freezing that fish, 15 million pounds,  
11 bringing it back down. So those are landing actually  
12 into the inspected realm at the moment being looked at  
13 under subchapter I. So the program is always branching  
14 off and going different places.

15 You know we have an issue with -- in Alaska, at  
16 least, with very young or very small toddlers, infants  
17 even on commercial fishing vessels. So, you know, we  
18 have to, kind of, work around that since there's no  
19 immersion suit, Coast Guard-approved immersion suit, for  
20 someone under 39 inches. Yet, I don't really think it's  
21 our place to tell someone who, that boat might be their  
22 home, you know, these small, family-based fisheries,  
23 that they can't have their children with them. So we  
24 have some, kind of, creative exemptions that we do with  
25 them in the form of a letter of nonenforcement for that



1 requirement.

2           We've got some survival craft exemptions,  
3 individual survival craft exemptions in Southeast Alaska  
4 which may or may not go away next August depending on  
5 the verbiage about out-of-water survival craft. Fleet  
6 exemptions for, you know, some of our larger fleets.

7           We have a little bit of Dude Fishing going on,  
8 which, you know, is, kind of, like the old Dude Ranch  
9 thing, where people are actually paying money to go on a  
10 commercial boat and watch people fish. Not a lot of it,  
11 but there are a handful that do it.

12           And then the, you know, hopefully coming up here  
13 in a week or so, for me, will be a trip to Dutch Harbor  
14 to work with these, with the Bering Sea crabbers, if  
15 they have a season and we're not shut down, to do some  
16 pot weighing and stability checks like you see up in the  
17 upper right hand picture there. So those are things  
18 that, yeah, are, kind of, unique I think to the area up  
19 there.

20           As far as the industry, we always try to put our  
21 finger on how many boats we think we have. A lot of  
22 those boats come to us from down here in D-13, but we  
23 have about 8500 with A, D, F, and G numbers, which is  
24 the permit to fish in Alaska. About 30,000 employees,  
25 26,000 processors. A couple billion dollars of annual

1 labor income and five and a half billion in total  
2 economic activity, I guess, depending on the year. And,  
3 again, on the right is just a, you know, a 9 or 10-year  
4 graph of how the fatalities have been going. You know,  
5 we had a zero year in '15, and a zero year in fiscal  
6 '22. And we were working on '23 right up until  
7 August 1st.

8 But, again, you know, the last 7 or 8 years have  
9 been generally pretty good. Those couple 10s you see  
10 were a couple of high-profile incidents that happened  
11 during that time that took, you know, 5 or 6 lives at  
12 the time. So, next slide, Angel.

13 So a couple things that we're working on -- we're  
14 always working on something, but we just found out that  
15 NIOSH, one of their projects got approved, and that's  
16 for an immersion suit study. So that will be hitting  
17 the streets October 1st, assuming NIOSH is employed as  
18 well. And I'm kind of working with Devon Lucas from the  
19 Anchorage NIOSH office on that.

20 Fish tender load line and the verbiage in the  
21 2023 and the 2022 NDAA. And, you know, that's been a  
22 big issue for us for 5 or 6 years now. And just below  
23 that, we have been in the middle of the government  
24 accountability office, GAO audit on that topic. So  
25 we've had several in-person and, you know, virtual

1 meetings with the GAO. I understand they're super close  
2 to finishing that report, probably in October. And I  
3 think it's, you know, they have to have that turned in  
4 by December. So, hopefully, sometime in the next few  
5 months we'll hear what the GAO thinks about that  
6 particular situation and what kind of recommendations  
7 they make.

8           We just started a new an MOA with the Alaska  
9 Department of Fish and Game which looks a lot like what  
10 we do with NOAA. And what that does for us, and Fish  
11 and Game, is it allows us to, you know, to work together  
12 to get on board the vessels that they are putting  
13 scientific people on at the state level, and, you know,  
14 conduct dockside exams. And we also have some other  
15 things crafted in there with regard to providing  
16 training. So it's just a good collaborative, you know,  
17 effort between the State of Alaska and the Coast Guard  
18 locally there.

19           Hopefully, or, I'm sorry, MSD Dutch Harbor,  
20 that's a trip we just did to train a new set of folks  
21 that just, kind of, washed in there a couple of months  
22 ago. We just finished Saturday, a couple of days ago  
23 our annual fishing vessel safety training academy in  
24 Kodiak. Had about 16 people go through that, new  
25 prospective examiners, so that was a good week.

1 Hopefully, the asterisk, will be heading out to Dutch  
2 Harbor in a week or so or whenever that is to work with  
3 the Bering Sea crab fleet.

4 The Expo is coming up, and, you know, we're going  
5 to have an IFISH again, I think, this year, this coming  
6 year or next year that we're working on, a couple of us  
7 are working on presenting some stuff at. So, and then,  
8 you know, COMFISH again. So a lot of trade shows, a lot  
9 of opportunities to work with the public. And we try to  
10 take advantage of those whenever we can. Next slide.

11 Some of our industry engagements and, you know,  
12 kind of things that we do, again, our association  
13 meetings, we attend a lot of fishing association  
14 meetings in our smaller ports. The advisory committee,  
15 working with AMSEA and the NPFVOA, letters of support  
16 for projects they're working on. If they, you know, ask  
17 that, we have a couple of seats on the Board of  
18 Directors with the AMSEA organization out of my office.

19 Industry days, letting people use our flooding  
20 trailer, trade shows, you know, all of that stuff you  
21 see up there. Yeah, we try to get out there and bang  
22 the drum as much as we can to pass the word about  
23 fishing vessel safety.

24 And, you know, what we, kind of, try to kickback,  
25 we have the National Comms Plan, you know, which was

1 something that came in the Authorization Act about 5  
2 years ago. I think that might be close to coming to a  
3 head maybe in compiling that data, but that's us kind of  
4 accounting for all of our interactions with the public  
5 and providing that back to Congress.

6           You know, our internal missile system, you know  
7 our deliverable is that, you know, we do the work; we  
8 close the cases; they don't have any mistakes. And I  
9 review 10 to 20 percent is my, you know, my, kind of,  
10 mandate, you know, to look at that.

11           Different vessel list, we kick out at-risk  
12 vessels, we're keeping an eye on. You know, the at-risk  
13 vessels, and that definition, I think, has changed a  
14 little bit over time. Casualty count and stats, you  
15 know, whenever somebody needs them, training, as needed.  
16 Audit, updates to industry, you know, if it comes to it,  
17 testimony if something goes bad.

18           Other than that, that's about it for me unless  
19 anybody's got any questions. Yeah, Kris.

20           MR. BOEHMER: Scott, Kris Boehmer. On that Dude  
21 Fishing, interesting, I thought about that. Those guys,  
22 I'm assuming, are operating with a six-pack licence?

23           MR. WILWERT: Yeah, so we actually, for the  
24 people that are in the Dude Fishing, we have a district  
25 instruction, where we look at them for all of the

1 requirements for a commercial fishing operation and all  
2 of the requirements for a UPV on unexpected passenger  
3 vessel. So lifejackets, immersion suits; credential;  
4 drug testing, you know, back and forth. They have to  
5 pull, kind of, double duty to do that operation, so.

6 MR. DAMERON: Scott, Tom Dameron. Can you tell  
7 us a little bit about what the NIOSH immersion suit  
8 study is?

9 MR. WILWERT: Yeah. So it's not off the ground  
10 yet, and I was talking with Devon just the other day  
11 when, you know, kind of when the funding and project was  
12 awarded. So our plan, conceptually, and when I say  
13 "our" it's more Devon's plan, but I've been capturing  
14 and asking my examiners, every exam they go, on to write  
15 down how many suits; the year that it was manufactured;  
16 the brand; the size; and how it's being stowed  
17 inside/outside, that kind of thing. So we have about  
18 3,000 lines of data so far on suits that we've captured  
19 during those 1400 exams. And I'm going to hand that  
20 over to Devon and he's going to do whatever they do  
21 there with that information.

22 And then the big plan is going to be with the  
23 funding that he's receiving, we're going to -- he's  
24 going to purchase new immersion suits. And we're going  
25 to take the data that we found and we are going to go

1 out we are going to try to do 1 for 1 swaps for a  
2 targeted pool of suits.

3 So if we come across that person that has that  
4 13-year-old Imperial and that's something we're  
5 interested in, we're going to say "hey, I've got a  
6 brand-new one right here if you give me the old one,"  
7 and then we're going to send those in for testing and  
8 find out how they're faring.

9 And we're going to try to spread that over sizes,  
10 manufacturers, and age and see what the testing results.

11 MR. ALWARD: Are you going to test those before  
12 you send them out, trade them out?

13 MR. WILWERT: The new ones? Yes. Yeah, there's  
14 a little liability --

15 MR. ALWARD: Because I just got three new ones  
16 and one of them failed.

17 MR. WILWERT: Yeah, so they are --

18 MR. ALWARD: Also, I just got them this summer  
19 and the date was 2019, the manufactured date.

20 MR. WILWERT: Yep. Just sitting on a shelf  
21 somewhere. Yeah, so that's -- yeah, they're lot-tested,  
22 batch-tested for approval. So, you know, there's lemons  
23 in everything in life. And you'd hate to think that a  
24 survival suit would be one of them, but it's definitely  
25 worth checking even if it is new.

1           MR. DAMERON: When you're collecting this data,  
2   are you collecting data on if and when they've been  
3   serviced?

4           MR. WILWERT: You know, we haven't spoken about  
5   that yet. Devon and I have only got to cross paths once  
6   since the word came down that this was going to be a  
7   thing. So we're still trying to, kind of, collecting  
8   ideas of what we should capture. That's a good point to  
9   look at a suit and see what's its history was; has it  
10   been going in and getting stamped, official pressure  
11   tests at an authorized facility, or has it been just  
12   living its life in a bag on a 30-foot trawler, you know.

13           And so, I'm sure we'll look into that as part of  
14   the disposition of the suits, you know, how they're  
15   being stored and how they're being treated.

16           MR. VINCENT: How many safety service facilities  
17   are in Alaska?

18           MR. WILWERT: Probably, that service suits, you  
19   know, maybe three, maybe less.

20           MR. VINCENT: Are they all kind of spread around  
21   or ...

22           MR. WILWERT: Eagles and, like, Homer and up in  
23   the Anchorage area. We have a seasonal, we used to have  
24   a seasonal suit and raft place in Sitka with Al Marine,  
25   but they are, I think, hanging their flag in Juneau now.



1 And they moved over to Juneau or some faction of them  
2 did. But, yeah, there are not a lot.

3 So, you know, the ability of someone to drive  
4 into a marine safety service like you can here with a  
5 truckload of suits and say, "hey, Shawn, I need these  
6 tested," that's not that easy across most of Alaska.  
7 You've got to pack them up; mail them away. And by the  
8 time you do all that, you might as well just get a new  
9 one. Even though they are getting very expensive again.

10 It's the one thing in our world that, you know,  
11 that was a thousand dollar piece of equipment in 1979,  
12 and it got down to about 250. And now it's starting to  
13 spike again, and they're up around 450, 500 bucks is  
14 what I've been hearing so. So, yeah, neoprene, glue  
15 shortages, you know, same old story, short on  
16 everything.

17 MR. VARGAS: Scott, Frank Vargas. If you need  
18 suits, we just bought (indiscernible), so I've got a ton  
19 in the warehouse.

20 MR. WILWERT: Okay. Well, well that might could  
21 be -- yeah, that might come in handy for some testing  
22 just to get some data for suits that we don't have to  
23 purchase to do that and swap, so I'll mention that to  
24 Devon.

25 MR. VARGAS: And also, do you have any update on

1 the Russian practice?

2 MR. WILWERT: No, that is definitely outside of  
3 my world. I know they put out a hydropack and shot off  
4 some missiles. And other than that, yeah, I'm not sure  
5 what's going on.

6 MR. VARGAS: This time we didn't have any  
7 interaction with those guys, but one of our boats got  
8 pictures of a submarine that was extraordinarily close.

9 MR. WILWERT: Yeah, it's like some Tom Clancy  
10 stuff going on out there.

11 MR. WENDLAND: Scott, can you talk a little bit  
12 about the Bristol Bay catch this year? I know there was  
13 an effort going on in D-17 to, you know, get Coast Guard  
14 presence there, right?

15 MR. WILWERT: Right.

16 MR. WENDLAND. How did that go?

17 MR. WILWERT: Well, you know, the catch, you  
18 know, the catch, from a fishing perspective, I think  
19 was, you know, it was not as good a year as last year  
20 from a numbers, but it was also not as good a year from  
21 a price standpoint. So depending on who you ask that  
22 question to, I think the fishery was not so great from  
23 that perspective. But as far as our involvement, we've  
24 struggled for years to get support, you know, and get an  
25 asset.

1           Bristol Bay is a tough place to mob around, you  
2 know, in a cutter. And so we struggled to get that  
3 at-sea enforcement up there. And this year we sent out  
4 1500 letters to all of the permit holders and made sure  
5 everybody was, you know, ready for us and understood the  
6 survival craft exemption that we have that is in place  
7 up there.

8           And then the Douglas Denman, one of our 154 spent  
9 two and a half, three weeks up there. And we were able  
10 to put -- we stuck our civilian examiner from Juneau on  
11 the Denman for a week and our Anchorage examiner for a  
12 week. And that was really helpful to the cutter. With  
13 the exemption that we have up there, one of the things  
14 that validates the exemption for these guys is that you  
15 have a current dockside exam.

16           And once they board somebody and send them back  
17 upriver or send them in -- it's really not sending them  
18 anywhere. When you terminate someone in Bristol Bay,  
19 there's no where to go. You know, there's not even a  
20 marina or a harbor. So you're sending them back upriver  
21 and they're like, "Okay, well how to I fix this?" And  
22 we say, "well, you don't, because you're not going to  
23 get a life raft there and there's no one to do an exam  
24 now because they all left."

25           So we actually did some, like, on the spot

1 dockside exams for folks that didn't have any other  
2 deficiencies other than the fact that they  
3 misinterpreted the survival craft exemption letter, and  
4 were missing the decal part of it. So we actually were  
5 able to save a couple of people some hassle by having  
6 civilians on the boat for a period of 7 or 8 days.

7 So, hey Jerry.

8 CHAIRMAN DZUGAN: Jerry. Scott, that 8500  
9 fishing vessels, that's both federal and state?

10 MR. WILWERT: Yes. That's based on Alaska A, D,  
11 F, and G numbers. So if you've got a permit you're on  
12 that list.

13 MR. WENDLAND: Anybody else? We've got two  
14 minutes until we're right on the nose.

15 MR. ALWARD: And that number is based on permits  
16 or vessels registered?

17 MR. WILWERT: Vessels.

18 MR. ALWARD: Do you like weed out all of the same  
19 vessels and Zodiaks that maybe A, D, F, and G numbers.

20 MR. WILWERT: We looked for unique, you know,  
21 vessels with unique A, D, F, and G numbers. And where  
22 there were duplicates, like, you know, some families  
23 have four or five Bristol Bay permits, but they may only  
24 show up under one vessel, you know, so we sorted that  
25 annual list by vessel, not by a permit holder.

1           MR. ALWARD: Like the same vessel has its own  
2 unique A, D, F, and G number?

3           MR. WILWERT: The skiff?

4           MR. ALWARD: Yeah. I don't know if that's  
5 skewing your numbers or not?

6           MR. WILWERT: Yeah, well it might be, because I  
7 didn't realize -- I've never seen it. They don't  
8 display it. Do they have to display it on a skiff?

9           MR. VINCENT: No. No, it doesn't.

10          MR. ALWARD: You have to have the sticker on it.

11          MR. VINCENT: The factory -- they also have, you  
12 know, the skiff on a factory ship has a separate fish  
13 and game number.

14          MR. WENDLAND: Interesting.

15          MR. WILWERT: Yeah, I'll have to look into that  
16 and see exactly, you know, how we captured the 8500  
17 number that we came up with to make sure there's not any  
18 duplicates there.

19          MR. WENDLAND: Awesome. Scott, fantastic as  
20 always. We certainly appreciate it.

21          MR. WILWERT: Thanks.

22          MR. WENDLAND: Just a couple comments. Scott  
23 brought up once, and D-1 also brought up checking the  
24 survival craft for suits. And I just wanted to mention,  
25 it's highly recommended to do that in a controlled

1 environment. So a few years back, I think we were  
2 talking up in Alaska where people were assigned to do  
3 that in the Bering Sea, bringing people over. And the  
4 Coast Guard highly recommends against that.

5 So if you're doing a man overboard or, you know,  
6 if you can use an Oscar, but we don't want anyone  
7 reading the minutes here and saying that hey, the Coast  
8 Guard is saying to check the suits in a not-so-safe  
9 environment. So please do that in a safe environment.

10 All right. Well, with that, 1 o'clock. Omar,  
11 you're up.

12 So just as a quick introduction here, again, my  
13 office and the Division of Fishing Vessel Safety  
14 Division works closely with CG-INV, investigations. And  
15 so there is a number of things the Coast Guard is trying  
16 to work through in the cases within investigations. And  
17 Omar is with us today to present some of that  
18 information to you.

19 So with that, Omar. All yours.

20 MR. LA TORRE REYES: So, good afternoon. My  
21 name, again, is Omar La Torre Reyes. I work for the  
22 Office of Investigations in casualty analysis, it's the  
23 INV. So I'm going to take some time real quick to, kind  
24 of, go over again, kind of, like the process of how  
25 recommendations are developed and eventually make their

1 way to you guys.

2 So after marine casualty investigation, the Coast  
3 Guard investigators go out and investigate. And through  
4 their investigation, they'll identify some gaps or some  
5 issues that they see that need to be addressed by either  
6 program office or other entities.

7 With that, they make a recommendation; they send  
8 it up to the headquarters. And headquarters will divvy  
9 them out to the appropriate program offices so that they  
10 can make comments and decide what is it that they're  
11 going to do. And in some cases, that's either to  
12 interact with the general public, committees like this,  
13 and to develop a, kind of, a consolidated response and  
14 ideas on how to fix some of these issues that the Coast  
15 Guard investigating officers have identified.

16 In some cases, the answer is easy; it gets fixed  
17 and then that recommendation is successfully fulfilled.  
18 In some cases, the Coast Guard program offices may have  
19 different ideas or just something that, you know, just  
20 can't be accomplished. So those recommendations will  
21 usually get a "do not concur," from program offices.  
22 And then they are closed. Some recommendations are  
23 unrealistic; some recommendations may or may not be  
24 realistic.

25 Going with that, these task statements were, kind

1 of, developed as areas that were identified that need to  
2 be discussed. They're not -- the way they're written,  
3 they don't take any particular marine casualty into  
4 account. They are basic, very general areas that need  
5 to be looked at.

6         So the first one isn't really something that  
7 needs to be commented on. It's just we're going to  
8 provide you with some statistics and metrics from 2002  
9 to 2022. And there is some 2023 numbers in there, but  
10 they're not taken into consideration into the averages.  
11 And I'll go over that more a little bit later.

12         So the first Task Statement (04-23) is: Review  
13 the multiyear statistics provided by the United States  
14 Coast Guard regarding commercial fishing vessels of less  
15 than 200 gross tons, accidents or losses that resulted  
16 in fatalities, injuries, or property damage. Major  
17 marine casualties, such as the loss of the Destination,  
18 No Limits and other fishing vessels with multiple  
19 fatalities and vessel losses should be reviewed to  
20 provide the background information necessary to other  
21 supplementary tasking and best efforts to make informed  
22 recommendations to the Coast Guard. Scroll down some,  
23 please.

24         The next one is Task Statement 05-23: Examine  
25 and make recommendations to the United States Coast



1 Guard on best practices to reduce and mitigate the  
2 negative consequences caused by the misalignment of  
3 state and federal regulations regarding drug laws,  
4 legalizing recreational and/or medical use for drugs;  
5 also classed as dangerous drugs by federal law and  
6 applicable transportation related statutes.

7 This is critical for the safety of operations in  
8 creating an environment for vessels, personnel to work  
9 in a drug-free workplace with special emphasis on  
10 critical safety sensitive jobs such as the navigation  
11 and engineering duties; to bring fishing vessels into  
12 alignment with other commercial vessels; develop  
13 recommendations that include testing for preemployment,  
14 routine, and reasonable costs. Submit recommendations  
15 to the Secretary of Homeland Security. Next.

16 Task 06-23: Examine and effectively disseminate  
17 recommendations for best practices to ensure full crew  
18 access to all parts of a vessel to allow for safe vessel  
19 operation. This task should address and examine things  
20 like a means to access all areas of the vessel and allow  
21 the crew to safely move fore and aft to remove ice.  
22 Inspect the vessel and operate critical equipment like  
23 vessels anchors, and similar gear that does not require  
24 the crew to climb over pots stacks; for example, in the  
25 case of a vessel carrying pots, nets or similar devices

1 to create pathways for access. Submit recommendations  
2 to the Secretary of Homeland Security.

3 The next one (07-23) is establish best practices  
4 for standard procedures and guidance for crew standing  
5 navigation watches. This should include a detailed crew  
6 orientation for each unique vessel, including the  
7 operation of critical equipment and establish clear and  
8 easily understood watchstanding orders to protect the  
9 safety of vessels during its applicable operations.  
10 This could be accomplished as standardized form or  
11 checklist. Submit recommendations to the Secretary of  
12 Homeland Security. Next one, please.

13 Task Statement 08-23: Evaluate and provide a  
14 comprehensive list of recommendations to the United  
15 States Coast Guard in the form of best practices, (which  
16 NVICs, policy, training), or amended or new regulations  
17 regarding stability considerations which may pose severe  
18 risk to the safety of fishing vessels such as icing,  
19 loading, the need for stability instructions, and vessel  
20 modifications.

21 As part of this task, review the U.S. Coast  
22 Guard's current level of oversight, provide  
23 recommendations on its adequacy, and specify needs,  
24 changes to the areas of the fishing safety program that  
25 need additional attention. Submit recommendations to

1 the Secretary of Homeland Security.

2           09-23: Evaluate and provide recommendations to  
3 the United States Coast Guard for best practices to  
4 address the high degree of risk associated with fishing  
5 vessel operations and how the acceptance of risk is  
6 prevalent and accepted in the fishing industry.  
7 Specifically, marine boards recommend the committees  
8 focus on topics including icing, heavy weather,  
9 avoidance in voyage-planning and formalizing the  
10 navigational watch duties via onboard familiarization  
11 and written standards -- standard orders to ensure the  
12 safety of vessels during its transit and during fishing  
13 operations. Submit recommendations to the Secretary of  
14 Homeland Security.

15           Evaluate and provide recommendations to the  
16 United States Coast Guard to ensure the most effective  
17 means to widely disseminate critical safety information  
18 for the commercial fishing industry. Submit  
19 recommendations to the Secretary of Homeland Security.

20           11-23: Review and provide recommendations on the  
21 development of a publicly accessible website that  
22 contains all information related to fishing industry  
23 activities; including vessel safety, inspections,  
24 enforcement, hazards, training, regulations, including  
25 proposed regulations, outages of RESPA 21 systems in

1 Alaska and similar outages, and any other fishing  
2 related activities. Submit recommendations to the  
3 Secretary of Homeland Security.

4 Task 12-23: Discuss and make recommendations  
5 requiring watch alarms on specific types of commercial  
6 fishing vessels. Make recommendations to the Secretary  
7 of Homeland Security.

8 And then the last one, 13-23: Examine and make  
9 recommendations to the U.S. Coast Guard on a way to  
10 widely distribute personal location beacons at minimal  
11 expense. Ensure availability and access for crew  
12 members of these critical lifesaving devices which could  
13 be acquired by consortiums, associations, or other  
14 organizations for distribution to vessels through  
15 federally funded grant programs or other programs. Make  
16 recommendations to the Secretary of Homeland Security.

17 MR. WENDLAND: And just as a reminder for  
18 everybody, it's a lot of information here, but all of  
19 these task statements are put up on our website under  
20 the meetings, Seattle 2023.

21 MR. LA TORRE REYES: So for those task  
22 statements, as you see, the way that they're written,  
23 they're not really taking any one marine casualty in  
24 mind. These are basically, essentially general issues  
25 that have been observed.

1           So the cases that were provided, Case Studies 1  
2   and 2, one of them is regarding the chemical testing and  
3   the other one is regarding PLBs. So there isn't one for  
4   the icing and stuff like that. We do have one major  
5   case, however it hasn't been closed yet. So once that's  
6   closed, that will be disseminated electronically to  
7   everybody. It's a really large case, so printing that  
8   one off is probably going to kill one tree per package.

9           So this years is in association with that first  
10   task statement is the statistics. Can you make that any  
11   bigger, Angel, or is that as big as it gets?

12           MR. CALDERON: That's the best we can do.

13           MR. WENDLAND: This is the handout on everybody's  
14   desk.

15           MR. LA TORRE REYES: So everyone should have a  
16   copy of this. Sorry everybody in the back, they're kind  
17   of small. So, real quick, before I get into the  
18   numbers, the 2023 column on the far right, you have an  
19   asterisk in there and that's because 2023 is not  
20   completed yet. So those aren't final numbers for 2023.  
21   And 2023 is also, you'll notice, not included in the  
22   averages on the far right.

23           The first page here, this basically takes into  
24   consideration all of the totals of, let's see here, the  
25   first one is commercial fishing vessels and dry cargo

1 vessels, the damages status. So this includes those,  
2 the fish tender vessels that aren't normally commercial  
3 fishing vessels, but they are also included in these as  
4 they were most likely conducting fishing operations. So  
5 those numbers are included in these.

6           So if you look at the averages, I'm not going to  
7 go through all of the different years -- because we  
8 would be here a long time -- but for actual total loss,  
9 and I want to give, kind of, a what the difference  
10 between those are, actual total loss, total constructive  
11 loss/salvage and total constructive loss/unsalvaged.

12           Actual total loss is the vessel is lost; it's not  
13 going to be reused, and it's not done. Total  
14 constructive loss salvaged; that means that an insurance  
15 company has deemed that it's a total loss and that the  
16 cost of repairs of such vessel would be worth more than  
17 the vessel itself, so they have taken a total loss on  
18 that. And the salvage part means that, you know, it was  
19 taken out of the water and it was brought ashore. The  
20 unsalvaged, that means that it sunk and it's still  
21 there. Damaged, the vessel is damaged but it wasn't a  
22 total loss, and obviously undamaged is self-explanatory.

23           So for actual loss, the average for 2002 to 2022  
24 is 34. For total constructive loss salvaged it's 25.  
25 Total constructive loss/unsalvaged, 36. Damaged, 282.

1 Undamaged, 527.

2 MR. BOEHMER: Why are there undamaged vessels  
3 that are being investigated; what am I missing here?

4 MR. LA TORRE REYES: Because they were part of a  
5 marine casually, just the vessel itself wasn't. So that  
6 could be someone died onboard. So there was some sort  
7 of a marine casualty on there, but the vessel itself,  
8 there was no property damage.

9 MR. BOEHMER: Thank you.

10 MR. LA TORRE REYES: So the next section we're  
11 looking at here is statistics based off of categories.  
12 So we have crew endurance fatigue, drug and alcohol  
13 testing, stability issues, medical condition, safety  
14 management plans, and major marine casualties.

15 For crew endurance, we have 11. For drug and  
16 alcohol testing, 11. Stability issues, 7. Medical  
17 conditions, 4. Safety management plans, 2. And major  
18 marine casualties is 8. So these next statistics on the  
19 next page, Angel. There we go.

20 These are the breakouts of those numbers that  
21 were on the first page. I'm going to skip a lot of that  
22 but I want to bring your attention to -- all right. So,  
23 can you scroll down, Angel. Yeah, right there. So the  
24 one that says inside investigation activities; major  
25 marine casualties. It breaks it down to all vessel

1 investigations and then commercial -- no, the one above  
2 it. Yep.

3 That breaks down to commercial fishing vessels  
4 and dry cargo vessels. And the one above it is all  
5 vessel investigations. And that just, kind of, gives  
6 you a comparison between, you know, what percentage of  
7 marine casualties involve commercial -- commercial  
8 fishing vessels.

9 And then all of the other fields, they are  
10 basically just breakouts of what's on that first slide.  
11 I'm not going to go through all of those.

12 MR. WENDLAND: So why is it that -- I'm just  
13 looking at, why is the commercial fishing vessel  
14 included with the dry cargo vessel?

15 MR. LA TORRE REYES: Dry cargo vessels, it's not  
16 the dry cargo vessels that you're thinking of. It's the  
17 vessels that are being used as the fish tenders, that  
18 they're not classified on the COD as a commercial  
19 fishing vessel, but they are engaged in commercial  
20 fishing vessel operations.

21 Any questions on these?

22 MR. WENDLAND: These are all national statistics,  
23 right, all Coast Guard?

24 MR. LA TORRE REYES: All Coast Guard, yes. I  
25 know it's a lot to digest. But it will be on the, I



1     guess, the website, right, Jonathan, there are on the  
2     team site, I don't know if you have access to that, but  
3     they will be available electronically if you happen to  
4     lose this.

5             We can go to the drug and alcohol.

6             MR. WENDLAND: Any further questions for Omar,  
7     INV? All right. So with that, thank you, Omar, very  
8     nice. And I appreciate all of the work on that. I  
9     think some of you might have got my email, you know, our  
10    thoughts and prayers are going out to one of our  
11    colleagues in INV who lost his spouse who was working on  
12    a lot of this data. And it looks like that data was  
13    updated to 2023. So that is very difficult task under  
14    very difficult circumstances. So I just wanted to  
15    mention that and thoughts and prayers to Mr. Law and his  
16    family.

17            The next topic here.

18            CHAIRMAN DZUGAN: If I may?

19            MR. WENDLAND: Yes, sir.

20            CHAIRMAN DZUGAN: Jerry Dzugan. Observationally,  
21    starting in 2005, especially, these lines are fairly  
22    flat. We tried to draw a curve around it. The only  
23    change I see is in the last three years, which, kind of,  
24    coincidentally lined up with COVID, but just to get a  
25    snapshot of it.

1           Crew endurance, I notice has gone up since ten  
2 years ago as well. And I don't know if that's just  
3 reporting. If people are looking for fatigue now on a  
4 report and before they weren't. But yeah, that's just  
5 kind of the big picture that I got out of it. Thank  
6 you.

7           MR. WENDLAND: Great analytical observations  
8 right off the bat. So very good putting that together.

9           Any other questions, or points, comments? Okay.

10          We'll move into the next presentation, but just  
11 before we go into this presentation, many of you may  
12 know that the Coast Guard is moving in a direction  
13 towards risk-based analysis. And, you know, going back  
14 to the study back in 2010, the fatalities and  
15 casualties, you know, the highest was down flooding and  
16 then man overboard.

17          And this next topic is a very interesting topic  
18 with drugs. And I'm not up to speed on the latest. And  
19 I talked to Mr. Law a couple of years ago. He related  
20 to me that about 25 percent of the casualties and  
21 fatalities, you know, had drug influence on that. Now,  
22 I didn't get into it with him in peeling back the onion,  
23 maybe some of those vessels weren't being used as  
24 commercial fishing vessels at the time. You know, they  
25 might have just been out of doing something else, but

1 worked for commercial fishing vessels. So that said,  
2 I'm not sure if it holds.

3 But I'm really looking forward to this  
4 presentation because drugs and alcohol is a serious, has  
5 serious impacts with the fleets. And you know the one  
6 thing I think all of us can really agree on when you're  
7 out on the water, as most of us have been, is judgment,  
8 you need judgment out there. The one thing drugs affect  
9 is judgment.

10 So I'm not sure how we got through this issue,  
11 how we attack it. But I do want to thank Patrick  
12 Mannion for coming here today and he's going to present  
13 it. And Patrick is out of, again, the office of CG-INV.  
14 Thank you, Patrick, go ahead.

15 MR. MANNION: Good afternoon. Chairman Dzugan,  
16 Captain Beach, Captain Neeland, Mr. Myers, Mr.  
17 Wendland, thank you all very much for allowing me to be  
18 here today to talk about the issue of drug and alcohol  
19 use, misuse, and abuse.

20 This is a very heavy topic. Perhaps our society  
21 shows the nature of the problem in which we have  
22 different aspects of our society advocating for  
23 deregulation or permissive use laws, as opposed to  
24 others who are perhaps ringing the bell loudly for overt  
25 regulation to ensure the drugs and alcohols are not a

1 factor in the detrimental effects, the debts, the cost  
2 to society from drug and alcohol misuse.

3 But as we can begin to talk about this I wanted  
4 to first bring a little bit of levity to the members of  
5 the committee. I'm blessed to have three very young  
6 children, Emily, who's 10, Austin, who is 8 and  
7 Madeline, who is 7.

8 And I love to do most of the cooking at home.  
9 And if I tell them we're having steak, it's like, "oh,  
10 okay. Good." If I tell them we're having  
11 cheeseburgers, "oh, good." If I tell them we're having  
12 fish, their ears perk up, "Yay," is the common refrain.

13 And I tell them all the time as I go about  
14 speaking to different industry segments about what it is  
15 I do, and who we'll be speaking with and why we're doing  
16 what we're doing. I tell them about oil, "okay."  
17 Offshore energy, "okay." But I told them that I was  
18 coming to speak to commercial fishermen today. And in  
19 anticipation about that, they were all questions. "Wow,  
20 what are you going to talk about? Why are they there?"

21 And I explained further about the importance of  
22 what they do. But they, for the first time, they were  
23 asking me to bring a message. And they said quote "tell  
24 them thank you for the yummy fish." And I share that  
25 sentiment.

1           I had -- I won't say the joy, but I worked  
2 summertime as a commercial dragger out of Shinnecock  
3 Inlet on Long Island many, many years ago. And I'd like  
4 to thank the owner of the Mindy Bee at that time,  
5 because I realized that that level of hard work I was  
6 not cut out for. And for that reason, I became a  
7 licensed officer and I drove tugboats and tankers and  
8 that was far less work. And -- but I never forgot those  
9 summers, everything I learned, and the risks and the  
10 dangers and the fun.

11           So with that said, please allow me to talk a  
12 little bit about drug and alcohol testing. I'd like to  
13 bring to you some awareness about exactly what is going  
14 on in the industry, the other segments of the maritime  
15 industry. How drug and alcohol is conducted; what we,  
16 the Coast Guard require for those segments of industry.  
17 And perhaps offer you some ideas and insights as you  
18 grapple with these issues to determine whether or not  
19 there might be an opportunity or a proposition, a value  
20 proposition, for drug and alcohol testing within your  
21 own industry.

22           So with that said, first, allow me to say that  
23 what is the Coast Guard's chemical testing mission? And  
24 when I say "chemical testing," everybody thinks, you  
25 know, ammonia, methyl-ethyl, burn your face off. We use

1     this term as the regulations imply, which is for drug  
2     and alcohol testing.

3             And we've been doing drug and alcohol testing all  
4     the way back to the '70s. But, really, at a national  
5     level, as a transportation federal oversight mission, it  
6     really came to fruition in 1989 through 1991. And it  
7     still remains largely similar to what we initiated back  
8     then. But the purpose is to ensure the safety and the  
9     reliability of the maritime transportation system by  
10    reducing and preventing incidences of drug and alcohol  
11    misuse by merchant mariner personnel. Next slide,  
12    please.

13            The construct by which this mission is achieved  
14    are the regulations applicable. First, I'd like to  
15    point you to 33 CFR 95. That's our large catchall. It  
16    applies to both commercial maritime and recreational.  
17    You're operating a vessel on navigable waterways, this  
18    regulation here authorizes the Coast Guard to conduct  
19    drug and alcohol testing.

20            Then we have the Part 4 under 46, dealing with  
21    marine casualties and investigations. The backbone of  
22    our chemical testing regulatory framework, which is 46  
23    CFR Part 16, chemical testing. And, lastly, it's the  
24    drug testing standards that was created by the  
25    Department of Transportation in 1990, 49 CFR Part 40.

1           That regulation there, the drug testing that the  
2   Coast Guard requires is consistent across all  
3   transportation modes; whether it's the Federal Aviation  
4   Administration, the school bus driver under Federal  
5   Motor Carries, the Railroads, or for the U.S. Coast  
6   Guard. Those drugs tests, that drug test standard is  
7   there for us all.

8           But there are differences. The U.S. Coast Guard  
9   defines chemical test as a scientifically recognized  
10  test analyzing breath, blood, urine, saliva, bodily  
11  fluid, tissues for evidence of dangerous drug or alcohol  
12  use. That's a very broad definition and it's consistent  
13  across all of our regulatory framework. "Chemical  
14  test," for the Coast Guard can mean just about anything  
15  when it comes to identifying the use of drug or alcohol.  
16  The Department of Transportation, 49 - 40, it is only  
17  utilizing, at this time, urine.

18          Chemical testing applicability: Our  
19  regulatory -- or excuse me, the authorizations given to  
20  us by Congress provide a somewhat limited application of  
21  those testing regulations. Primarily, they apply to  
22  vessels that are subject to inspection; credentialed  
23  mariners serving in safety sensitive positions and  
24  noncredentialed mariners serving in safety sensitive  
25  positions. Often the question is who is subject to

1 testing? If you have a credential and you're on the  
2 vessel, you are definitely subject to testing. If you  
3 do not have a credential, but you serve a safety  
4 sensitive role, you operate lines or machinery, you  
5 would also be subject to testing.

6 Often the model given is "does Sally at the hot  
7 dog stand on the passenger vessel, is she subject to  
8 testing?" Probably not. But if she is subject -- if  
9 she is required to initiate the fix fire control  
10 systems, she would be subject to testing. Also, if you  
11 can go back. I'm sorry.

12 Chemical testing is required from vessels not  
13 subject to inspection, when they are commercial service  
14 requiring confidential. Often in your industry it's the  
15 200-ton limit where the masters is required to have a  
16 credential. Because of that, there is a requirement  
17 that extends to others on the vessel who typically would  
18 not be subject to testing.

19 Much of it is an ad-hoc -- not an ad-hoc, I beg  
20 your pardon -- much of it is a unique operating  
21 environment and it would dependent upon the  
22 investigating officer or the inspector onboard the  
23 vessel making that determination in coordination with  
24 the vessel operator. Next page, please.

25 So, I mentioned earlier, the society is grappling



1 with the issue of drug and alcohol use, misuse, and  
2 abuse. And, we, the Federal Government test for the use  
3 of those substances or abuse. We do that using testing  
4 devices currently that are approved by the Health and  
5 Human Services, the Department of Health and Human  
6 Services, and the Department of Transportation.

7 Right now, the vast, mass majority of all drug  
8 testing for federal purposes is done via urine. It is  
9 done under a chain of custody with a federal custody and  
10 control form; it's sent to a laboratory that is  
11 regulated by the U.S. Government; and a medical review  
12 officer, a medical doctor, reviews the results of that  
13 laboratory essay and does an interview, if necessary,  
14 with the individual mariner to determine why that sample  
15 would test positive for an elicited substance metabolite;  
16 not for the actual drug that this person may or may not  
17 have used; it is the metabolite.

18 The substance that, let's say, for the purposes  
19 of THC, marijuana, marijuana is ingested. The body  
20 processes it and it's turned into a completely different  
21 substance, a metabolite. They're screening for that  
22 substance as proof of use. Next slide, please.

23 Four months ago, the Department of Transportation  
24 49 CFR Part 40 approved oral fluid as a medium for  
25 testing. This is well and good. We all like more

1 options. The problem for us all is that, although  
2 approved, there are no testing devices available. There  
3 is nothing yet approved by Health and Human Services to  
4 conduct oral fluid testing. We do anticipate sometime  
5 in the 2024-calendar year, that devices will be provided  
6 by laboratories and that HHS, Health and Human Services,  
7 will approve it. Next slide, please.

8           And hair testing. Hair testing is quickly  
9 growing prominence in the world of drug and alcohol  
10 testing for drug testing, more specifically. Although  
11 it does test for alcohol, it's not the best tool for  
12 that.

13           Hair testing is unique in that, it is approved by  
14 the Food and Drug Administration. It has been used  
15 successfully since 1997, has passed numerous court  
16 review affirming it as a scientifically valid test. And  
17 it affords the same privacy, protections, and processes  
18 that urine does. Under chain of custody collection,  
19 laboratory analysis, and a medical review officer review  
20 of the results to include an interview with the donor.

21           Hair testing offers unique advantages in that it  
22 can be conducted or collected without the necessary  
23 burdens of a urinalysis, a urine collection. If anyone  
24 has ever gone through a urine collection, they  
25 understand it is not the most dignified means of what

1     you do in your work. You often are allowed into a  
2     private bathroom and you come out with bodily waste in  
3     which you hand it to another stranger. So the first  
4     time you do it, you never forget it.

5             But hair testing is not like that. It's like  
6     going to the barber. They take a very small sample in  
7     your presence, and it is collected, wrapped up in foil,  
8     put under a chain of custody and sent out to the  
9     laboratory.

10            It offers many advantages for the collector, for  
11     the employer, and for the individual. But, perhaps, it  
12     also offers us something very unique in that it shows  
13     over three months window of detection. You can see the  
14     average collection is about an inch and half long of  
15     hair. That would give you approximately 90 days of  
16     look-back into whether or not the individual has used an  
17     illicit substance.

18            What that provides us is an excellent means to  
19     detect if this person is a known user; a frequent user.  
20     Whereas a urine or an oral fluid test collection may  
21     only show the past three days, two weeks of use or  
22     nonuse, hair testing offers us a lot more. And because  
23     of that, many companies are petitioning the U.S. Coast  
24     Guard to transition from the DOT process, the urine and  
25     oral fluid, to hair testing. Why, because, one, it's

1 more accurate; two, they are able to reduce their  
2 testing rate from 50 percent down to as low as 20, but  
3 yet quadruple the window of detection. So it offers  
4 many advantages that perhaps wouldn't be available for  
5 urine or oral fluid. Yes, Chairman.

6 CHAIRMAN DZUGAN: Jerry, question. What about  
7 alcohol?

8 MR. MANNION: We do test for alcohol, sir.

9 CHAIRMAN DZUGAN: With hair?

10 MR. MANNION: It can be done, sir. It's actually  
11 very good. But the problem with alcohol is that it is a  
12 substance that is permitted to use, just not while on  
13 duty. So if I go home -- which I often do, I will  
14 admit, and enjoy a Merlot with that wonderful salmon  
15 that you provide me -- that's permissive use. That's  
16 allowed. The Coast Guard permits that.

17 It's quite different if I use any other of the  
18 controlled substances, which is never permitted under  
19 the U.S. Coast Guard credentialing system.

20 CHAIRMAN DZUGAN: Thank you.

21 MR. MANNION: Yes, sir. Yes, sir?

22 MR. ALWARD: On your big long list, exhaustive  
23 list of saliva, urine and everything, I noticed that  
24 hair was not listed on that.

25 MR. MANNION: I'm sorry. I didn't understand the

1 question; say again?

2 MR. ALWARD: So, earlier, you had a slide with a  
3 long list of things for chemical testing, like urine and  
4 saliva --

5 MR. MANNION: This one, sir? That one?

6 MR. ALWARD: So I didn't notice hair on that one?

7 MR. MANNION: It's considered tissue. That's a  
8 very lawyer question. The attorneys ask me that all the  
9 time, but as we speak to the medical professionals, hair  
10 is considered tissue.

11 MR. WENDLAND: Great observation, Matt.

12 MR. MANNION: Yes, sir.

13 MR. VARGAS: Frank Vargas. So you would have to  
14 have to use clean -- for urine testing, you have to have  
15 sanitized scissors.

16 MR. MANNION: Sir, every kit for a hair  
17 collection comes self-contained with a little scissor,  
18 gloves, yes, sir. Yep, it's all self-contained. It's  
19 very much like a urine test where everything you need,  
20 except for the gloves are not there. So with hair  
21 testing, there's no -- nothing is reused whatsoever,  
22 from one collection to another. Yes, sir.

23 MR. BOEHMER: I realize this is going to be a  
24 very unique situation, but what if you have an  
25 individual that shaves themselves completely clean?

1           MR. MANNION: Yeah, the one thing I sailed  
2 professionally for many years and I absolutely adore my  
3 fellow mariners, because we have a lot of time on our  
4 hands sometimes working on a vessel. The innovators,  
5 think through problems and how to solve them. That  
6 issue has come up many times on hair.

7           So what happens typically is -- not  
8 typically -- what we've seen in the past, if an  
9 individual is called in for a hair analysis testing.  
10 Well, magically, the sailor shows up and he's bald. "No  
11 problem," the collector will say, "I'll just take it off  
12 your arms." "Well, it's not there either." "No  
13 problem, we can take it off your legs." "Sorry, I'm  
14 bald there too."

15          There are other areas the hair can be collected,  
16 although not recommended by the laboratories, it has  
17 been done. But sometimes the individuals are bald there  
18 too. At that point, it's sent to a medical review  
19 officer to determine whether or not this is a refusal.  
20 By shaving off all of the hair, did you seek to prevent  
21 a collection from taking place.

22          Now there are some individuals who have a medical  
23 condition called Propecia that they were unable to  
24 produce any body hair. That is completely  
25 understandable and their doctor can provide testimony to

1     that. In such cases, we can always just default to  
2     another collection type.

3             One of the other -- I mean, well, I won't get  
4     into it, but hair is one, just a medium. The courts now  
5     are using thumb nails, nails. I mean, using substances  
6     today and getting away with it or subverting the testing  
7     process to devoid detection is becoming harder and  
8     harder and harder. Next slide, please.

9             So U.S. Coast Guard testing events. When does  
10    the Coast Guard test? Well, if you're subject to  
11    testing, we have preemployment, which if you're going to  
12    enter into a safety sensitive position, you must do. We  
13    have random. Currently random testing is at our  
14    50 percent random testing rate. So every year.  
15    50 percent of those subject to testing should be tested.

16            If we have reasonable suspicion, the individual  
17    looks like they may be under the influence of a  
18    substance, the employer is required to do a reasonable  
19    suspicion collection. Post casualty, of course, after  
20    the event. Sometimes that can take place under a DOT  
21    mob, but other times it can't because the individual is  
22    deceased or perhaps is under extreme medical care. So  
23    they would not be available. And periodic, periodic is  
24    a credentialing event. Next slide, please.

25            Perhaps I spoke too quickly, but here is a more

1 defined, preemployment standard. Again, when the Coast  
2 Guard requires a drug test, it must be a 49 Part 40.  
3 Next slide.

4 Random testing. That is the employer's  
5 responsibility, making sure that random testing is done  
6 at unpredictable times and without forewarning to the  
7 individual. I cannot tell you how often during an audit  
8 we find out that Patrick, the sailor, was notified on  
9 Monday by his supervisor that before the end of the week  
10 they had to go down to Quest and have a drug test done.  
11 That's forewarning.

12 That individual has plenty of time to find a  
13 sample for substitution, or to try and attempt to  
14 subvert the test using cleansing agents. Many of you,  
15 you could just go onto Amazon today and find all sorts  
16 of products that assert themselves to be cleansing  
17 agents; meaning, that you ingest it and it will dilute  
18 out the sample or remove those metabolites we spoke  
19 about earlier. Next slide.

20 Reasonable suspicion. The Coast Guard has a very  
21 broad definition that warrants a reasonable suspicion.  
22 Basically, if the individual appears to be under the  
23 influence, by manner of speech, movement, the individual  
24 is required to go through a reasonable suspicion drug  
25 testing. Again, it's a Part 40 test. Also, it's an



1 alcohol test, right? Because none of us are experts in  
2 knowing what potential substance it is that's causing  
3 the intoxication. So you are required to do a drug test  
4 and an alcohol test. Post-casualty. Again, drug and  
5 alcohol. Next slide.

6 And periodic testing. This is a mariner  
7 initiated event and it's related to a credentialing  
8 event. So when that individual mariner needs to renew,  
9 upgrade their credential, and they're not subject to  
10 random testing because they may be inshore for a couple  
11 of months, they may do a periodic test to meet the  
12 requirement.

13 I've also been asked to speak about the conflicts  
14 between federal and state regulations and laws regarding  
15 use, misuse, and abuse of intoxicating substances. I  
16 think it's important to point out that there is far more  
17 in common than there is divergent. Both, I don't know  
18 of any state or locality that permits operating a vessel  
19 while under the influence of drugs or alcohol.

20 Sadly, we do not have any drug tests that test  
21 for intoxication. There is no test on the market today  
22 for drugs that tests for intoxication. We may have some  
23 state, police and local police, have drug recognition  
24 experts. Those individuals are highly trained in  
25 identifying, potentially, based on the mannerisms and

1 the actions of the individual being interviewed, what  
2 type or class of drug that they may be under the  
3 influence of. But those tests only are an indicator,  
4 and authorized -- depending on the event -- for  
5 collection of blood for further analysis.

6           So whereas we know in a urine, that the person is  
7 a user; we know under a breath-analysis test, just how  
8 intoxicated an individual is, there is no drug test  
9 today scientifically recognized and accepted that tests  
10 for intoxicification, only use. Go back, please.

11           I'd like to point out, as well, that both state  
12 and federal agencies have laws compelling reasonable  
13 suspicion drug and alcohol testing. This is critical.  
14 These two elements here show an alignment, a shared goal  
15 to minimize drug and alcohol as a risk to public safety.  
16 So in that respect, both the federal and the state and  
17 local municipalities have a shared goal. Next slide,  
18 please.

19           38 states, as of Friday, have enacted permissive  
20 drug use laws. And it varies greatly. Some allow for  
21 the use of marijuana. Some states now are deregulating  
22 some of the more hallucinogenic drugs, and it's having  
23 mixed reviews.

24           Some of the states, the benefits that they had  
25 hoped for have not turned out. As a matter of fact, the

1 governor of Colorado gave an interview last year where  
2 they have grave concerns about how the decriminalization  
3 of marijuana -- the benefits that were promised never  
4 paned out. It's actually cost them more money now. The  
5 savings that they thought they would be achieve to be  
6 funneled into education, actually turned into a negative  
7 revenue and they're suffering because of it.

8 But even though those 38 states are enacting laws  
9 that allow for drug and alcohol use -- excuse me, drug  
10 use, the federal prohibitions remain. But the  
11 applicability of those regulations really is what comes  
12 down to the issue.

13 The local state police, for their, here in  
14 Seattle, somebody may have their 28-foot Bayliner  
15 running around, although the Coast Guard has  
16 jurisdiction, it's primarily a local issue. It's the  
17 local police that would be dealing with those issues.

18 Really, as we start to look at the Coast Guard  
19 mission, we start to see more an issue towards the  
20 commercial side, not the recreational. And also working  
21 more towards the offshore. The Coast Guard operates in  
22 that, past that three-mile limit where the local police  
23 would have jurisdiction.

24 So at that point, who's in control or who has  
25 jurisdiction? The Coast Guard, because of resources

1 will defer, quite often, to the local municipalities,  
2 the local police for actions on these events, especially  
3 with regard to recreational vessels. But, whether the  
4 U.S. Coast Guard applies its own regulations and laws  
5 really depends on a number of factors to include type of  
6 vessel operations, location, and the event itself. "Was  
7 this a regular boarding or was this an SMI, where  
8 people -- there is an accident and people have been  
9 injured.

10 I can tell you I see every drug test that comes  
11 through the U.S. Coast Guard, positive test. And for  
12 many years, the defense was that "well, it's legal in my  
13 state. And I used that marijuana when I was off-duty at  
14 a holiday party," the proverbial ten-year high school  
15 reunion.

16 It has never once held up in court. Every time  
17 that individual mariner uses that defense, when it goes  
18 to a revocation of a credential, the administrative law  
19 judges have found in favor of revocation; that the  
20 permissive use laws defense of the local state, of a  
21 local state do not override the Coast Guard's interest  
22 in public safety for a suspension and revocation of that  
23 credential. Next slide.

24 And I just talked about this a little bit, but  
25 one of the main issues too I would like to point out

1 with regard to the potential or perceived conflict  
2 between state, local, and federal standards is that the  
3 U.S. Coast Guard has a unique mission mandate from  
4 Congress. And that is, we issue credentials for  
5 commercial mariners. And we do it to ensure safety.  
6 It's a standard to ensure their professionalism and  
7 fitness for duty.

8 And because of that, Congress mandated that we  
9 continue to do drug and alcohol testing. For that, we  
10 are often asked to show accountability; what's the  
11 benefit? Well, there are numerous studies out there  
12 that have been validated both independent, third-party  
13 organizations, and federal researchers, that have  
14 indicated that there is approximately a three times  
15 benefit to having a randomly drug tested workforce as  
16 opposed to a non drug testing workforce.

17 The most prominent of those studies are often  
18 published -- or not often -- are published every year by  
19 Quest Laboratories. Quest Diagnostic Industries. It is  
20 often viewed as the most notable, publicly available  
21 research that is timely, every year it comes out. And  
22 Quest has a very large market share. I believe they are  
23 the second largest in the country for number of drug  
24 tests done in the workplace.

25 The federally mandated drug testing workforce has

1 a positivity rate of approximately 1.3. It's kind of  
2 average. Sometimes it spikes up a little bit, but for  
3 the most part, we're just above that 1 percent. The  
4 nonregulated workforce, depending on which industry, it  
5 goes from a low of 5 percent all the way up to 11. So  
6 we can see that the delta of a workforce that is  
7 regularly tested for intoxicant use in the workplace has  
8 a much higher beneficial rate than does the non  
9 chemically tested workforce.

10 And as a friend of mine who still operates a  
11 towing vessel, he said, because we have these testing  
12 standards in place our insurance rates go down  
13 dramatically. Because my other buddy who has a  
14 scaffolding business, who does not -- is not required to  
15 test, his insurance premiums are much, much higher for  
16 his workforce based upon drugs being a contributing  
17 factor to workplace accidents. Next slide, please.

18 So in summary, chemical testing for illicit drugs  
19 by the U.S. Coast Guard has successfully been  
20 implemented for the commercial maritime industry since  
21 1991. We've been using the urine drug test and it has  
22 shown, I believe, in 1990 our rate was 14 percent  
23 positivity when drug and alcohol testing first came out.  
24 And, today, we have a positivity rate of approximately  
25 1.2, that's a dramatic decline.

1           The U.S. Coast Guard's intent is to deter illicit  
2 drug use. To promote mariner public, environmental, and  
3 vessel, and responder safety. For every time I read a  
4 report of a small commercial fishermen who died, or his  
5 crew members died, and I think about all of the folks  
6 who had to go out there and try and save them. We sadly  
7 see in the public newspapers what the families of those  
8 deceased commercial fishermen say. It's heart  
9 wrenching. It really is.

10           And that is one of the things that I personally  
11 take a great interest in, in providing the opportunity  
12 to offer everyone a value proposition: Is drug testing  
13 going to cause some folks to be excluded from the  
14 industry, from the workforce? Absolutely. Is the net  
15 benefit of doing so there? Can we validate that? Can  
16 we show statistically, dollars to donuts, that there is  
17 an advantage in it? Absolutely.

18           So it's a matter of whether the public, as voiced  
19 through Congress, pushes us further towards that end. I  
20 brought you the different types of testing that is being  
21 done. We recognize, we in the Coast Guard, because I  
22 mentioned earlier, we receive multiple requests for  
23 regulation or rulemaking to change from a DOT  
24 urine-based drug testing to a hair-testing module.

25           The cost for doing so are much lower. For

1 fishing in particular, we did a proposed rulemaking in  
2 2012 where the response from the public was that the  
3 urine testing for the report immediately as currently  
4 required caused a great deal of interruption into their  
5 business.

6 Because they get a call from their consortium or  
7 their employer, and they say, "hey, Patrick, you have to  
8 go for your drug test today." But it's two hours up the  
9 road and then two hours back. But, you know, "I've got  
10 a to leave on the tide. I've got to get out today  
11 because the fish are running and I've got a small window  
12 to run." And that's true. That's a disruption of their  
13 business.

14 But a urine-based or oral fluid-based program  
15 will require that. A hair testing program, you've got  
16 60 days to go test. It doesn't have to be today. It  
17 doesn't even have to be tomorrow. You've got 60 days to  
18 figure out when you should go test. And that latitude  
19 to determine for yourself when is the best time to test  
20 is one of those unique aspects of hair testing that the  
21 Coast Guard is having to strongly consider. And your  
22 input, or your voice, as a federal advisory committee on  
23 this issue, is as important as Exxon's or anyone else's.

24 So I do hope that you stay abreast of this issue.  
25 And that, as you consider this issue, you take into



1 consideration what methodology of testing would be most  
2 beneficial for the commercial fishing industry. Yes,  
3 ma'am?

4 MS. HEWLITT: So I have a question. So for  
5 random testing, they get the letter in the mail from the  
6 consortium; you have to go down. "What letter in the  
7 mail?"

8 MR. MANNION: Yes, ma'am. Exactly.

9 MS. HEWLITT: They used to make you sign for it  
10 and then you had three days to go do the sample, for the  
11 random testing. They stopped doing -- certain industry,  
12 they stopped signing for it. But you have to go  
13 somewhere to go do the urine test.

14 If this were to be implemented in the commercial  
15 fishing industry and they're a part of a consortium and  
16 you get the letter that, you know, through the  
17 consortium that you have to go for a random test, would  
18 they have to go somewhere or could the captain just say  
19 "hey, we've got random test. Give me a piece of your  
20 hair, I'm going to stick it in the mail and sent it  
21 off," where I don't have -- my employee doesn't have to  
22 go anywhere, and I can just do it when he comes into  
23 work in the morning and say, "hey, I need a piece of  
24 your hair." And then that way nothing is disrupted or  
25 where they have to physically go to a collection center

1 and have somebody snip their hair?

2 MR. MANNION: Well, the two laboratories that  
3 have been approved by the Food and Drug  
4 Administration -- there are three, but there are two  
5 that are active promoters and make available the testing  
6 kits, the hair collecting kits, they require that the  
7 individuals who do the collection has gone through the  
8 training, the vendor training for that. In particular,  
9 Quest and Lab -- Psychemedics, they have hair testing  
10 online, free. It takes about two to three hours, where  
11 you can do the training. And you receive a certificate,  
12 and you're now a certified Quest or Psychemedics hair  
13 collector.

14 In the situation you described, is the option for  
15 the master of the vessel or other designated collector  
16 available? That's open for discussion. Right now, the  
17 DOT tells us with a urine or oral fluid that they have  
18 to go into an authorized collector not associated with  
19 the individual.

20 With hair testing, the dynamic changes. And I  
21 would offer for your consideration that it would be  
22 difficult to make a case that the type of collection you  
23 described would undermine the credibility of the test.

24 So in short, I know I sound like a lawyer here, I  
25 just work with them all day, I'm not an attorney, I

1 would say that it would be open for discussion in a  
2 future rulemaking. But depending on the comments  
3 received from the public, from the employers, and from  
4 the laboratories, that could be an option.

5 CAPTAIN DZUGAN: Jerry. It's a question.

6 So there is a chain, a verification of chain of  
7 possession in this, I'm sure, just like there is for  
8 urine?

9 MR. MANNION: Yes, sir.

10 CAPTAIN DZUGAN: So there is a built in conflict  
11 of interest, we might say, for the owner operator taking  
12 the collection of hair. Unless in this training, they  
13 just say that, "well, I've taken this online or whatever  
14 kind of training, and I'm good for it." So that's ...

15 MR. MANNION: It's an issue, sir. I can tell you  
16 the way that some companies have chosen to address that  
17 challenge is to a random pull of those hair collections  
18 for DNA validation. The situation, as you describe it,  
19 would be that "well, my son" -- and I'm just making a  
20 hypothetical there -- the individual to be tested, "I  
21 have an economic and personal interest in the outcome of  
22 their drug testing, and I can do a collection and submit  
23 it." But was that really my son's hair?

24 And in situations, I can tell you lawsuits have  
25 been filed in this, and that DNA collection, the hair

1 testing is later used for DNA analysis to determine  
2 whether or not that individual's hair was actually their  
3 hair and was submitted to the laboratory. It's a very,  
4 it's a prickly question, quite honestly.

5 I can tell you that the private sector is  
6 stepping up to the plate on this issue. There are  
7 numerous companies now that are providing sample kits,  
8 and they provide realtime online observation of the  
9 collection. So they will send out a hair collection kit  
10 to your vessel. And the collection of the hair sample  
11 is done under videocamera by a third-party observer in  
12 realtime that validates that the hair collection has  
13 been done in accordance with the regulations. And that  
14 a chain of custody has been properly filled out. And  
15 the sample was in a sealed bag sent out via third-party  
16 courier service to the laboratory.

17 So the industry, the private industry is trying  
18 to fill that niche between sending out that individual,  
19 making them travel far distances to a collection site,  
20 and the potential abuse that could occur if the  
21 collection is done by another member on board the  
22 vessel. Having that third-party realtime observation  
23 via Internet link is an option that a lot of the  
24 laboratories are behind it, and they're offering that  
25 service.

1           MR. VINCENT: So you would have to get an  
2 impartial third party on the boat; do I understand that  
3 right?

4           MR. MANNION: Not have to, sir, it's an option  
5 that some companies have chosen to exercise to increase  
6 the credibility of their processes. In no way has it  
7 been required by either the laboratory, the Food and  
8 Drug Administration or the Coast Guard. So this is an  
9 option that some of the more distant fleets are starting  
10 to utilize in order to provide greater credibility to  
11 that drug testing sample.

12           Right now, this is all exploratory. This is new  
13 territory for so many folks. And they're trying to find  
14 out best practices. Recognizing that the maritime  
15 industry lacks a lot of the shoreside infrastructure,  
16 the immediacy of that support, is one of the unique  
17 aspects of our industry; trying to fill that niche;  
18 recognizing that they operate in far distant areas; and  
19 are not available to access those shoreside support  
20 services.

21           So this is part of the rulemaking process. As we  
22 look in the future to respond to the request for a  
23 rulemaking; as we seek the input and guidance from  
24 federal advisory committees; having their input to  
25 determine what is the best fit; what allows for credible

1     deterrents, but also minimizes the burden on the  
2     industry and operations, this is a dialogue. And we  
3     look forward to your input.

4             MR. WENDLAND: Yes, sir.

5             MR. THEILER: So let me get this straight. It  
6     sounds like the Coast Guard, at this point, is a  
7     proponent of this for commercial fishing or --

8             MR. MANNION: The Coast Guard takes no position,  
9     sir. I'm offering options.

10            MR. THEILER: So what is the Coast Guard's  
11     responsibility, and maybe, it's, you know, there's other  
12     people, I don't mean to offend anyone, but it seems like  
13     there is an onus on the operators here to -- or there  
14     would be, potentially an onus on the operators to be  
15     responsible for this; yet, when it comes down to  
16     boardings or the responsibility of the Coast Guard,  
17     we've never been checked for drugs. I've never seen a  
18     Coast Guard drug dog on a commercial boat. Maybe you  
19     guys have been, but just not in my experience.

20            And once, again, this IS something, you know,  
21     that certainly there is some cross to the average  
22     commercial guy. A responsibility with when you have a  
23     transient crew to try to "herd the cats," so to speak.  
24     And, again, I think that we're looking at it from the  
25     wrong end. I think that this is something that the

1 Coast Guard should be looking from their end rather than  
2 our end.

3           You know, we already have federal laws saying  
4 that you can't have, be in possession of drugs. You've  
5 got federal and state laws that say you can't be  
6 operating under the influence of drugs. We all have a  
7 poster that says "no drugs are allowed on board." You  
8 know, when it comes time to ensure that those things  
9 don't happen, what's the Coast Guard doing to ensure  
10 those.

11           MR. MANNION: I can't speak for the boarding  
12 forces, the folks who come out on the Coast Guard  
13 vessels. I don't even know if the Coast Guard has drug  
14 detection dogs. That's an operational aspect of the  
15 Coast Guard mission set that I don't have full  
16 visibility on.

17           MR. THEILER: Sure.

18           MR. MANNION: But with regard to the regulatory  
19 environment, the preventive mission, it's a shared  
20 burden. We, in the Coast Guard, can put out regulations  
21 you know, until the sun comes up. But really it's that  
22 buy-in by the industry, not just by the employers, but  
23 the mariners themselves.

24           So you ask me as a program manager, what's the  
25 Coast Guard's role in this, what do I envision?

1           MR. THEILER:   Yeah.

2           MR. MANNION:   I envision that collaborative  
3   discussion that we, the Coast Guard, had back in the  
4   '90s with the industry through the rulemaking process to  
5   get input from the industry; to hear what Congress tells  
6   us we should or should not do; what's funded.  And I've  
7   often been told "you really know you're important when  
8   you're well funded."

9           So there is no solution, final solution that's  
10   going to make everybody happy that comes from the Coast  
11   Guard.  And, quite frankly, I'm here today to ask you to  
12   be that dialogue.  You have a task statement now to ask  
13   what is the proper application of a drug and alcohol  
14   testing program.  I may have my views, but, quite  
15   frankly, yours is far more important than mine as a  
16   committee member.  So I'll defer to you, sir.

17          MR. THEILER:   Well, thanks.

18          MR. MANNION:   Yes, sir.

19          MR. BOEHMER:   Mr. Mannion, Kris Boehmer.  Thank  
20   you.  I mean I think most of us acknowledge that there's  
21   use of drugs and alcohol are a problem in any industry,  
22   especially ours.  And in my industry, the insurance  
23   industry, we realize that it's a problem because it's  
24   usually a factor in the claim if it is found to be  
25   there.



1           When I'm talking with the people that I work  
2   with, the fishermen, I don't think anybody advocates  
3   drug use. But some of them are very aware that like in  
4   Maine, you can legally smoke marijuana. And if somebody  
5   wants -- I'm not saying it's a good idea, but if  
6   somebody wants to do it on a weekend party, nobody  
7   really cares that much. They want to know what their  
8   state is on the vessel. Like, you know, a day or, you  
9   know, a day later, kind of, like alcohol.

10           I'm under the impression now, that any drug test  
11   that's given now must test for THC and that's really  
12   concerning a lot of boat owners that don't want to fail  
13   somebody that is a really a great employee that may on  
14   the weekend have done something that they wouldn't do on  
15   the boat.

16           Do you think it's ever a possibility that there  
17   will be a drug screen that the Coast Guard will accept  
18   that doesn't test for THC?

19           MR. MANNION: Our mission, our mandate from  
20   Congress is to test for use of intoxicants, the use of.  
21   Last year and the year before that, there was pending  
22   legislation called the MORES Act, M-o-r-e-s, which would  
23   allow, which would have de-scheduled marijuana. Which  
24   means that, for the most part, it couldn't be tested for  
25   in federal tests.

1           In fact, two weeks ago, maybe three weeks ago,  
2   Health and Human Services sent a letter to the Drug  
3   Enforcement Agency recommending that marijuana, THC, be  
4   declassified from a Schedule I to a Schedule III.

5           Which would be dramatic, because a Schedule III  
6   means that it has useful medicinal purposes; whereas, a  
7   Schedule I is it has, like, no medical use, you know,  
8   the worst thing in the world, to a "hey, there are uses  
9   for THC that have beneficial aspects, medically  
10  speaking."

11          The DEA, I believe, has 60 days to respond to  
12  that. And the MORES Act, although it didn't pass last  
13  year, it's always in committee and it could come out  
14  again at any time and quickly pass. A lot of pundits,  
15  if you read the news, state that it will be a big issue  
16  again next year, in the election year.

17          So with regard to us, ever -- us, the Coast  
18  Guard -- agreeing to a test that would not test for THC,  
19  that's not our decision to make quite honestly, that's  
20  going to be Congresses.

21          MR. BOEHMER: I understand that. The reason I  
22  bring it up is I think it would be a lot more accepted  
23  in the industry if that wasn't something they thought  
24  they were going to possibly exclude a lot of good crews.  
25  I think there would be more universal support in the

1 fishing industry.

2 MR. MANNION: Well, if we take a step back just a  
3 little bit, and I am trying to be cognizant of time, I  
4 apologize. But when you think about it, we are testing  
5 for the use of a known intoxicant. Much like alcohol,  
6 widely accepted, broadly utilized by the larger society.  
7 THC may even, one may argue, quite persuasively, that  
8 THC is very similar to alcohol. Whereas I can go home  
9 on a weekend and enjoy a bottle of wine, I can't enjoy  
10 it on the boat.

11 The holy grail that we're all waiting for is for  
12 a drug test to come out that tests for intoxication,  
13 right? And if we could do that, I'm out of business  
14 tomorrow. And I will gladly walk away, because we can  
15 say, "hey, do what it is that you think is best for  
16 you." But, we, the Coast Guard, as a regulatory body,  
17 we're going to make sure they you're fit and ready for  
18 service when you're in a safety sensitive position. It  
19 doesn't matter what you did last week, or this weekend,  
20 we only care about what you are about to do now on this  
21 vessel. And that's the holy grail. If you know someone  
22 who can come up in the science for that, they'll make  
23 Elon Musk look poor.

24 That is my presentation, though. Are there any  
25 other questions I can answer from the members? Yes,

1     ma'am.

2             MS. HEWLETT: I keep referring back to the  
3 charter boats, because my husband and I also have our  
4 captains licenses. And the random drug testing program,  
5 we look at it like it prevents me from, you know, if  
6 somebody says, over the weekend, like, "hey, do you want  
7 to imbibe a little bit?" I'm like, "no, I don't want to  
8 risk my captain's license for getting high over the  
9 weekend. I don't want to lose that."

10            An employee that tests and say he did the random  
11 and it comes back positive that they might have done  
12 something over the weekend, the employer, what does he  
13 lose? The employer might say, "Well, I know it came  
14 back positive, but there is no law that says I can't let  
15 him come back and work for me." As an employee, they  
16 may lose that job because the employer has a zero  
17 tolerance, but there's no law that says you can't get  
18 another job somewhere else.

19            As a commercial fisherman, as to say the captain  
20 that's on this, and they're subject to, and it comes  
21 back positive on a random, what do they lose? What's  
22 the what are they going to give us, a fine or a slap on  
23 the wrist? Or is the Coast Guard going to enforce like  
24 the captain can't run his own boat anymore?

25            Or, like, so I understand with the crew, it's up

1 to the captain to say, "I don't want you on my boat  
2 anymore because you came up positive, because you  
3 partied this weekend." Or I could decide to keep them  
4 on my boat. But as far as the captain, who is also  
5 subject to the same random testing, what would be the  
6 consequence to him?

7 MR. MANNION: Yes, a very common situation,  
8 especially in the small passenger vessel industry, the  
9 recreational -- not the recreational -- the, like, the  
10 dive boats, the charter fishing.

11 MS. HEWLETT: You could lose your credentials.

12 MR. MANNION: You lose your credential. There is  
13 a difference, the U.S. Coast Guard recognizes that the  
14 consequence for a credential mariner testing positive or  
15 refusing are far, far, far higher than a non credential.  
16 And a non credentialed mariner testing positive, there's  
17 a great deal of -- there's a lack of transparency,  
18 right. A lot of things that go on that the Coast Guard  
19 never really found out about it. Because the system, as  
20 its structured currently, does not promote transparency,  
21 and penalizes reporting. If you really think about it.

22 So in the situation where a noncredentialed  
23 mariner tests positive, the receiving employer -- so,  
24 I'm the captain. I do the drug test, I'm negative.  
25 Bob, my unlicensed deckhand tests positive, I have to

1 let him go. Not I've got to train somebody else. Bob  
2 just goes across the dock and goes to work somewhere  
3 else, and everybody knows.

4 But, me, the owner of that vessel who had to fire  
5 Bob, the receiving employer is required to contact the  
6 last employer, the last few employers, and find out  
7 whether or not I had failed or refused a test. The  
8 response rate on those during audits, that we find, are  
9 very, very low. Very low.

10 There is a financial incentive for some operators  
11 to maintain that low response rate. It's just a fact of  
12 life. It's an industry issue. We, the Coast Guard,  
13 designed this process, the industry didn't. And the  
14 industry does its best to adhere to our regulations,  
15 while still trying to maintain commercial operations.  
16 It's a hard thing.

17 I ran a small tug boat, a World War II YTB that I  
18 bought before towing vessel regulations came into  
19 effect. And, you know, I wouldn't admit to it under  
20 oath, but it's difficult to meet all of the regulations.  
21 It's difficult. And it was a financial incentive for me  
22 many years ago to perhaps be unaware of those regulatory  
23 requirements.

24 So, in short, as this situation that you  
25 described, there is not an easy answer. And we

1 recognize that the reality is these summertime  
2 operations where the tourist industry is running, and  
3 the fishing is running, that boat has to get off the  
4 dock, has to get off the dock or you're out of business.  
5 And the Coast Guard is looking to improve the process,  
6 while not unnecessarily impeding your commercial  
7 operation.

8           So, again, I look very forward to hearing the  
9 response from the committee as to what they think might  
10 be a good fit going forward. Yes, sir.

11           MR. HEWLETT: I have one question. You said that  
12 going from 11 percent to one and a half percent when you  
13 started testing?

14           MR. MANNION: 14 percent back in 1991.

15           MR. HEWLETT: To one and a half, or one and a  
16 quarter?

17           MR. MANNION: Yeah, 1.2, 1.3 currently.

18           MR. HEWLETT: Did that happen when you stopped  
19 doing the certified, where they had to sign for the  
20 letter? Did that percentage drop greatly when that  
21 process started?

22           MR. MANNION: It didn't. It was a gradual  
23 decline over time. I believe we hit -- I believe we got  
24 as slow in 2016, I think we, federal-wise -- not just  
25 the Coast Guard -- but the federal regulated workforce,

1 the federal transportation workforce, hit a low of .7,  
2 0.7. And everybody was clapping hands and we were all  
3 so proud of ourselves.

4 And the industry was to be credited really. I  
5 mean, again, the Coast Guard -- I mentioned earlier, the  
6 Coast Guard can come up with all sorts of rules and  
7 regulations, but it's industry's desire to make sure  
8 that drug and alcohol use is minimized while on board  
9 the vessel.

10 And we hit that sub 1 percent and it was  
11 wonderful, but we've crept back up. And we've been  
12 creeping back up ever since. Some attribute it to a  
13 well, "hey, we won the war, we planted our flag, and we  
14 went home. And we lost the focus." Maybe that had a  
15 part. Some of it, certainly, is the more permissive  
16 drug use laws that are sweeping the nation.

17 But, personally, I think that drug use today, I  
18 mean -- I laugh, I get to talk to those who grew up in  
19 the '60s, the Woodstock generation. And we talk about  
20 the marijuana use back then where the THC level was 3  
21 percent. Well, today, I can go right around the corner  
22 here and get a gummy that has 20 percent THC.

23 The availability, the ubiquity of intoxicating  
24 substances available to the workforce today has never  
25 been seen before in the United States. It's almost



1 unfathomable how much drugs has become common in our  
2 society. We can, you know, seek out why it happened and  
3 work on those issues, and I applaud those folks who can  
4 do that. But we recognize, the medical community, the  
5 Federal Government, the U.S. Coast Guard recognizes that  
6 drug and alcohol misuse, it's not a character issue,  
7 this isn't that "he's a bad guy," everybody recognizes  
8 that this is a medical issue. This is a safety issue.

9         If I choose to use marijuana on the weekend, that  
10 doesn't make me a bad guy. And although we may have to  
11 take your credential for it, we're not saying you're a  
12 bad person. I know that they say character is one of  
13 the factors in a credential issuance, but that's old  
14 language. That's a regulation that was written many  
15 years ago and it's going to change, I can assure you of  
16 that.

17         We're looking at this as a public safety issue,  
18 as an individual health issue, and as an opportunity to  
19 improve lives, not to punish. I mean, it's very, very  
20 sad. I've been in that situation, from this side of the  
21 table, when you have to look at a fellow whose entire  
22 family depends on his income. And for the next year he  
23 can't sail because he lost his credential because he  
24 tested positive for a drug. And it's a heart-wrenching  
25 thing to see.

1           And I think we all can do better. I think we,  
2           together, can come up with ideas to identify those folks  
3           who are at risk and to offer them an expedited means for  
4           treatment and return to service.

5           MR. WENDLAND: Very good.

6           MR. MANNION: Any other questions? No.

7           Committee, thank you for your time.

8           MR. WENDLAND: Awesome. Very thought-provoking  
9           indeed. A lot of stuff there.

10           You know, one of the things I was thinking about,  
11          Barb, what you mentioned there is really 98 percent of  
12          the fishing industry that exists does not have a  
13          credential, right? That credential is marked 200-gross  
14          tons and over as far as a credential for a license. So  
15          the majority of this industry does not have a  
16          credential. And the Coast Guard doesn't have that stick  
17          to pull that credential because there isn't one for most  
18          of this industry.

19           But, man, what a great presentation. There's a  
20          lot of thought, a lot of stuff there. I don't know if  
21          you folks have seen the President proposed budget. But  
22          HHS was up 20 percent in his proposed budget. So maybe  
23          that test is right around the corner. All right. I  
24          know that drug use is up, and anxiety is up, and 2021  
25          107,000 drug overdoses in the United States. 107,000.

1 So think about that. So, anyway, big issues in front of  
2 us. And hopefully you folks can think about out and,  
3 you know, come up with some solutions for the industry.

4 So with that, I have not been -- is there anybody  
5 in the public that would like to provide any comments to  
6 the members here? Is there anybody in the public? I  
7 didn't get tapped on my shoulder, so I'm not aware of  
8 anybody, but this is the point in the agenda where you  
9 have that opportunity. And I do not see any.

10 So with that, Mr. Chairman, if you have no  
11 questions, we're about at a break point.

12 CHAIRMAN DZUGAN: Yeah, this is Jerry. Yeah,  
13 there is an opportunity for more mental health and  
14 substance abuse training also out there in the Senate  
15 right now, specifically, towards fishermen, it's in the  
16 budget being considered. So just in reference to the  
17 previous discussion.

18 It's a good time for a break. 15 minutes. Then  
19 we will recess for 15. Back at 35 after.

20 (The meeting recessed at 2:18 p.m. PST.)

21 (The meeting reconvened at 2:38 p.m. PST.)

22 MR. WENDLAND: All right. My mind is still  
23 spinning on that presentation. Excellent presentation  
24 from Patrick, some very good stuff.

25 So we're at the point of the agenda here, coming

1 up towards the end of the first day. And as we spoke in  
2 the beginning of the day, you have some packets. The  
3 members have some packets on the table. So what I'm  
4 referring to are the cases. And the cases were put  
5 together in two studies, so these binded studies.

6 So I kind of think of this as a little bit like  
7 library time for you folks to review these cases. And  
8 we're going to be doing that between now and 1610, 4:10  
9 until the committee reconvenes. So you're going to be  
10 on your own leisure to go through those cases.

11 And, again, those cases are reflective of some of  
12 the tasks that you are being asked by the Coast Guard to  
13 support, you know, or provide recommendations back to  
14 us. So it's essentially background information that  
15 will help you think about the tasks a little bit more  
16 clearer or maybe differently.

17 So there's a total of 7 cases, 5 in one study,  
18 and 2 in the other. So it's a good time right now just  
19 to do that reading. Come up to speed on it, and, again,  
20 you until 1610 until we reconvene to do that. And that  
21 should provide ample thought for your folks. And if you  
22 don't finish it now, maybe for homework.

23 Mr. Theiler?

24 MR. THEILER: We are way ahead of schedule today.  
25 Are you sure you want to wait until 1610 or is that just

1 the way?

2 MR. WENDLAND: Yeah, so that's on the agenda,  
3 but, of course, if the committee members say we're good  
4 to go, we've read them, we're fully understanding, and  
5 we feel we can go to the task tomorrow. I'm very happy  
6 that we have a little bit of this time just because it  
7 provides you folks with that time rather than taking it  
8 home tonight. So if we finish early, tap me on the  
9 shoulder.

10 MR. MYERS: Mr. Wendland, sir.

11 MR. WENDLAND: Yes.

12 MR. MYERS: I didn't mean to interrupt, but there  
13 is a -- go ahead, Mr. Chair.

14 CHAIRMAN DZUGAN: Jerry here. A little side  
15 conversation. And I think Matt, I'll let him go first,  
16 and myself have a couple suggestions for making use of  
17 some of this time. And then, afterwards, we can decide  
18 how much study time we want. If we may?

19 MR. WENDLAND: Absolutely, sir.

20 MR. ALWARD: Matt Alward. I just got to Mike's  
21 point. First of all, you already set this up as  
22 homework, so I've already reviewed this several times  
23 myself, so, we can shorten the review time. For those  
24 of you who did do your homework, so you have some time.

25 But I don't know, since it's a federally noticed

1 agenda, if we can move up what we were going to start up  
2 tomorrow morning, we can start on today, or if Jerry has  
3 another idea of what we could work on what the  
4 subcommittees are going to look like and the tasks break  
5 up into subcommittees. Try to take advantage of us  
6 being a little ahead of schedule and not just give it up  
7 for the sake of giving it up, within your bounds and  
8 what we can do with the agenda.

9 MR. WENDLAND: Yeah, and it sounds great.

10 Can I just get a show of hands how many people  
11 need time to review these cases or has everybody had  
12 that opportunity?

13 MR. BOEHMER: That's like asking us who wants a  
14 drug test.

15 MR. WENDLAND: I mean, I know some people have  
16 taken the opportunity, and some had longer flights than  
17 others and were able to read on the flight over. But I  
18 just want to ensure the time...

19 CAPTAIN NEELAND: Sorry, if I may, just a quick  
20 comment on that. The important thing is not -- is  
21 everyone has reviewed the cases and reviewed the  
22 materials by tomorrow morning. So I think it's okay if  
23 we provide flexibility. If people need to read it  
24 tonight to be able to do it after we adjourn if we  
25 adjust the agenda. I think the key thing is just that

1 the time is provided for folks to be able to review.

2 MR. WENDLAND: Yeah, and, again, Chairman, that's  
3 completely up to you.

4 CHAIRMAN DZUGAN: Yeah, I think it would be  
5 helpful -- I grouped these. I took it upon myself to  
6 break the nine tasks, actually, there are, that we are  
7 going to be working on. The first task is kind of our  
8 homework assignment. But that leaves nine tasks left,  
9 which we can break down to three different  
10 subcommittees.

11 And you have, and I tried to group them as good  
12 as I can. I used our Cray computer at work, or at home,  
13 a used one, and we went through it thoroughly. And  
14 basically three subcommittees could have three tasks.  
15 And then we could focus our study time more on what  
16 subcommittee we might be on. And when we review our  
17 review of our review that we've done in these case  
18 studies, we can be more focused on what really needs to  
19 be discussed in the subcommittee as well as in the full  
20 committee.

21 So may I, if I can, can I go ahead with those?

22 MR. WENDLAND: Mr. Chairman, it's your committee.  
23 Absolutely.

24 CHAIRMAN DZUGAN: Thank you. So they are up on  
25 the board already. So these kind of they fit down

1 imperfectly, but as close as I can align it up to a  
2 Communication Subcommittee, and what fits under  
3 communication is: Task Statement G, the best way to  
4 disseminate information; Task Statement H, public  
5 website, kind of, a communication thing. And the odd  
6 one, that's a little bit out but not necessarily is:  
7 Task Statement J: Distribute PLBs.

8 That's communication thing.

9 The second one is a Watch Keeping Subcommittee.  
10 And the topics might be: Task Statement D, standard  
11 procedures for Watch Keeping. Task Statement, I think  
12 that's an I, watch alarms, which is natural for Watch  
13 Keeping. And F, Task Statement is icing and heavy  
14 weather avoidance, which really kind of overlaps with  
15 Stability, which is the third subcommittee.

16 Which is Stability throughout. Misalignment,  
17 except for misalignment of drugs and federal safe regs  
18 after that excellent presentation. And then full access  
19 to all parts of the vessel, passages through pot, et  
20 cetera. And then, finally, the Task Statement on  
21 stability and best practices. And that's there is to  
22 be, so naturally, Mr. Turner, will be probably drawn to  
23 some of the stability task statements and the stability  
24 one. Others might be more interested in communications  
25 due to their background. And we can kind of self-select



1 for that.

2           Hopefully we would also, with a perfect world, we  
3 would have three people -- at least three people in each  
4 subcommittee. And we've got 11 of us here so we should  
5 have a little bit more than that, 3, 3 and 4.

6           MR. WENDLAND: And you will have one more  
7 tomorrow. Greg will show up tomorrow.

8           CHAIRMAN DZUGAN: Yeah. We're going to have one  
9 more. So I just throw that out as an organizational  
10 kind of template to look at if people agree with those  
11 subcommittees, or the odd topic out, like distribute  
12 PLBs or misalignment of drugs and things that don't,  
13 kind of, fit in anything unless you put them by  
14 themselves. That would be the odd-fellow subcommittee,  
15 I guess, we can also do that.

16           So if you want to take a look at that for a few  
17 minutes and see if that's a rational way to do it. And  
18 give feedback on that and we can adjust and have that.  
19 Yeah.

20           MR. DAMERON: Mr. Chair, Tom Dameron. So I like  
21 this a lot. Did you consider two subcommittees instead  
22 of three and how that might work?

23           CHAIRMAN DZUGAN: Well, we can do that too. It's  
24 at the pleasure of the Board. I was thinking three  
25 because some of these topics could take some time.

1 MR. DAMERON: Okay.

2 CHAIRMAN DZUGAN: Some of these topics, also, I  
3 have some templates for from previous sub -- from  
4 previous committee work on Watch Keeping and stability  
5 for example. They were part of the curriculum that we  
6 came up with and finalized in 2017, in Savannah,  
7 Georgia.

8 And we've already done -- this came up earlier  
9 today in the discussion, we've already done some work in  
10 some of these areas. So rather than just start from a  
11 blank sheet of paper, again, and having wasted our time  
12 in 2017 and 2016 and 2015, you know, you can use that as  
13 a template to build on or subtract from, or whatever.  
14 But that's the way the committee felt about that on  
15 those two issues before us. And we're building on  
16 instead of rebuilding wrong in those.

17 If, you know, if others think that we should just  
18 break down into two committees then I'd like to hear  
19 from you, again, three would allow us to not have too  
20 much. Yeah, we'll have four on each committee. That's  
21 a pretty good size to get something done, I think.

22 I'm hearing no other, so to speak. So let's go  
23 with this layout of three subcommittees at least, and if  
24 anybody feels like we need to do any adjustment, we can  
25 talk about that now.

1           MR. VARGAS: Are we ready to move on this?

2           CHAIRMAN DZUGAN: No, I'm just doing it  
3 informally, just try to ease the process.

4           MS. HEWLETT: So there's these tasks here that we  
5 all have to talk about, but then you have the case  
6 studies that have to do with different things. So and  
7 they're asking for recommendations in these that don't  
8 have anything to do with those. So that's a separate  
9 task?

10          CHAIRMAN DZUGAN: I'm thinking that -- and you  
11 can correct me, please, Coast Guard -- I'm thinking that  
12 the first one really looks like background, like, as  
13 examples for these other nine topics.

14          For example, we were writing up, what do we call  
15 it, a pretext for a recommendation. We can pick from  
16 some of those recommendations that are made by the Coast  
17 Guard from incident reports, from accident reports.  
18 Rather than take all of these things and have to make  
19 recommendations on them, and they're all different  
20 cases.

21          You know, you kind of -- it seems to me by the  
22 other nine task statements, they're included in here.  
23 You can find examples of all of these things.

24          MR. WENDLAND: So ...

25          CHAIRMAN DZUGAN: Go ahead, Jonathan, and then.

1 Omar.

2 MR. LA TORRE REYES: Omar, here. So those cases  
3 that are in those case studies, those are just to  
4 provide some examples of the chemical testing and PLBs.  
5 The goal is not to answer the recommendations in any of  
6 those cases. It's just that all of those cases have one  
7 recommendation in common with the case study I think 2  
8 is the PLB, and the Case Study No. 1 was the chemical  
9 testing one.

10 So the goal is those, if you want references of  
11 actual cases where that recommendation was recommended,  
12 those are examples. But they're not meant for you to  
13 use those to come up with like the best practices and  
14 stuff like that. They're just support material if you  
15 choose to use them.

16 CHAIRMAN DZUGAN: That's kind of what I'm saying,  
17 yes. Okay. Matt, did you say something then?

18 MR. ALWARD: He said exactly what I was going to  
19 say.

20 CHAIRMAN DZUGAN: Yeah, which is what I was  
21 saying. Tim?

22 MR. VINCENT: I wonder about possibly looking at  
23 switching, so you've got watch alarms, watch alarms, and  
24 then you've got icing and heavy weather avoidance.  
25 Watch Keeping, I see that like Watch Keeping, Watch

1     Keeping, Watch Keeping.

2             But I wonder possibly of switching the  
3     icing/heavy weather, and pair it form would be full  
4     access to parts of the FV. Because I think that's where  
5     that -- myself, that's my thought is maybe what that  
6     intent is to be. And that would, kind of, possibly put  
7     Watch Keeping, you know, being a judgment type thing,  
8     you know, kind of, pair it with misalignment and drugs.

9             CHAIRMAN DZUGAN: So which letter? So D as in  
10    dog. Misalignment of drugs and federal regs, that's B.

11            MR. VINCENT: Yeah, swap that around.

12            CHAIRMAN DZUGAN: So those two, right above each  
13    other, just swap them around.

14            MR. VINCENT: Yeah.

15            CHAIRMAN DZUGAN: Okay. Any objection to that  
16    swap?

17            MR. ALWARD: I mean, there's no an easy way.  
18    Like you said, they're just, kind of, outliers. So you  
19    can kind of look at it any way, but that's a rather  
20    logical way to look at it.

21            CHAIRMAN DZUGAN: So can we switch, do we have  
22    that up there? Can we switch Task Statement B here with  
23    D? Tim is that what you said?

24            MR. VINCENT: Yes.

25            CHAIRMAN DZUGAN: That's fine. That looks good.

1           MR. VINCENT: It looks different. You're a  
2 master PowerPoint.

3           MR. BOEHMER: Maybe we could call the first task  
4 the Richard Hiscock Committee?

5           CHAIRMAN DZUGAN: Do we -- go ahead, Butch.

6           MR. HEWLETT: Jerry, didn't we do -- isn't that  
7 first task statement in the other committees, that's the  
8 best way to get out news?

9           CHAIRMAN DZUGAN: Oh, we've done that in almost  
10 every meeting we've had.

11          MR. HEWLETT: I thought so.

12          CHAIRMAN DZUGAN: Yeah, we've talked about this  
13 issue in communication and how the Coast Guard gets  
14 things out. I don't have any templates on those, I have  
15 a couple of the letters, but we can start with a blank  
16 page on this one.

17          MR. HEWLETT: It's all the same stuff.

18          MS. HEWLETT: The only thing that's really  
19 different about this one versus the other things we  
20 talked about over the years is the personal beacon and a  
21 drug consortium kind of task thing. The rest of it is  
22 kind of best practices and getting information out. It  
23 seems like the two important things that the Coast Guard  
24 is trying to get out of this meeting is those big  
25 issues.

1           CHAIRMAN DZUGAN: So to save time tomorrow,  
2   again, would it be worthwhile for us to, kind of, do a  
3   poll to see who wants to work on what committee? That  
4   seems to be the next step.

5           MR. ALWARD: So do we want to actually go through  
6   all of the tasks. That was supposed to be the first  
7   thing on the agenda tomorrow morning. Could we start  
8   that? Since it was on the agenda for tomorrow, do we  
9   have to wait for tomorrow?

10          MR. WENDLAND: No, if we have time and you folks  
11   think that's the way you want to move forward, we  
12   certainly can do that.

13          I would suggest, if you do come up with the three  
14   committees, rather than just calling these Committees A,  
15   B, and C, you know, maybe there is a way you can name  
16   these committees appropriately.

17          CHAIRMAN DZUGAN: I did. There's Communications;  
18   there's Watch Keeping; and then there's Stability.

19          MR. WENDLAND: I missed that. I apologize.  
20   Sorry, Jerry.

21          CHAIRMAN DZUGAN: That's all right. It was late  
22   last Friday, when I sent you those.

23          MR. ALWARD: You might want to call it Watch  
24   Keeping and Judgment.

25          MR. VINCENT: Yeah, fatigue.

1           MR. ALWARD: Don't use the word fatigue.

2           MR. VINCENT: Why not?

3           CHAIRMAN DZUGAN: Yeah, Tim, that was interesting  
4 because drugs and Watch Keeping can be, yeah, there's  
5 some connectivity there.

6           MR. VINCENT: Yeah.

7           MR. WENDLAND: Captain Neeland?

8           CAPTAIN NEELAND: Yeah, Mr. Chairman, if I just  
9 may make a suggestion.

10           So tomorrow morning is when we'll formally assign  
11 and accept the tasks per the agenda. My recommendation  
12 is to keep that tomorrow morning, because that's what we  
13 published on the Federal Register. However, any work  
14 you want to do now to set yourself up for after you  
15 accept it, to accelerate or set yourselves up for  
16 success to be able to accomplish what you'd like to do  
17 within this meeting, I encourage you.

18           So if you want to decide, do some -- under the  
19 assumption, that you will accept all of the tasks and  
20 how you want to subdivide, by all means take advantage  
21 of the time you have now.

22           CHAIRMAN DZUGAN: Matt Alward.

23           MR. ALWARD: But under that, could we take up the  
24 first part of task and review our tasks, and leave  
25 acceptance in that identification for tomorrow?



1           CAPTAIN NEELAND: Let me get back to you on that  
2 here shortly, so give me one second.

3           CHAIRMAN DZUGAN: Can we hypothetically talk  
4 about, hypothetically --

5           CAPTAIN NEELAND: Yeah, procedurally, I just  
6 wanted to make sure we don't get ourselves out of order.

7           MR. ALWARD: (Indiscernible.)

8           CAPTAIN NEELAND: So just for my clarification,  
9 you just want to review and discuss what each of the  
10 tasks are now?

11          CHAIRMAN DZUGAN: Yeah, if they were to be  
12 accepted.

13          MR. ALWARD: Matt Alward. According to the  
14 schedule, we were going to review them first and you  
15 would have different people laid out to go through each  
16 task. Before we accept the tasks.

17          CAPTAIN NEELAND: Absolutely.

18          MR. ALWARD: So we could just move that portion  
19 of that agenda item.

20          CAPTAIN NEELAND: Yes.

21          MR. ALWARD: Still leave the acceptance of the  
22 tasks for tomorrow.

23          CAPTAIN NEELAND: Okay.

24          MR. ALWARD: And then define the subcommittees in  
25 the morning.

1           CAPTAIN NEELAND: I'm good with that. Just,  
2 please, let me grab, Mr. Myers, who's stepped out for a  
3 minute. Or so let's take a -- Mr. Chairman, I recommend  
4 a short five-minute break while I grab Mr. Myers and  
5 then we can continue.

6           MR. ALWARD: Can I ask another question?

7           CAPTAIN NEELAND: Sure.

8           MR. ALWARD: Back to the case studies. I assume  
9 there is a reason that people actually tested for a  
10 chemical tests and it's redacted. But as someone going  
11 through these to try to help guide this conversation, it  
12 would help to be able to see what --

13          MR. LA TORRE REYES: I can answer that question.  
14 The reason it's redacted is because of FOIA, and it's  
15 considered HIPAA for all of the medical stuff. So we  
16 can't actually publish the results or the conditions.  
17 There are some stipulations, like if a person died, you  
18 can publish select information that would give the cause  
19 of it, but normally it's just all redacted.

20          CHAIRMAN DZUGAN: Understood. So if we can,  
21 hypothetically, when we have these explanations of the  
22 task statements before we accept them tomorrow, then  
23 procedurally and logically it makes more sense to hear  
24 more about the task statements first before we decide  
25 what committee we're going to be on, what subcommittee.

1 MR. ALWARD: And identify subcommittees by name.

2 CHAIRMAN DZUGAN: Yeah.

3 CAPTAIN NEELAND: All right. So, Mr. Chair, our  
4 recommendation is a quick five-minute break. I'll have  
5 Mr. Myers come in to be able to answer some questions  
6 specifically about the tasks, and then we'll go from  
7 there.

8 MR. WENDLAND: 5 minutes.

9 CHAIRMAN DZUGAN: 5 minutes after.

10 (The meeting recessed at 2:59 p.m. PST.)

11 (The meeting reconvened at 3:07 p.m. PST.)

12 CHAIRMAN DZUGAN: So, Jonathan?

13 MR. WENDLAND: Yes, sir.

14 CHAIRMAN DZUGAN: Can we do anything out of  
15 order; are we okay? Can we start then with the -- do we  
16 have an okay to go ahead with the further explanations  
17 of each task as per tomorrow's schedule?

18 CAPTAIN NEELAND: Yeah, Mr. Chair, yes. We can  
19 discuss and answer any questions you may have about the  
20 tasks. We can reread the task statements and elaborate  
21 with any additional questions. So you have this evening  
22 to think through it. If you have any additional  
23 questions before tomorrow morning when we do the formal  
24 acceptance, and then the subcommittee assignments.

25 CHAIRMAN DZUGAN: Angel, do we have a list of the

1 task statements that we can project up there? There  
2 they are.

3 MR. WENDLAND: So just for everybody's awareness,  
4 we did go through these when Omar read them already. So  
5 I think what's being asked here is for a reread and,  
6 kind of, the intent of each task. And we have the  
7 person for each task outlined in the agenda that may be  
8 able to provide amplifying information to you.

9 CHAIRMAN DZUGAN: And are we ready for that?

10 CAPTAIN NEELAND: With the exception of  
11 Mr. Mannion, who I saw heading out. Is he coming back?

12 MR. LA TORRE REYES: He should be coming back.

13 CAPTAIN NEELAND. Okay. So he should be here in  
14 a minute.

15 CHAIRMAN DZUGAN: Matt.

16 MR. ALWARD: I mean, it's on the agenda so,  
17 obviously, you guys already thought about it. I saw  
18 this agenda item as, we already read the tasks. We know  
19 what they are. This is your guys' opportunity to really  
20 present why these tests are on our task list. And if  
21 there are any questions on them.

22 MR. WENDLAND: The intent of the task, right?

23 MR. ALWARD: Right. I mean there's obviously a  
24 reason why these tasks are on the agenda. I assume that  
25 an explanation of that would be part of it.

1           MR. WENDLAND:   You're absolutely right.

2           MR. MYERS:   Excuse me, Joe Myers, speaking here.

3   I just spoke with Omar and I think if we're able to  
4   start from the top and work our way down.   I think Omar  
5   is prepared to talk on the INV, office of INV position  
6   on some of these tasks.   And myself and Mr. Calderon can  
7   talk about the website construct and that topic of  
8   tasks.

9           So, Mr. Chair, would you like to just start from  
10   the top and ask any questions that you may have for us?

11          CHAIRMAN DZUGAN:   Please.   And if somebody is not  
12   here, we can go to the next in line and we'll just come  
13   back to it.

14          MR. MYERS:   Sure.

15          CAPTAIN NEELAND:   So with that, let's start with  
16   the first task.   Omar?

17          MR. LA TORRE REYES:   Good afternoon, my name is  
18   Omar La Torre Reyes, again.

19          The first, Task 04-23.   "Review the multiyear  
20   statistics (provided by the Coast Guard) regarding  
21   commercial fishing vessels of less than 200-gross tons,  
22   accidents or losses that resulted in fatalities and  
23   injuries or property damage, major marine casualties  
24   such as loss of the Destination, No Limits and other  
25   fishing vessels with multiple fatalities and vessel

1 losses should be reviewed to provide the background  
2 information necessary to other supplementary taskings  
3 and best efforts to make informed recommendation to the  
4 Coast Guard."

5           So this task statement is basically us giving you  
6 guys the statistics for you guys to mull over. There is  
7 no real deliverable for that one, right. So you can  
8 count that one as completed. We have given you the  
9 statistics.

10           So the next one --

11           CAPTAIN NEELAND: And, if I may, again, the case  
12 studies are to give you some background behind some of  
13 these taskings, so that you can see the casualty trends  
14 and getting the background of why we're asking you to  
15 look at it. These are areas where we are seeing  
16 potential impacts on casualties. So this would, kind  
17 of, help guide why we're asking these questions.

18           MR. LA TORRE REYES: So the next one is Bravo,  
19 Angel, can you scroll down a little bit, please. Task  
20 Statement No. 05-23: "Examine and make recommendations  
21 to the Coast Guard on best part practices to reduce and  
22 mitigate the negative consequences caused by the  
23 misalignment of state and federal regulations regarding  
24 drug laws legalizing the recreational and/or medical use  
25 for drugs also classified as dangerous drugs by federal

1 law and applicable transportation related statutes.  
2 This is critical for the safety of operations and  
3 creating an environment for vessel personnel to work in  
4 a drug-free workplace, with special emphasis on critical  
5 safety sensitive jobs, such as navigation and  
6 engineering duties to bring fishing vessels into  
7 alignment with other commercial vessels. Develop  
8 recommendations that include testing for preemployment,  
9 routine, and reasonable cause. Submit recommendations  
10 to the Secretary of Homeland Security."

11 So the intent behind this one is obviously  
12 there's a lot of issues on getting a regulatory medium  
13 for this. So this is asking the committee what are your  
14 guys' recommendations, or do you guys have best  
15 practices that you want to put forward to try to solve  
16 or mitigate this issue.

17 CAPTAIN NEELAND: And if I may expand, there's  
18 quite a few casualties where mariners have tested  
19 positive for different substances which may have been a  
20 contributing factor or may not. So it would be good to  
21 hear from the committee to get the perspectives, is  
22 there something that we could do or recommendations that  
23 you have where we could potentially improve the safety  
24 or provide guidance ultimately to the fishing industry  
25 to potentially address some of the questions and

1 concerns, the differences between the federal laws and  
2 the state laws, and ultimately improve safety for all  
3 fishers.

4 MR. LA TORRE REYES: And then, just referring  
5 back to the statistics that were given to you as well,  
6 for drug and alcohol testing as a contributing factor.  
7 There were 224 instances of this when there was a  
8 casualty, and the average was 11.

9 MR. THEILER: What about the past two years?

10 MR. LA TORRE REYES: The past two years? So in  
11 2022, there was 5, and in 2021 there was 8.

12 MR. THEILER: So that's trending down?

13 MR. LA TORRE REYES: 2020 was 12, 2019 was 9,  
14 2018 there was 15.

15 MR. THEILER: So the trend is down though?

16 MR. LA TORRE REYES: Currently it's down. And we  
17 don't have any numbers yet for 2023.

18 CHAIRMAN DZUGAN: Matt, go ahead.

19 MR. ALWARD: Well, I was just going to -- on the  
20 sheet that you handed out for 2022, you were off by a  
21 year. So, and then, that was going to be my question on  
22 this sheet. I thought 2023 was showing 224, but I  
23 assume that's the total. All of a sudden we went from a  
24 high of 20 in 2010 to 224 instances in one year, that's  
25 a problem. But I'm assuming there is a shift, if I'm



1 not mistaken in the sheet.

2 MR. LA TORRE REYES: Yeah, I was looking at the  
3 very first page. Sorry. Yeah, I see that error.

4 CHAIRMAN DZUGAN: I just wanted to add to this  
5 topic or to this task that this is very easy to have  
6 this breakdown and this discussion on recommendations on  
7 drug testing or not period, and then we move on to the  
8 next task statement, but it should be taken broader than  
9 that. It says make recommendations on ways to mitigate.  
10 This is not a question on drug testing or not. I mean,  
11 that can be part of the discussion, but keep these and  
12 for both them, in the broader concepts of, you know,  
13 what can we recommend to the Coast Guard to help  
14 mitigate some of these issues.

15 MR. BOEHMER: Kris Boehmer. So I'm a little  
16 confused here. It looks like that we're being told to  
17 have -- that part of our task is to bring this in line  
18 with other industries?

19 Is that something we're concerned with?

20 CAPTAIN NEELAND: So, if I may, Mr. Chair?

21 CHAIRMAN DZUGAN: Please.

22 CAPTAIN NEELAND: Just for clarification, we  
23 would like to get your perspective. We're not saying we  
24 have to bring it in line; we've just noticed that there  
25 has been a trend that we do have a number of casualties

1 every year where, you know, drugs and alcohol are  
2 potentially contributing factors.

3 The point I would like to bring out though, too,  
4 is understand drug and alcohol testing is not able to be  
5 accomplished after every casualty for a myriad of  
6 reasons. So there may be additional casualties where it  
7 was a contributing factor, but testing just wasn't able  
8 to be conducted within the window to validate that.

9 So understand all of this data is the data we  
10 have and were able to collect, but we can't -- there may  
11 be more.

12 MR. BOEHMER: So my concern is that if we can't  
13 really test right now with the, the scientific, the way  
14 we're able to test, we're not even able to tell when we  
15 do a drug test whether someone is under the influence or  
16 not, only that they have used it in the past.

17 I'm wondering, I mean, to me, testing, I know,  
18 testing for THC is going to cause a real problem in the  
19 states where it's legal, and we're going to run into.  
20 Do we want to address that?

21 CHAIRMAN DZUGAN: No, this is not a discussion to  
22 take right now.

23 MR. BOEHMER: Okay.

24 CHAIRMAN DZUGAN: We just want to hear the  
25 background of what these tasks intent are. And we're

1 going to -- if anybody wants to get into a discussion of  
2 it, then, I'm going to cut them off.

3 MR. BOEHMER: Sorry.

4 CAPTAIN NEELAND: The question is in the  
5 background, but, ultimately, because we've seen a trend,  
6 and it's been consistent through the years, ups and  
7 downs, but we continue to have alcohol and drug usage  
8 potentially as contributing factors, is there something  
9 we can do to improve the safety?

10 CHAIRMAN DZUGAN: On to the next task statement.  
11 While we're looking for it, I want to thank the Coast  
12 Guard for bringing the printer on our advice from our  
13 last meeting. That's been very helpful. Thank you.  
14 Thank's, Angel.

15 The next statement of 05-34. Mr. Mannion, what  
16 we're doing here is we're giving -- the Coast Guard is  
17 giving -- we moved to tomorrow morning topics, in terms  
18 of we're using our time, since most of us has already  
19 read Task A, which is to read the casualty reports. And  
20 we're looking at the Coast Guard's intent on the task  
21 statements to give us a little bit more clarity on what  
22 our job is tomorrow to do based on the task statement.

23 So yours was, your name was by "examine and make  
24 recommendations on best practice to reduce and mitigate  
25 negative consequences of misalignment on state and

1 federal regulations, et cetera" that are on the board  
2 behind me.

3 Is there anything you want to add to that? We  
4 started to get into a discussion of the topic already,  
5 we just want to look for more background from the Coast  
6 Guard on what you want us to do with that. And maybe  
7 you have nothing more you want to add than what you just  
8 heard.

9 MR. MANNION: Mr. Chairman, this is Patrick  
10 Mannion. Mr. Chairman, as I read that statement, it  
11 seems to imply there's broad latitude for the committee  
12 to determine what is the best solution. At the very end  
13 there, it says similar to other, actually, I don't see  
14 it, but similar to other aspects of the industry.

15 Sir, I'll defer to your judgment and the judgment  
16 of the committee, I don't see it restricting you to  
17 existing DOT rules and regulations. I will add,  
18 however, that I will be here tomorrow to assist and  
19 serve as a reference point if you have any questions,  
20 you or the committee members.

21 So in summary, unless Captain Neeland can  
22 redirect my thinking on this, it seems pretty broad and  
23 allows you great room to make -- to consider other  
24 aspects.

25 CHAIRMAN DZUGAN: Great. And, yeah, I would

1 encourage you to sit in on that subcommittee.

2 MR. MANNION: I'll be available, sir.

3 CHAIRMAN DZUGAN: Just as a reminder, the few  
4 that are left in the audience, that they're always  
5 welcome to participate in these subcommittee meetings  
6 for their expertise. Thank you.

7 Moving on to the next one. That's Task Statement  
8 06-23.

9 MR. LA TORRE REYES: Yes, so the next one, 06-23:  
10 Omar again. "Examine and effectively disseminate  
11 recommendations for best practices to ensure full crew  
12 access to all parts of a vessel to allow for safe vessel  
13 operation. This task should address and examine things  
14 like means to access all areas of the vessel and allow  
15 the crew to safely move fore and aft to remove ice,  
16 inspect the vessel, and operate critical equipment, like  
17 the vessels anchors and similar gear that does not  
18 require the crew to climb over a pot stack. For  
19 example, in the case of vessels carrying pots, nets, or  
20 similar devices to create pathways for access. Submit  
21 recommendations to the Secretary of the Homeland  
22 Security.

23 Any questions on that one?

24 MR. ALWARD: I mean, we didn't have anything in  
25 our incident reports that said a crew member fell

1 overboard. The cause was they were climbing over a  
2 stack to get to the anchor.

3 Was there any incidents that precipitated this  
4 task getting put on there?

5 MR. BOEHMER: We had two at the last meeting, I  
6 think, of tying up the boat, if that would be included.  
7 And when people went up around and fell overboard. So  
8 I'm wondering if we're going to consider that as a part  
9 of this task, tie and untie the boat safely.

10 MR. VINCENT: Yeah, I also -- I could be wrong,  
11 but I think it maybe speaks to like the incidents of the  
12 Destination and/or Scandies Rose, in that they were not  
13 able to reach their icing equipment. Like, when you're  
14 traveling with a full stack of gear and like how is that  
15 boat. I know on my craft, a lot of times the holy grail  
16 is to make sure that the stack is as secure as  
17 absolutely possible on the first tier. And so  
18 everything, you know, would then deny using -- you  
19 didn't have a centerline alleyway underneath the boat  
20 that would deny you that access. I think that's what  
21 they're saying.

22 MR. ALWARD: That's my question.

23 MR. VINCENT: Yeah.

24 MR. ALWARD: You obviously put this on here for a  
25 reason.

1           CAPTAIN NEELAND: Yeah, the reason is we've had  
2 several casualties over the last couple of years.  
3 Unfortunately, we couldn't -- until they're closed, we  
4 can't include them as a case study. But we have had, as  
5 Mr. Vincent mentioned, a couple of crab boats that have  
6 capsized and icing was a factor.

7           And so we're looking for recommendations from the  
8 committee if there are some best practices or other  
9 recommendations that we could do to potentially  
10 eliminate or reduce the likelihood of repeat of icing  
11 contributing to stability or other casualty.

12          CHAIRMAN DZUGAN: Mr. Myers?

13          MR. MYERS: Thank you, Mr. Chair. Just a comment  
14 on this, the office of INV has also provided all a copy  
15 of the R&D icing study, which is relevant to this topic.  
16 And along with that, that study, as we know, that study  
17 from the Scandies Rose marine casualty. So that's, kind  
18 of, how we're connecting it to this.

19          And, again, to the Captain's point, that's one  
20 example. But, again, I think, you know, that's a good  
21 takeaway or read ahead for this evening potentially to  
22 look at the R&D study.

23          MR. ALWARD: Okay. Matt Alward. This task is  
24 access to, whole access to the vessel, not icing  
25 instability.

1 JOSEPH MYERS: Well --

2 MR. ALWARD: They're not together, this is  
3 different task. This is best practices to ensure full  
4 crew access to all areas of the vessel to allow for safe  
5 operations.

6 MR. MYERS: Is that a question, sir, or?

7 CAPTAIN NEELAND: So going back to the --

8 MR. ALWARD: It's talking about icing and  
9 stability --

10 CAPTAIN NEELAND: The focus is icing and  
11 stability, however access to the vessel is important.  
12 If you potentially have down flooding or some other  
13 incident, so you need to be able to, ideally, any  
14 mariner should be able to access a space to deal with a  
15 hazard that's associated with it. So, again, this  
16 primary task was brought on primarily due to icing.

17 MR. THEILER: And it does say icing in that third  
18 or fourth, fifth one.

19 MR. VINCENT: Yeah, I think it's a pretty  
20 broad-reaching topic. Anybody with fishing, I mean,  
21 right now your Bristol Bay boat, if you're deck loaded,  
22 you can't get to places that you really, you know,  
23 sometimes you can, not always. But there are places you  
24 can't get to on your boat in certain instances, because  
25 we all know fishing is incredibly dynamic, things



1 change. You know, "hey, I've got this big mother load,  
2 I'm going for it," those kind of things. I think  
3 that's, sort of, where it's going as well.

4 CAPTAIN NEELAND: Yes, I mean. It mentions in  
5 the task, like anchor, right? Anchor is not typically  
6 icing, but if you lose propulsion and need to be able to  
7 access the anchor to prevent the vessel from running  
8 aground, that it is important. So it's a very broad,  
9 broad task, yes.

10 CHAIRMAN DZUGAN: This is Jerry, again. I think  
11 we don't have to be, and correct me if I'm wrong for the  
12 statement, but we don't really have to stick to examples  
13 in this packet either. Operational practices that we  
14 know about or I was thinking about this particular task  
15 statement, the Aleutian Enterprise, where the starboard  
16 doorway exit to the deck was welded shut from the  
17 outside. You know, that was an access issue.

18 So past casualty reports are other things. So we  
19 don't have to be only stuck to this particular set,  
20 correct?

21 CAPTAIN NEELAND: Correct.

22 MR. LA TORRE REYES: So the next one is the D.  
23 Angel, if you can move to No. 7. Thank you.

24 Task Statement 07-23: Establish best practices  
25 for standard procedures and guidance for crew standing

1 navigation watches. This should include a detailed crew  
2 orientation for each unique vessel including the  
3 operation of critical equipment, and establish clear and  
4 easily understood watch standing orders to protect the  
5 safety of the vessel during its applicable operation.  
6 This could be accomplished as a standardized form or  
7 checklist. Submit recommendations to the Secretary of  
8 Homeland Security.

9 CHAIRMAN DZUGAN: Any questions about the intent  
10 of that or do we need further elaboration?

11 Let's go on to the next one.

12 MR. LA TORRE REYES: The next Task Statement  
13 Echo, Task Statement 08-23: Evaluate and provide a  
14 comprehensive list of recommendations to the Coast Guard  
15 in the form of best practices, (NVICS, policies,  
16 training) or amended or new regulations regarding  
17 stability considerations which may pose severe risk to  
18 the safety of a fishing vessel such as icing, loading,  
19 the need for stability instructions and vessel  
20 modifications. As a part of this task, review the U.S.  
21 Coast Guard's current level of oversight and provide  
22 recommendations on its adequacy and specify needed  
23 changes to areas of fishing safety program that need  
24 additional attention. Submit recommendations to the  
25 Secretary of Homeland Security.

1           CHAIRMAN DZUGAN: Any questions about that Task  
2 Statement or elaborations needed? Mike.

3           MR. THEILER: Yeah, do we have -- can you scroll  
4 back there, Angel? Do we have readily available the  
5 Coast Guard's current level of oversight on things like  
6 this?

7           CHAIRMAN DZUGAN: That's an interesting question.  
8 Depends on the region and some other things.

9           CAPTAIN NEELAND: So just two things to relate to  
10 that. 46 CFR Part 28 has stability requirements for the  
11 different vessels. And, also, we do have our dockside  
12 exam form and best practices that we publish guidance on  
13 that. And we can provide copies of those 28 CFR, you  
14 can easily look on the Internet tonight, if you want.  
15 It's published under [ecfr.gov](http://ecfr.gov), and we can provide any of  
16 the best practices if you don't already have access to  
17 those.

18          MR. THEILER: Thanks. I just wanted to know what  
19 the standard was for us to review for this. Thank you.

20          CHAIRMAN DZUGAN: Any other elaborations needed?  
21 Shall we go on to the next.

22          MR. LA TORRE REYES: The next Task Statement,  
23 09-23: Evaluate and provide recommendations to the  
24 Coast Guard for best practices to address the high  
25 degree of risk associated with fishing vessel operations

1 and how the acceptance of risk is prevalent and accepted  
2 in the fishing industry. Specifically, the Marine Board  
3 recommends the committee focus on topics including  
4 icing, heavy weather avoidance and voyage planning and  
5 formalizing the navigation watch duties via onboard  
6 familiarization and written standard orders to ensure  
7 the safety of vessel during its transit and during  
8 fishing operations. Submit recommendations to the  
9 Secretary of Homeland Security.

10 CHAIRMAN DZUGAN: Any questions about that, the  
11 intent?

12 MR. ALWARD: I assume this is, kind of, tied into  
13 stability and the Scandies Rose. Obviously, it's worded  
14 very, very broad. I mean, "risk evaluation" and --

15 CAPTAIN NEELAND: Correct --

16 MR. ALWARD: -- broad, huge topic.

17 CAPTAIN NEELAND: It is very broad. And you can  
18 also look on the commercial side, you can look at the El  
19 Faro investigation, right. Risk assessment is  
20 constantly a challenge, but we would like to know if  
21 there is any recommendations from the committee for  
22 application for fishing vessels. So, you know, there's  
23 a large number of investigations you could refer to on  
24 this one. But it is intentionally broad to allow you  
25 the maximum flexibility to make any recommendations that

1     you may have.

2             CHAIRMAN DZUGAN:   Since the audience has  
3     returned, more of them, just a reminder again to you  
4     that if you are here tomorrow or on the third day,  
5     you're welcome to participate in any subcommittee  
6     meeting that you want, depending on your expertise and  
7     interest as we have in the past.

8             Also for this, I will talk to you about this.   I  
9     will bring a copy of the objectives in the stability  
10    training outline that the advisory committee has brought  
11    to the Coast Guard in the past.   I have a copy of it  
12    with me.   It's just an outline of the objectives.   It's  
13    the one that we've gotten Coast Guard approval for and  
14    some of use out there in your training.

15            And so we've with the NPFVOA on this so, also  
16    that was a part of that as well back then.   Se we could  
17    use that as a template, if that's okay?   Examples of  
18    things, because it mentions it in training.

19            CAPTAIN NEELAND:   Yep.   You're welcome to bring  
20    any materials or use anything as a template.   Really, I  
21    want this to be open.   If there's anything we can  
22    further provide to give you more guidance, we can also  
23    potentially pull back if there's another investigation  
24    or something.   We just need to make sure, it has to be  
25    redacted, but if you have a question on something that's

1 already closed, we'll share that. You can always use  
2 NTSB recommendations or investigations. You know,  
3 pretty much anything you would like, please feel free to  
4 use that.

5 And just to expand on your earlier comment, Mr.  
6 Chairman, the District Coordinators and representatives  
7 from each district will be around tomorrow and Thursday  
8 so they are a resource to be able to leverage if you  
9 have some questions or specific information that we can  
10 provide you as you work through some of these tasks, and  
11 if you have additional questions or information that we  
12 can provide to assist you.

13 CHAIRMAN DZUGAN: Who do we give this to? Who do  
14 we have for copying? Can we get a copy off that  
15 printer? Okay. Maybe after, thank you. Tom.

16 MR. DAMERON: Mr. Chairman, on this one, I'm  
17 curious if there is a distinction between the acceptance  
18 of risk and knowledge of the risk. This seems to be  
19 dealing only with the acceptance of risk in the fishing  
20 industry.

21 CAPTAIN NEELAND: The intent is really, is there  
22 a best practices for risk management to ensure safe  
23 operations.

24 CHAIRMAN DZUGAN: That's the way I took it. The  
25 language could be better but the intent seem to be.

1           MR. LA TORRE REYES: Okay. The next one, Task  
2   Statement 10-23: Evaluate and provide recommendations  
3   to the Coast Guard to ensure the most effective means to  
4   widely disseminate critical safety information for the  
5   commercial fishing industry. Submit recommendations to  
6   the Secretary of Homeland Security.

7           CHAIRMAN DZUGAN: Any questions or elaborations  
8   needed? Going once, going twice.

9           MR. MYERS: Mr. Chair, so tomorrow with the  
10   subcommittee that addresses this topic, what our office  
11   has done is we've created a template. What we've been  
12   doing is modernizing our outwardly facing website. And  
13   this specific topic is also linked to a statutory  
14   requirement from the NDA of '23 that most recent  
15   authorization act, when charges the Fishing Safety  
16   Advisory Committee, or the National Fishing Safety  
17   Advisory Committee to partner with the Coast Guard to  
18   help build a more transparent website that addresses all  
19   of these listed items, you know, communication, outages,  
20   surveys, training, inspections, et cetera.

21           And so, then -- I think Angel is just kind of  
22   throwing a brief example up there. So, and the intent  
23   right now is not to go through all of this. But what we  
24   are going to do, what we are prepared to do tomorrow is  
25   to walk through what we have done to date on this site,

1 and then get your feedback on "hey, what are we missing,  
2 what are your recommendations," et cetera.

3 CAPTAIN NEELAND: And for clarification, the  
4 statute that was passed by Congress in the Auth Act up  
5 there, so that provides some additional background. But  
6 anything we can do to better communicate with industry,  
7 to make sure that the fishing industry is receiving the  
8 information that they need to make the best risk  
9 management decisions, or if they have questions on  
10 regulatory, or any other information that would be  
11 useful to them, we would like to have that feedback  
12 so -- and recommendations, so that we can be the best  
13 conduit of sharing information.

14 CHAIRMAN DZUGAN: Going once, going twice. Thank  
15 you. Next please.

16 MR. LA TORRE REYES: All right. The next Task  
17 Statement 11-23: Review and provide recommendations on  
18 the development of a publicly accessible website that  
19 contains all of the information related to fishing  
20 industry activities, including vessel safety  
21 inspections, enforcement, hazards, trainings,  
22 regulations, including proposed regulations, outages of  
23 the Rescue 21 system in Alaska and similar outages, and  
24 any other fishing related activities. Submit  
25 recommendations to the Secretary of Homeland Security.



1           CHAIRMAN DZUGAN:  So anybody over here, comment  
2   or elaboration?

3           Just thinking ahead, it might be helpful for  
4   somebody from the Coast Guard, from District 13 or 17 to  
5   be at that one to talk about what worked and what didn't  
6   work for the FishSafeWest website.  I think that's a  
7   good template to maybe start from again instead of a  
8   blank sheet of paper.  Just something to keep in mind  
9   for tomorrow, somebody in the back, you might be  
10  interested in attending that from the audience who is  
11  familiar with that.

12          MR. ALWARD:  Well, they're not starting with a  
13  blank because they have a website.

14          CHAIRMAN DZUGAN:  Well, another website.  Then  
15  we'll go on.  Thank you.

16          MR. LA TORRE REYES:  Task Statement 12-23:  
17  Discuss and make recommendations requiring watch alarms  
18  on specific types of commercial fishing vessels.  Submit  
19  recommendations to the Secretary of Homeland Security.

20          CHAIRMAN DZUGAN:  Questions about the intent of  
21  that?  It seems pretty specific.  So we can pick up  
22  where that committee left off last time in the spring.  
23  Let's move on.

24          MR. LA TORRE REYES:  Okay.  Task 13-23:  Examine  
25  and make recommendations to the Coast Guard on a way to

1 widely distribute personal location beacons at minimal  
2 expense. Ensure availability and access for crew  
3 members of these critical lifesaving devices which could  
4 be acquired by consortiums, associations, or other  
5 organizations for distribution to vessel crews through  
6 federally funded grant programs or other programs.  
7 Submit recommendations to the Secretary of Homeland  
8 Security.

9 CAPTAIN DZUGAN: Any questions about that?  
10 Captain?

11 CAPTAIN NEELAND: And so a comment on that one.  
12 There's been a number of casualties where that's been a  
13 recommendation, where they've had trouble locating  
14 individuals, both on the fishing side and also the  
15 commercial side.

16 NTSB has made this recommendation for a number of  
17 years. They also of a plethora of investigations which  
18 you can also reference and provide some background on  
19 some of their logic behind this recommendation as well.  
20 So I just wanted to point those resources out if there  
21 is any questions.

22 MR. ALWARD: Just a little food for thought. So  
23 I needed a new EPIRB, so I ordered one a year ago in  
24 September, the beginning of September. And in June,  
25 when I needed it to go fishing, the Eagle Safety in

1 Homer could not find, no manufacturer had a new EPIRB  
2 and I had to purchase an old one. It's a manufacturing  
3 issue. If they're having manufacturing problems with  
4 actual EPIRBS -- we can recommend all we want, but it's  
5 really manufacturing industry PLBs.

6 CHAIRMAN DZUGAN: Kind of, in relationship to  
7 this, just a one sentence thing. There is now, it's an  
8 update, hopefully I can talk about this. But there is a  
9 new PLB, it's a combination PLB/AIS transmitter that's  
10 out now. It's been out for six weeks, two months now,  
11 which contacts both.

12 UNKNOWN MEMBER: Did you bring a sample with you?

13 CHAIRMAN DZUGAN: It's in the mail. About the  
14 size a cigar. And so that's available now, when it's  
15 available. Anything else on that last one, ACR, Ocean  
16 Signal, they're both combined now.

17 MR. ALWARD: But you can't get an EPIRB.

18 CHAIRMAN DZUGAN: I've got them sitting up in  
19 Sitka. When you're in Sitka in two weeks, there's one  
20 sitting there.

21 We're done with the task statements. Tom.

22 MR. DAMERON: Yeah, Mr. Chairman, Tom Dameron.  
23 On a related subject, I wonder if the Coast Guard would  
24 remind us what documentation we're to bring out of our  
25 subcommittee meetings?

1           CHAIRMAN DZUGAN: And just, in terms of a prelude  
2 or an introduction to a recommendation?

3           MR. WENDLAND: I can address that, Tom.

4           So we'll ask each subcommittee, again, to have a  
5 scribe. And the scribe should document what occurs in  
6 that subcommittee. So those, once the subcommittees  
7 come back to the committee and make those  
8 recommendations to the full committee, you can turn  
9 those, each subcommittee can turn those notes or  
10 outlines back to me, and they will become part of the  
11 official record, as well. So we're required now to  
12 document the subcommittees, in essence.

13          MR. DAMERON: So it's almost like minutes of the  
14 meeting?

15          MR. WENDLAND: It's almost like minutes of the  
16 subcommittee. But, you know, there's no, you don't have  
17 to word-for-word, it can be outline form. Just  
18 document, in general, what happened during that  
19 subcommittee. So each subcommittee should have a scribe  
20 as before.

21          CAPTAIN NEELAND: And, Tom, just, if you recall,  
22 also the objective is the subcommittee will make a  
23 presentation for the full Fish SAC committee to then be  
24 able to use that to make recommendations to the Coast  
25 Guard.

1           MR. ALWARD:  Matt Alward.  Just for  
2   clarification, at the last meeting we had wanted to meet  
3   as a full committee to do review everything and you  
4   advised us that "if you do that, then you're on the  
5   record.  If you break into subcommittees, you're off the  
6   record."

7           So what I'm hearing is we're not really off the  
8   record, because we have to keep notes that we have to  
9   submit.  As opposed to we report out to the full  
10  committee, that is on the record, "here is our  
11  recommendation," here is not the background of how we  
12  got to said recommendation?

13          MR. WENDLAND:  Yeah, I mean, Matt, that's a good  
14  question.  I mean, what we're really talking about is  
15  more of an outline form of what's happening in the  
16  subcommittee rather than a transcriber documenting  
17  word-for-word the discussion.

18          So, right.  Everything is, it's collected now.  
19  So that's -- however you want to think about that, it's  
20  really the documentation of the subcommittee, how the  
21  scribe wants to do that and put it forth to the Coast  
22  Guard, you know, and we'll accept that.

23          CHAIRMAN DZUGAN:  And while we're having this  
24  general discussion about subcommittees vis-a-vis the  
25  full committee, it seemed to me that one of the things

1     that was -- and correct me if I'm wrong -- that was a  
2     problem in the spring, was -- actually, Barb, you helped  
3     to not make it a problem -- is having some communication  
4     towards the end about what your subcommittees come up  
5     with on a similar topic. And communicate that to the  
6     other subcommittee that's been working on a similar  
7     topic. So we're kind of, we don't have the full flood,  
8     we can do a little bit of combining things at a  
9     subcommittee level before we have to do it in front of  
10    the full committee.

11           So just a little bit of intercourse in that way  
12    in terms of communication. I think, and if there's  
13    time, you know, I think it's helpful.

14           MR. VINCENT: Would it be an idea to set some  
15    time aside at the end of every, you know, the day or  
16    whatever to sort of dedicated to cross-pollination, I  
17    guess.

18           CHAIRMAN DZUGAN: Cross pollination is what I was  
19    looking for, right.

20           MR. ALWARD: We did run into something last time,  
21    but last time we tasked both committees with all of the  
22    tasks basically. So it made a lot more sense in that  
23    case to see if there was alignment (trails off and  
24    reporter can't hear.)

25           But I think, since we're breaking this into three

1     separate committees with three separate set of groups,  
2     tasking, I don't know how much we will need to have  
3     that.

4             CHAIRMAN DZUGAN: We'll just leave that open for  
5     the subcommittees. If they know, there's only two where  
6     I'm thinking there's overlapping with the different  
7     subcommittee, particularly those two, you know, if there  
8     seems to like, it would be worthwhile to talk to the  
9     subcommittee on "what are you doing about it?" You  
10    know, you could bring that back and see what you both  
11    had is all. I don't think it's a problem.

12            CAPTAIN NEELAND: No, I think that -- one  
13    important comment, just to keep in mind, since the  
14    subcommittees, the way you're structuring it, they will  
15    not all not have the opportunity to review it, is that  
16    when the subcommittee presents at the formal, full  
17    committee, that gives the committee members who did not  
18    participate in that subcommittee the opportunity to ask  
19    questions or get clarification prior to them, you know,  
20    making their recommendation or their opportunity to  
21    express their viewpoints if they have questions or  
22    concerns from the subcommittee.

23            CHAIRMAN DZUGAN: All right. Always.

24            CAPTAIN NEELAND: Yes.

25            MR. ALWARD: And as a process reminder, when the

1 subcommittees actually present their recommendation and  
2 it's an actual recommendation, we did in the form of a  
3 motion. And we had a discussion on the motion as part  
4 of the record.

5 CAPTAIN NEELAND: Correct. And we have to follow  
6 the Robert's Rules and that is the Robert's Rules.

7 CHAIRMAN DZUGAN: Yeah, so make sure you come out  
8 of those subcommittees with a motion.

9 MR. ALWARD: A recommendation.

10 CHAIRMAN DZUGAN: Or a motion to make a  
11 recommendation to the full committee and the Coast  
12 Guard. Tom.

13 MR. DAMERON: Something that I realize -- Mr.  
14 Chairman, Tom Dameron -- something that I realized after  
15 the last meeting, when a motion comes out of the  
16 subcommittee, we were seconding those. And, actually,  
17 motions out of the subcommittee, if the full  
18 subcommittee has already agreed to bring it to the full  
19 committee, it does not need a second. So that might  
20 save us a little time.

21 CHAIRMAN DZUGAN: Thank you. Sounds good. We  
22 should refer to the Robert's Rules.

23 MR. ALWARD: I've never heard of that one.  
24 Because it's a subcommittee making a recommendation, so  
25 maybe it's no big deal for somebody in the committee to



1     maybe second it. We'll figure it out.

2             MR. DAMERON: Just pointing it out.

3             MR. ALWARD: That's getting way (undetectable  
4     comment.)

5             CAPTAIN NEELAND: If there's questions, we do  
6     have a copy of the Robert's Rules; we can always refer  
7     to them. And any committee member is welcome to take a  
8     look at it. Mr. Wendland has a copy.

9             MR. WENDLAND: I think, bear in mind that we are  
10    using Robert's Rules Simplified, as well. So I think  
11    there is some leeway there, right. So this is Robert's  
12    Rules Simplified, which we passed out to you. So  
13    however you want to address that, I think, you know ...

14            CHAIRMAN DZUGAN: The Simplified doesn't address  
15    this particular issue, coming out of a subcommittee.

16            MR. WENDLAND: I do not believe it did. I mean,  
17    from what FACA presented to us and we passed on to you  
18    folks, I don't think that was itemized full list that  
19    they stated.

20            CHAIRMAN DZUGAN: Where are we at? We've gone  
21    through all of these now. Oh, we're on tomorrow. We  
22    could -- go ahead.

23            CAPTAIN NEELAND: So, Mr. Chairman, I just want,  
24    I'd like to just invite, you know, we've discussed the  
25    tasks. But this evening, if you have additional

1 questions when we reconvene tomorrow, we'll welcome, if  
2 you have additional clarification or there's additional  
3 resources you would like, please let us know so that we  
4 can work to provide that and give you the best guidance  
5 as you move forward on these items.

6 CHAIRMAN DZUGAN: Any other comments from the  
7 Coast Guard?

8 MR. WENDLAND: Just an admin comment. Again,  
9 just want to make sure everybody in the room has signed  
10 the sign-in sheets here for today. So before you leave,  
11 just make sure you put your point of contact information  
12 on there, so we will be collecting those at the end of  
13 the day. And that goes for everybody in the audience as  
14 well, so we appreciate that. Thank you.

15 CHAIRMAN DZUGAN: Any other comments from the  
16 committee before we adjourn? Or before we take a motion  
17 to adjourn.

18 MR. ROSVOLD: So tomorrow, we'll figure out which  
19 committee we're on?

20 CHAIRMAN DZUGAN: We'll sleep on it.

21 MR. ALWARD: First, we have to formally accept  
22 the tasks.

23 CHAIRMAN DZUGAN: Any other comments,  
24 reservations? Matt.

25 MR. ALWARD: Is it all right to leave

1 documentation in this room?

2 MR. WENDLAND: It is highly recommended not to  
3 leave your laptops. It's a secure building and  
4 everything, but we had that discussion, you know,  
5 anything of value, I would take it with you. But we do  
6 have permission to leave, you know, the paperwork and  
7 that -- yeah.

8 CHAIRMAN DZUGAN: Kris?

9 MR. BOEHMER: Just a thought. Do we think we  
10 want to just get a little feel for who thinks they want  
11 to be on tomorrow, to see if we've got any big imbalance  
12 of where they think they want to be in the committees or  
13 just have a -- kind of a ...

14 CHAIRMAN DZUGAN: We can do a quick show of  
15 hands. Those three committees up again. Subcommittees,  
16 there was Stability; there was Watch Keeping; there was  
17 Communication. Those who -- well, I'll let you read  
18 that for a minute.

19 MR. ALWARD: This is not the version that's  
20 switched.

21 CHAIRMAN DZUGAN: How about Communication; how  
22 many people think they'd be interested in being on the  
23 Communication Subcommittee, let's see by a show of  
24 hands. (Counts.) One, two, three, four, perfect.

25 What about Watch Keeping, a show of hands.

1 (Counts.) One, two, three, four.

2 Stability? You guys are too good. Yeah, that's  
3 pretty balanced.

4 MR. BOEHMER: Greg's going to be on that last  
5 one.

6 CHAIRMAN DZUGAN: Yeah, and I'll be a floater for  
7 whoever needs another person. For marine safety, it's a  
8 real positive.

9 MR. WENDLAND: Just one last reminder, tomorrow,  
10 just one last reminder, especially for the public that  
11 arrived at 9 o'clock this morning, the meeting will  
12 commence fully with the public and the members tomorrow  
13 at 0800. So just a change to 0800, just as a reminder  
14 of that.

15 CHAIRMAN DZUGAN: I think we're ready for a  
16 motion to adjourn until 8:00 a.m. tomorrow morning. Do  
17 we have anything else before we take anything?

18 Any objections to recessing? Hearing none, we're  
19 on recess.

20 (The meeting recessed for the day at 3:56 p.m.  
21 PST.)

22

23

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25

1 \*\*\* DAY TWO PROCEEDINGS \*\*\*

2 September 27, 2023

3 (Meeting begins at 8:01 a.m. PST.)

4

5 MR. WENDLAND: Good morning, everyone. Welcome  
6 back. Day 2, National Commercial Fishing Safety  
7 Advisory Committee Meeting, Seattle, Washington. Hope  
8 everybody had a great night.

9 Just to review a few things for anybody joining  
10 us today and just as reminders. Again, there are  
11 sign-in sheets on the back table, so we're requesting  
12 everybody to sign in every day. So please do that when  
13 you have an opportunity. Also as we move forward here,  
14 if everybody could just check their cell phones to make  
15 sure they're on mute, that would be great, so we have no  
16 disturbances.

17 And as a reminder for all, the heads, the  
18 bathrooms on this floor are secured. There's no water  
19 in them. So the officials here have asked us to use  
20 Deck 18 and 17, so just down one or two decks. And then  
21 also as a reminder, you don't want to go into the  
22 stairway, because if you do, the doors are locked all  
23 the way down to Floor 1. So you have to take a jog and  
24 come back.

25 So a very interesting and productive meeting

1 yesterday. I just wanted to advise everybody, Greg  
2 Londrie is here today. Welcome Greg.

3 MR. LONDRIE: Thank you.

4 MR. WENDLAND: Appreciate it. I mentioned  
5 yesterday, Greg couldn't be here, not as a result of any  
6 weather, or any issue on his part, but there was some  
7 data issues with the airports in Texas. So, thank you.

8 So I think what we'll do here is just discuss  
9 where we left off yesterday. The Board decided on three  
10 subcommittees that will be hopefully accepting some or  
11 all of the tasks today. And those three subcommittees  
12 are the Communications Committee, the Watch Keeping  
13 Committee, the Stability and Access and Drugs Committee.  
14 Hopefully I got that right. If not now, then we can ...

15 MR. ALWARD: The drug one went to Watch Keeping.

16 MR. WENDLAND: All right. So drug moved to  
17 number two, so it's Watch Keeping and Drugs, and  
18 Stability and Access. Okay. Very good. Thanks for  
19 that, Matt.

20 So with that, I will ask Captain Neeland if you  
21 have any opening comments?

22 CAPTAIN NEELAND: Thank you, Jon. Thank you  
23 everyone for yesterday. I thought all of the  
24 presentations were really informative and I was  
25 appreciative of all of the good dialogue that we had

1 yesterday. I'd like to open up if anyone has any  
2 additional questions on the tasks before we move  
3 forward? All right.

4 We'll review and formally assign the tasks  
5 shortly. But I look forward to all of the work as you  
6 work through the tasks and make recommendations.

7 If there's any resources or additional  
8 information that we can provide, please don't hesitate  
9 to ask. As mentioned yesterday, we have our District  
10 Coordinators who will also be available if you have  
11 additional questions or information, they are happy to  
12 provide that.

13 So with that, I look forward all of the work  
14 today. So, thank you.

15 MR. WENDLAND: Greater thank you, Captain.

16 MR Chairman?

17 CHAIRMAN DZUGAN: Yeah, thank you. I'm going to  
18 pass out some handouts. This is it might be helpful for  
19 some of the subcommittees, but there's a copy up here  
20 for everybody. One is the work from past subcommittees  
21 and one is on stability. It's basically the lesson  
22 objectives from the stability training. So I thought  
23 that might be helpful for, at least, the Subcommittee on  
24 Stability. But there is one here for everybody on that,  
25 you take one.

1           So there's a subcommittee on to do with Watch  
2   Keeping. I've got 15 of these for the committee  
3   members. This came out of some work that the previous  
4   Fish SAC Committees have done, as well as the fishermen  
5   from Prince William Sound. And just, like, as we said  
6   yesterday, none of these are, you know, you can scratch  
7   things off and add things on, but it gives you something  
8   to start with.

9           MR. ALWARD: And, Matt Alward, for the record.  
10   So I move that we accept Task 05-23 through 13-23.

11           CHAIRMAN DZUGAN: Second?

12           MR. DAMERON: Second.

13           CHAIRMAN DZUGAN: Second was by Tom.

14           MR. BOEHMER: Is that all the tasks?

15           MR. ALWARD: Other than Task 04. They already  
16   said we completed that.

17           MR. BOEHMER: Thank you, Matt.

18           MR. ALWARD: Because that was education.

19           MR. WENDLAND: I think formally, you just may  
20   have to accept that task because we have that in  
21   writings. So, yeah.

22           MR. ALWARD: Okay. I amend my motion, even  
23   though you can't do that under Robert's Rules to accept  
24   Task 04 through 13.

25           CHAIRMAN DZUGAN: Is that okay with the second?



1 MR. DAMERON: It's okay with the second.

2 CHAIRMAN DZUGAN: Great. Any discussion?

3 Anybody opposed? Passes. We've accepted the tasks.

4 I think it's time to any other instructions that  
5 are requested before we break into our committees?

6 MR. WENDLAND: So however you want to break out,  
7 we do have three rooms here, right. So we can utilize  
8 this space; we can utilize this back space -- and that  
9 door actually, the folding wall shuts -- and we have  
10 Deck 6 as well for breakout groups.

11 Mr. Myers.

12 MR. MYERS: Good morning, everyone.

13 I just wanted to share two things. One for the  
14 Stability group. We do have our Coast Guard guidance on  
15 stability. I think that was requested yesterday if we  
16 had any guidance to share. So this is the -- some  
17 training that's been circulated throughout the Coast  
18 Guard, and stemming from D-13 on stability.

19 And, also, recommend that whoever reviews the  
20 website subcommittee be here so we could put certain  
21 information on the screen. That's all I have. Thanks.

22 CHAIRMAN DZUGAN: And that would be the  
23 Communication Subcommittee.

24 MR. MYERS: Yes, sir.

25 CHAIRMAN DZUGAN: I just wanted to also throw

1 out, I understand we've got a room on the Floor 6.

2 MR. WENDLAND: Yes, sir.

3 CHAIRMAN DZUGAN: I'm just wondering, I'm just  
4 going to throw this out there so it can be rejected. If  
5 there is a possibility, can we put that other group in  
6 this corner here and have the same room, or do we ...

7 MR. WENDLAND: Yeah, you can all join hands, I  
8 mean, however you want to do it. Just giving you  
9 options, so absolutely.

10 CHAIRMAN DZUGAN: So regarding holding hands, not  
11 now. We'll wait until after tomorrow and it's all over  
12 with. But, yeah, if that works out for that  
13 subcommittee that's over there, we can at least be in  
14 the same space and it's easier to communicate to get  
15 that cross-pollination thing going. Okay. Great.

16 We can start dividing up the assignments. We  
17 need to get started. Let's have the Communication  
18 Subcommittee here at this end of the room, so we can see  
19 the screen. Kind of, random, I don't care who goes in  
20 that other room, but let's just go down the list here.  
21 Watch Keeping, can go in small alcove off to the side of  
22 the door. And Stability, access, drugs and regs, that  
23 will -- we'll form a circle over here in this back part  
24 of the room. And if the subcommittee on Stability  
25 doesn't like that, of course, there is a room on the 6th

1 floor that you can choose to use.

2 I would ask people to remember to have a scribe  
3 and to have a subcommittee chair to, kind of, move  
4 things along. And that's one of the primary  
5 responsibilities of the subcommittee chair is to make  
6 sure that we don't go down a side path and stay there  
7 very long, and bring people back to what the topic is at  
8 hand.

9 And, obviously, a scribe, someone that can keep  
10 track of things obviously better to have a computer or a  
11 laptop with them.

12 And I'll let you choose your own subcommittee  
13 chairs and your scribes once you get into those  
14 subcommittees. Any questions about that?

15 MR. DAMERON: Mr. Chair, are we going to formally  
16 decide who is on which committees, subcommittees?

17 CHAIRMAN DZUGAN: Oh, yeah, we need to do that  
18 first. We, yesterday had a show of hands. So I'll go  
19 through the subcommittees by names now and if we can see  
20 that show of hands again, and if you can state your name  
21 for that subcommittee, we'll get it on the record.

22 So, again, starting from the top, we had a  
23 Communications subcommittee. Can I see hands for that?

24 MR. DAMERON: Tom Dameron, Communications  
25 Subcommittee.

1           MR. BOEHMER: Kris Boehmer, Communication  
2 Subcommittee.

3           CHAIRMAN DZUGAN: I'll put myself on that one too  
4 just to load it up, unless I missed somebody over here.  
5 So, Jerry Dzugan for the subcommittee on Communications.

6           Watch Keeping, show of hands. We'll start over  
7 here. State your name.

8           MR. THEILER: Mike Theiler, Watch Keeping.

9           MR. ALWARD: Matt Alward, Watch Keeping.

10          MR. ROSVOLD: Eric Rosvold, Watch Keeping.

11          MR. HEWLETT: Butch Hewlett, Watch Keeping.

12          MR. LONDRIE: Greg Londrie, Watch Keeping.

13          CHAIRMAN DZUGAN: So that leaves the last one,  
14 the last one then is -- oh, I'm sorry.

15          MR. LONDRIE: I'm sorry. I missed out yesterday.

16          CHAIRMAN DZUGAN: That's okay. We'll catch you  
17 up.

18          Subcommittee on Stability?

19          FRANK VARGAS: Frank Vargas.

20          CHAIRMAN DZUGAN: Frank Vargas. Anyone else?

21          DAVID TURNER: David Turner, Stability.

22          TIM VINCENT: Tim Vincent, Stability.

23          CHAIRMAN DZUGAN: Tim Vincent, Stability. Okay,  
24 that's three for that too. And that's we've got at  
25 least three. We've got five in Watch Keeping and three

1 in Stability and Communications. I don't know if it  
2 matters.

3 MR. BOEHMER: That's to keep an eye on Watch  
4 Keeping.

5 CHAIRMAN DZUGAN: And it's an advantage to have  
6 an odd number in the subcommittees so that you can show  
7 a majority, just in case. So that's fine. Good.

8 Remember, when you are deciding on the particular  
9 tasks to, I don't know if we'll have time at the end of  
10 today or tomorrow certainly, we'll need to have some  
11 motions, so it should be within in a motion form, so  
12 they can be brought to the whole committee and voted on.

13 Any questions, omissions, errors?

14 MR. WENDLAND: Mr. Chairman, just one thing as a  
15 reminder for the Coast Guard. This is an opportunity  
16 for the members and the public, and so, we are here to  
17 advise on anything the subcommittees may need help with,  
18 any of the information the Coast Guard may have, but not  
19 to sway. So we're here to just provide you information,  
20 but not to provide any kind of judgment in any type of  
21 way. I just wanted to add that.

22 And then also, we will be taking as the  
23 subcommittees go through their deliberations, the break  
24 time after that will be at 10:15.

25 CHAIRMAN DZUGAN: As listed on the agenda.

1           MR. WENDLAND:   Yes, sir.

2           CHAIRMAN DZUGAN:   And as an adjunct to that,  
3   those who are member in the audience who have particular  
4   expertise and interest, you are welcome to join one of  
5   them or more of those subcommittees going around with  
6   your expertise, as well.   So make yourself welcome to  
7   them.

8           MR. DAMERON:   Mr. Chairman, Angel, could you put  
9   back up the different tasks for the different  
10   subcommittees?   Thank you.

11          CHAIRMAN DZUGAN:   Let's take a minute to see if  
12   there's any questions still remaining from anybody about  
13   any of those tasks.   And if you need further  
14   verification, or further clarification once you get into  
15   your subcommittee, we can refer to the Coast Guard about  
16   that with any questions.

17          We'll give this a minute.

18          MR. WENDLAND:   And maybe during this minute, is  
19   there anybody in the audience or the public that wasn't  
20   here yesterday?   We do have at least one.   If we  
21   could -- I'll pass you the mic and you can introduce  
22   yourself.

23          KAREN CONRAD:   Karen Conrad, executive director  
24   for NPFVOA vessel safety program in Seattle.

25          MR. WENDLAND.   Good morning.   Karen, thank you.

1           CHAIRMAN DZUGAN: There seems to be no other  
2 questions about the task statements, so I just suggest  
3 that it's time to break into our subcommittees. Again,  
4 Matt, excuse me.

5           MR. ALWARD: Before we do that, can you just  
6 clearly state what you expect the scribe to scribe down?

7           CAPTAIN NEELAND: Thank you. The scribe, the  
8 expectation in that on the subcommittee, clearly we have  
9 to know who the committee members and who the committee  
10 chair is. And then we just need a general documentation  
11 of some of the discussion.

12           So it could be an outline form; you could do  
13 minutes, but just some sort of documentation of at least  
14 the key components discussed with the recommendations  
15 that you have out of there.

16           So we're not looking for a full transcript, but  
17 I'll leave it up to you, but just some format to just  
18 document or just capture the essence of the discussion.

19           MR. ALWARD: And obviously any recommendations.

20           CAPTAIN NEELAND: Correct. Any recommendations  
21 or motions that they would like to bring to the full  
22 committee.

23           CHAIRMAN DZUGAN: And you have a list of the  
24 motions that were made in the last meeting, so you can  
25 use that as a format for how you want to lay it out.

1 You can put in a preamble and then sometimes that's  
2 helpful. Like a reference to some of the casualty  
3 reports or some of the statistics, might be helpful just  
4 as a preamble to the motion, I think. So you can refer  
5 to those past motions, whether they are available or not  
6 in terms of the format.

7 CAPTAIN NEELAND: And I see a question, Tom?

8 MR. DAMERON: Mr. Chairman, yeah, I just want to  
9 make a point that the notes coming out of the  
10 subcommittee will end up being part of the public  
11 document. So we can make those as specific or as  
12 general as we wish?

13 CAPTAIN NEELAND: Yes. Thank you.

14 CHAIRMAN DZUGAN: Then, let's break up into our  
15 groups. We can do a little bit of furniture rearranging  
16 perhaps especially in that corner of the room over  
17 there. And let's get to work.

18 Again, Communications is here, stability in that  
19 corner, and Watch Keeping in the back of the room.

20 (The meeting recessed at 8:19 a.m. PST.)

21 (Breaks and Lunch were observed during this  
22 subcommittee task work.)

23 (The meeting reconvened at 3:07 p.m. PST.)

24 CHAIRMAN DZUGAN: All right. We're to reconvene  
25 as a full committee again, the time is 3:07, Jerry



1 speaking.

2 I thought we'd start from the bottom of the  
3 order. We'll start with the Stability Committee. Just  
4 kind of give us your general comments about how it went  
5 and then we'll start bringing out the recommendations  
6 from there. And we'll see how far we can get with that.

7 MR. VINCENT: Okay. Do you want to start with  
8 the other guys first. He's still sending our email,  
9 what we have to Jonathan.

10 CHAIRMAN DZUGAN: We're trying to make use of  
11 David Turner's time here.

12 MR. VINCENT: Oh, sorry. Go ahead.

13 CHAIRMAN DZUGAN: Yeah.

14 MR. WENDLAND: Stand by, I'll just check. I  
15 mean, you can move forward even if I didn't see it. It  
16 should arrive.

17 CHAIRMAN DZUGAN: Did you guys have a spokesman?

18 MR. TURNER: We do.

19 MR. WENDLAND: Sometimes it takes a bit to get  
20 through the firewalls in the systems.

21 UNKNOWN MEMBER: Would it be easiest just to go  
22 by task, or maybe, just talk about one task at a time,  
23 so that we understand? That would be my recommendation.

24 CHAIRMAN DZUGAN: That's my intent. David, are  
25 you ready. Again, we'll just be one task at a time.

1           MR. TURNER: All right. David Turner here. Do  
2 you want to read the task statement?

3           Task statement 06-23 had to do with access across  
4 the vessel with heavy equipment. So as opposed to  
5 opposing regulations, we have some general  
6 recommendations.

7           MR. WENDLAND: Can you just pull that up, sir,  
8 yeah, just for the transcriber.

9           MR. TURNER: We wanted to just read through what  
10 we've came up with as a statement so far. It says:  
11 Insomuch as is practical, all spaces subject to flooding  
12 and/or necessary for safe vessel operation should be  
13 accessible by crew during normal operations.

14           In the event this is impractical, and access is  
15 over stacked deck equipment (i.e., pot stacks or deck  
16 cargo) the committee recommend establishing vessel  
17 procedures, which may include the use of tag lines,  
18 buddy systems, PFD's worn, personal locator beacons or  
19 Man Overboard beacon's, et cetera.

20           For spaces where access may be blocked,  
21 consideration may be given to supplemental high water  
22 alarms or infrared cameras, increased maintenance  
23 frequency on watertight seals, dogs, knife edges, et  
24 cetera, and also on bilge level alarms. Consideration  
25 may also be given to secondary means of dewatering,

1 (i.e., deck connection for a dewatering trash pump).

2 Now, the second one ...

3 CHAIRMAN DZUGAN: Do we want to focus on one  
4 first and kind of get into that and make it into a  
5 motion before going on to the next one. Is that okay  
6 with you? We've got three tasks. So let's just take  
7 them one at a time?

8 MR. TURNER: I was unclear on whether we were  
9 going to have formal motions tonight or whether we were  
10 going to have more discussion tomorrow and motions  
11 tomorrow?

12 CHAIRMAN DZUGAN: We will do both. If you  
13 have -- if you're ready for any of these to be motions,  
14 for example, when you go through the first when you just  
15 did, if you want to make that into a motion, or and then  
16 we can have a discussion about it. And then vote on it.

17 MR. TURNER: Okay. So it's a lot of words. At  
18 the last meeting, we put them up on the screen so people  
19 would be able to read. So perhaps we should do the same  
20 thing.

21 MR. VINCENT: This is the wrong one.

22 MR. WENDLAND: It should've come from Frank  
23 Vargas. It just showed up in my email, Angel, so you  
24 probably just received it as well.

25 MR. VINCENT: So it would be the bottom left.

1           MR. WENDLAND: Task 1, the bottom left, if you  
2     can just raise that up for everybody's -- I'm getting a  
3     little older now, but if you can increase the font,  
4     maybe 14 or 16 might be helpful for those in the back as  
5     well.

6           MR. LA TORRE REYES: So just for the record, this  
7     is actually Task 06-23, just to confirm.

8           CHAIRMAN DZUGAN: Yes, 06-23.

9           MR. WENDLAND: There you go.

10          MR. DAMERON: Mr. Chairman, Tom Dameron.  
11     Stability Subcommittee, thank you for your work on this.  
12     You've obviously put in a ton of work, a ton of thought  
13     into this. And this seems very inclusive to me. I  
14     would suggest turning this into a motion to be added to  
15     the Voluntary Safety Initiatives and Good Marine  
16     Practices For Commercial Fishing Industry Vessels.

17          CHAIRMAN DZUGAN: You want to make that into a  
18     motion yourself? Anybody can make a motion.

19          MR. DAMERON: Yeah, I make the motion that as  
20     written this is to be added to the Voluntary Safety  
21     Initiatives and Good Marine Practices For Commercial  
22     Fishing Vessels, last edited January 2017.

23          CHAIRMAN DZUGAN: Is there a second? Discussion?  
24     Butch, oh, I'm sorry. David?

25          MR. TURNER: Second.

1           CHAIRMAN DZUGAN:   Second.   Discussion?   Hearing  
2   no discussion, can we take a vote on accepting this in  
3   the guidance.   All in favor, in agreement, signify by  
4   raising your hand.   (Counts.)   It's unanimous.   Thank  
5   you, gentlemen, for your work on this.

6           Do you want to go on to your second task?

7           MR. TURNER:   Okay.   The second one is 08-23.  
8   Operators of commercial fishing vessels of any size are  
9   encouraged as a best practice to attend to commercial  
10   fishing vessel stability training program.   Operators  
11   are encouraged to share their experience, stories of  
12   stability-related issues in training.   Where applicable,  
13   operators are encouraged to bring their vessel-specific  
14   stability instructions to this training.

15           Operators of commercial fishing vessels are  
16   encouraged as a best practice to implement procedures  
17   prior to departing port, such as observation of the  
18   vessels trim, check condition of freeing ports and  
19   scuppers, and watertight/weathertight doors and closures  
20   if applicable.

21           CHAIRMAN DZUGAN:   Do you want to add any  
22   background when you were discussing this?   Any  
23   deliberations, or do you have anything to add before we  
24   ask for someone to make a motion?

25           MR. TURNER:   There was quite a bit of discussion,

1 much of it was Tim sharing his experiences as a  
2 commercial fisherman in different industries from  
3 crabbing to Bristol Bay, et cetera. Part of this is a  
4 recognition that a lot of operators of commercial  
5 fishing vessels are not necessarily familiar with  
6 stability procedures or with the principles behind  
7 stability analysis of vessels. And understanding that  
8 can be a significant factor in their ability to make  
9 decisions about their operations.

10 CHAIRMAN DZUGAN: Anybody so moved to make a  
11 motion or do we want to have more discussion before the  
12 motion?

13 MR. ALWARD: For clarification, Matt Alward. You  
14 have two things underneath Task 08-23, so below. You  
15 have recommendations to the Coast Guard. Is that  
16 included within this task?

17 MR. TURNER: Yes.

18 MR. ALWARD: And so I guess my question would be  
19 would the recommendations be what you were recommending  
20 to the committee to consider?

21 MR. TURNER: We broke it into two parts,  
22 recommendations of training and recommendations of the  
23 Coast Guard. So you could consider them as one motion  
24 or separate; whatever you want.

25 MR. THEILER: Mike. Can you just scroll down a

1 little bit, Angel. Is that the end of it or is there  
2 more underneath the last line there. All right. Thank  
3 you.

4 MR. TURNER: So item 08-23, we took as two  
5 separate points basically. One of them is related to  
6 vessel operators and the other is related to the Coast  
7 Guard. So we started with vessel operators here. So a  
8 two-sided motion. That was my thought.

9 MR. VINCENT: Agreed.

10 MR. TURNER: Any discussion?

11 CHAIRMAN DZUGAN: Well, let's have a motion first  
12 so we can have a freer discussion and follow the rules.  
13 Tom.

14 MR. DAMERON: Thank you, Mr. Chairman, Tom  
15 Dameron. I'd like to make a motion that we add 08-23  
16 stability - training to Section 11, stability standards  
17 of the Voluntary Safety Initiatives and Good Marine  
18 Practices for Commercial Fishing Industry Vessels,  
19 January, 2017.

20 CHAIRMAN DZUGAN: Is there a second to that?

21 MR. VINCENT: Second.

22 CHAIRMAN DZUGAN: All right. Tim Vincent?

23 MR. VINCENT: Yes, Tim Vincent, second.

24 CHAIRMAN DZUGAN: Discussion? Hearing no  
25 discussion, all in favor signify by a show of hands on

1 combining these two. (Counting) It's unanimous.

2 MR. DAMERON: Mr. Chairman, you said combining  
3 these two?

4 MR. TURNER: Just the two, the two bullet points.

5 CHAIRMAN DZUGAN: So just to clarify. Thank you.

6 MR. TURNER: The second part of 08-23 is  
7 recommendations to the Coast Guard. With regard to  
8 smaller vessels, the committee advises the Coast Guard  
9 look at other agencies, port controls, on how they are  
10 implementing best practices for vessel stability safety,  
11 (i.e., MCA and their recommendations regarding the  
12 Wolfson method.)

13 The committee recommends the U.S. Coast Guard  
14 provides a formalized training to its fishing vessel  
15 examiners on the topic of compliance and vessel  
16 stability regulations specific to the USCG District and  
17 fleets within the District, (i.e., vessel service.)

18 CHAIRMAN DZUGAN: Just for a clarification, do  
19 you want to describe the Wolfson method?

20 MR. TURNER: The Wolfson method, I have not had a  
21 chance to address it myself. The MCA is a British  
22 agency. And it is one that they've applied to fishing  
23 vessels of 15 meters in length and below. And it gives  
24 the operator the ability to get, what they described, as  
25 sort of a red light, yellow light, green light on



1     whether to proceed forward.

2             Not recommending that we implement the Wolfson  
3     method, just bringing that up as an example that was  
4     brought to the subcommittee as something that other  
5     agencies have looked at for guidance.

6             CHAIRMAN DZUGAN: Thank you.

7             MR. BOEHMER: Mr. Chairman, Kris Boehman. Two  
8     items for clarification to me. On the bullet  
9     recommendations to the U.S. Coast Guard, should it first  
10    say stability and then recommendation of the Coast Guard  
11    to break it up from the stability training?

12            MR. VINCENT: Tim Vincent here. I was thinking  
13    that same thing myself. I think that would be a more  
14    clear add. Stability recommendations to the Coast  
15    Guard, that would be a better read for this document,  
16    yes.

17            MR. BOEHMER: And maybe I'm missing something  
18    here, but I'm not -- in the beginning, the first  
19    sentence with regard to smaller vessels. It seems like  
20    we're losing vessels that are 79 feet and over are  
21    addressed for stability. But 79 feet and under aren't.  
22    Are we interested in vessels under 79 feet or has that  
23    been omitted intentionally?

24            MR. TURNER: So 79 feet is a good one for  
25    existing vessels. Vessels under 50 feet, the current

1 guidance that's in consideration, I think, says to apply  
2 standards similar to what is applied to private vessels.  
3 So it's very loose, there's very little guidance.

4 And part of the problem here is there is a  
5 monetary consideration to compliance and stability  
6 standards for operators of small boats. There is  
7 insufficient documentation to do anything, any direct  
8 calculations. And so it's looking at different ways  
9 where something can be done to provide some assistance  
10 to the operators.

11 MR. BOEHMER: I'm just concerned about how vague  
12 "small vessels" might be. Is there a way to tighten  
13 that up or is that not necessary?

14 MR. TURNER: We could say 50 feet and under.

15 MR. ALWARD: Matt. I assume you're including  
16 skiffs (indiscernible)?

17 MR. TURNER: I would say, yes. And this is not  
18 proposing rulemaking, right, this is just looking at  
19 what could be done.

20 MR. VINCENT: Yeah, Tim Vincent. It's more of a  
21 voluntary nature. And if you look at the, obviously,  
22 you've looked at it, of course, but a lot of this  
23 capsizing is down at this distinct level. So, yes, that  
24 could cover a lot of sizes of vessels. The point being,  
25 you know, we're just getting as much possible

1 noncompliant, you know, just good training; good  
2 information, you know, out to as many folks as possible.

3 Because, in my opinion, you know, stability,  
4 capsize if you look statistically, it's easily probably  
5 one of the biggest killers of everything. It's my loose  
6 jargon of it is that it's the all time champion of  
7 killing people at sea. Very few people will live to  
8 tell the tail of a rollover. So, you know, we want to  
9 get down as far down to smaller vessels as reasonable.

10 CHAIRMAN DZUGAN: Kris.

11 MR. BOEHMER: Yeah, Kris Boehmer. My concern is  
12 that it seems like, at least, where I'm operating from  
13 in New England, there's a lot of boats that make a major  
14 alteration and fall under the Coast Guard's purview.  
15 And I'm just afraid that we're not capturing that. Are  
16 we not supposed to be, is that the intent? What are we  
17 doing for the boats between 79 and 50?

18 MR. VINCENT: I kind of believe that it covers  
19 it. I mean, certainly, yeah, you can look at more  
20 things to do. That, you know, probably be more of a  
21 question for the regs guys. I'm more of a fishing guy  
22 on that side, so ...

23 CHAIRMAN DZUGAN: Any other discussions?  
24 Jonathan.

25 MR. WENDLAND: Yeah, Jonathan Wendland, U.S.

1 Coast Guard. Can you talk about the agencies and port  
2 controls that you are referencing here; what type of  
3 agencies and port controls are you, kind of, searching  
4 for there?

5 MR. VINCENT: My best thought on that would be,  
6 you know, just other like in Great Britain for example  
7 you know, you just, as the Coast Guard, you have the  
8 assets, I believe, you know, the firepower to look  
9 around at what's going on in other parts of the world;  
10 how are they addressing, you know, their stability  
11 issues. You know, perhaps statistical analysis; what  
12 works; what doesn't work. You know, what are they doing  
13 in South Africa; what are they doing in Great Britain;  
14 what are they doing in Norway?

15 You know, just kind of, I believe that you have  
16 the assets, you know, and the wherewithal to take a look  
17 around at other and see, you know, do we meet the  
18 standard or are people doing better than us, other  
19 countries and that sort of thing.

20 MR. WENDLAND: Right. So it sounds like to me  
21 it's more like looking at what's out there for  
22 stability, but not necessarily port control. That's  
23 kind of what I'm getting at. Or is it port control that  
24 you're looking for?

25 MR. VINCENT: No, I think -- maybe port control

1 is the wrong, you know, use of word of it. Maybe that's  
2 my surveyor coming out, maybe, like port state rules or  
3 whatever. So that was thrown out there during this  
4 discussion, and I kind of went with that. So, that, you  
5 know, maybe that could stand some tweaking on the words  
6 or whatever. Anyway, my bad I guess, so.

7 CHAIRMAN DZUGAN: Mr. Myers.

8 MR. MYERS: Thank you, Chair. For clarity, I  
9 would recommend spelling out the acronym, MCA, so we  
10 don't assume -- especially, since it's tied to something  
11 in the UK possibly.

12 MR. TURNER: Why don't we send this back to the  
13 subcommittee. We're getting good feedback.

14 MR. VINCENT: Yeah.

15 CHAIRMAN DZUGAN: Anybody disagree with tabling  
16 this until tomorrow? And we'll have the subcommittee  
17 reword this and look at it again? Any opposition to  
18 that?

19 MR. ALWARD: I would ask to make a motion to just  
20 withdraw the motion instead of tabling it. It sounds  
21 like it could come back with modified language. It  
22 would need either an amendment or a third motion, but  
23 it's up to the committee.

24 MR. DAMERON: I don't think we have a motion.

25 CHAIRMAN DZUGAN: Tom and Tim. You made a

1 motion, Tom.

2 MR. DAMERON: My initial motion was for the top  
3 two bullet points. No motion made for the second part.

4 CHAIRMAN DZUGAN: Well, can we vote on the first  
5 part? We did. We've already done that.

6 So any objection to withdrawing?

7 MR. ALWARD: It's been made.

8 CHAIRMAN DZUGAN: Right.

9 MR. VINCENT: So we're good.

10 MR. TURNER: Moving on to Task 09-23. This is a  
11 very broad one. So the committee recommends that the  
12 USCG and relays with industry to understand and identify  
13 training --

14 MR. VINCENT: Hang on. Angel is getting it.

15 MR. TURNER: The committee recommends the USCG  
16 relays with industry to understand and identify training  
17 needs addressing needs specific to individual fisheries.  
18 This can be accomplished in conjunction with dockside  
19 safety examinations, during industry events, (i.e.,  
20 specific marine expo or other forums and social media.)  
21 The committee understands some of these training needs  
22 may be broadly identified, whereas others may be very  
23 specific based on the fishery. The committee recommends  
24 the USCG then work with the industry to develop fishery  
25 specific training programs for implementation.

1           MR. DAMERON: I second.

2           CHAIRMAN DZUGAN: Did you motion this, Mr.  
3 Turner? I just heard a second, but I didn't hear a  
4 first.

5           MR. DAMERON: If the committee recommends, that's  
6 not a motion?

7           MR. TURNER: I was just reading it. I make a  
8 motion to the committee of forwarding this  
9 recommendation to the Coast Guard for action.

10          CHAIRMAN DZUGAN: Okay. Do I hear a second?

11          MR. VINCENT: Second.

12          CHAIRMAN DZUGAN: Okay. Tim. Any discussion?  
13 Matt.

14          MR. ALWARD: I wouldn't mind hearing the  
15 committee give us their thoughts on their discussion to  
16 get to this.

17          MR. VINCENT: This was really a tough one. We  
18 had a -- this is why we were down in the dungeon  
19 wrestling and trying to get our heads around this one a  
20 little bit. You know, first off, and I also heard it,  
21 Jerry, I heard you say yesterday, I didn't, I think the  
22 language of it could have been better. It, kind of, I  
23 don't want to be harsh here or whatever, being a  
24 fisherman, but it seemed like it painted with a pretty  
25 broad brush that fishermen are just risk takers and it's

1 just a problem in the industry. And while some of that  
2 is true, I just didn't kind of agree, you know, entirely  
3 on that, you know, wording of it.

4 And it was just a difficult, just I don't know.  
5 We just had a hard time with it, I guess, you know,  
6 coming up with how to tackle this task.

7 David, do you have any comment?

8 MR. TURNER: I think it's also recognition of the  
9 adversity of the fisheries that we have around the  
10 country. And the difficulty in trying to unilaterally  
11 employ standards to all of them. And I think the Coast  
12 Guard is in a position, at a district level, perhaps, to  
13 engage with the individual fisheries and determine how  
14 they could be of assistance there.

15 CHAIRMAN DZUGAN: I just want to say that there  
16 four words in here that make this very strong. And that  
17 is specific to individual fisheries. I think this  
18 committee for the last 30 years has been very strong,  
19 and the Coast Guard regulatory authorities taking on a  
20 fisheries based approach to risk, because they're so  
21 different. And I commend you for including that in  
22 here. I think that's a very powerful thing.

23 Any other discussion on this? Mike.

24 MR. THEILER: Jerry -- or maybe this might be for  
25 the Captain.



1           Does the Coast Guard, at this time, have the  
2   ability to put something together with the industry or  
3   does it have to come from the industry and be submitted  
4   to the Coast Guard for accreditation or recommendations?  
5   How is that, you know, is that something that is even  
6   allowed. Like I said, recommend the Coast Guard to work  
7   with the industry; how would that transpire from your  
8   end?

9           CAPTAIN NEELAND: So thanks for the question.  
10   The challenge, obviously, for us is resources to be able  
11   to engage with all of the different fisheries. There's  
12   multiple different ways we could potentially move  
13   forward with this. We could use internal Coast Guard  
14   resources that exist at the district level and utilizing  
15   our fishing vessel examiners and try to go and execute,  
16   you know perform the task. That is one potential  
17   option. Another potential option is potentially to look  
18   at our outside contracts and see if we can find the  
19   resources to do that to potentially contract.

20           I think the big question for the Coast Guard  
21   specific -- and as I read this recommendation, is to  
22   understand what specific training that we want to  
23   develop to address, what. The task is very, was very  
24   broad as far as risk. And my quick read of this is if  
25   we want to go march forward with a program about

1 training for industry-specific, that's very broad. And  
2 anything we can do to focus it -- to narrow it, to make  
3 sure that we are achieving what is being recommended by  
4 the Committee is helpful and useful for us to be able to  
5 move forward.

6 MR. THEILER: And just for the record it's  
7 already in the practices that the operation receive  
8 training on stability and so on and so forth. So it's  
9 not like this is something that's brand-new. I guess  
10 the brand-new part is recommending that the Coast Guard  
11 works with the industry just for clarification.

12 And I don't want to spend a lot of time on it. I  
13 just I wanted to make sure it was something that is  
14 actually possible, more than anything.

15 CHAIRMAN DZUGAN: And, if I can add something  
16 maybe. The already existing stability question, the  
17 stability awareness courses that the North Pacific  
18 Fishing Vessel Owner's Association does, and AMSEA does,  
19 it sounds very similar to this. When we hold them in a  
20 different region of the country, we look at the stats.  
21 We used the Coast Guard examiners from the area. We  
22 definitely use fisherman in those workshops, which are  
23 only five hours long. And those fisherman certainly let  
24 us know what their local concerns are if they're  
25 different.

1           And so in those workshops, we're doing a lot of  
2   that, I think. We, more specific to those issues, you  
3   know, regionally where they are, so very similar.

4           CAPTAIN NEELAND: So, Mr. Chairman, I guess my  
5   confusion is you were talking about stability, and  
6   stability training. The task is risk. And as written,  
7   it's not entirely clear what risk we're evaluating to  
8   provide training on. So it's just a very vague and  
9   open-ended. And that's where clarification, the  
10   recommendation of the Coast Guard would be to better  
11   understand specifically what's being asked, so that we  
12   are not missing the intent of the recommendation.

13          CHAIRMAN DZUGAN: Matt.

14          MR. ALWARD: Matt Alward. I mean, the way I read  
15   this is this would be us recommending that first you  
16   work with specific individual fisheries to assess what  
17   risks are in those fisheries. And, secondly, then work  
18   with those fisheries, identify training needs to address  
19   those risks. It could be reworded better than it is  
20   worded right here, but that's how I read the intent of  
21   this.

22          CAPTAIN NEELAND: That's fine.

23          MR. ALWARD: Not being in the committee or  
24   putting words in your ...

25          CAPTAIN NEELAND: Yes. Thanks for that

1 clarification. So what I heard was that training would  
2 be, training to assist each individual specific fishery  
3 to buy-down their risks or to reduce their operational  
4 risks; is that correct?

5 MR. TURNER: The first part that we had discussed  
6 was working with the industry to determine what training  
7 they would see as applicable in mitigating their own  
8 risks. And that's going to vary from one fishery to  
9 another. Instead of a broad umbrella. Work with the  
10 industry to figure out what they think is going to be of  
11 use.

12 MR. VINCENT: Tim Vincent. And it's going to  
13 vary drastically. And that's where we, kind of, got  
14 into a sticking point was, you know, the essence of it I  
15 guess was like, icing avoidance; heavy weather  
16 avoidance, you know, route planning and that sort of  
17 thing. And we just sort of realized, well this doesn't  
18 fit, you know, if we want to accomplish the task, it  
19 doesn't really fit, you know the whole nation. The task  
20 didn't fit on a national scale, maybe as well, or  
21 whatever. So that's why we went in this way is, I think  
22 it's way better if it's, you know 1-on-1 with people by  
23 area in a thing like this. Because as I was explaining  
24 in the meeting, and any fisherman in here will tell you,  
25 that there is so much dynamic in fishing, everything is

1 changing constantly. You know, it's not going into town  
2 and changing your boat, and putting in a new reefer  
3 system. When you're out there the weather is changing;  
4 there's hazards coming in your way.

5 I was talking about a presentation I gave several  
6 years back. When you catch fish, you don't know what's  
7 coming up in pot or the trawl or whatever. And then all  
8 of a sudden, you know, "hey, I'm overloaded. I've got  
9 too big of a catch," and that's where stability comes in  
10 and things like that.

11 To me, those are the things that you need to get  
12 the 1-on-1 with, like, the Coast Guard. Like, you come  
13 to me and like, "what are the challenges in your area?"  
14 Like, "what's the risk; what's the reward?" And fishing  
15 is a huge risk/reward thing.

16 I was telling the committee members in the  
17 presentation I gave, all of you have probably seen the  
18 pictures in, you know, in Katmai, Alaska where the bears  
19 are catching the fish in their mouth. And at the end of  
20 my presentation, I had a picture of a bear and he was on  
21 the cliff. And all of the fish, you know, were jumping  
22 up into his mouth. And he was nailing it, you know, he  
23 was killing it, you know, compared to the other bears.

24 And I said "this sums up fishing perfectly."  
25 This guy is willing to risk it all on the edge of the

1 cliff, getting all of fish, you know, where the others  
2 aren't. And that's, you know, kind of part of it.

3 And there's just a lot of drivers in risk that,  
4 you know, there's a lot of pressure. You know, we  
5 talked about a new captain, you know, takes a boat and  
6 maybe this boat is doing really good productive-wise and  
7 he's feeling a lot of pressure to produce, and that is  
8 affected his, you know, his judgment.

9 And then, of course, there is fatigue. And I'm a  
10 big, you know, proponent of the fatigue thing. How do  
11 we better mitigate fatigue. And so it's a real tough  
12 thing in our industry. That's something moving forward  
13 in this, you know, over the next couple of years I would  
14 really like to try to tackle further is how do we do  
15 better, you know, how do we do the best that we can.  
16 And that's what -- this task, to me, is all about, it's  
17 all about decision-making. And, you know, what affects  
18 your brain and what makes you make good decisions or bad  
19 decisions, so to speak.

20 CHAIRMAN DZUGAN: Anyone else want to speak?

21 MR. ALWARD: Jonathan looks like he wants to  
22 speak.

23 MR. WENDLAND: Yeah, I would concur with the  
24 thoughts that are going around the table here and maybe  
25 this could be or should be more specifically rewritten.

1 And for my take on some of the language here, it sounds  
2 like, to me, you're asking the Coast Guard, when say in  
3 conjunction with dockside examination, during events,  
4 you know, other events, but during dockside exams.

5 And correct me if I'm wrong, but maybe you're  
6 asking the Coast Guard, during these examinations to  
7 have dialog with the fisherman in specific fisheries,  
8 asking them what their risk is. And then thereafter  
9 potentially thinking about training aspects to mitigate  
10 those risks.

11 MR. TURNER: That was the general intent, yes. I  
12 think as a subcommittee we would be happy to take this  
13 back in the morning and do some wordsmithing.

14 MR. WENDLAND: That sounds good. All right.

15 MR. TURNER: Absolutely.

16 CHAIRMAN DZUGAN: So we have a motion and a  
17 second. So any objections to us withdrawing that and  
18 bringing it back tomorrow?

19 MR. TURNER: I don't believe there was a formal  
20 motion made.

21 MR. ALWARD: Yeah, you made it and Tim seconded  
22 it.

23 MR. TURNER: Okay. I'll withdraw the motion.

24 CHAIRMAN DZUGAN: Any objection? Sounds good.  
25 That's one, two, three. Okay. Thank you.

1 MR. TURNER: Thanks.

2 CHAIRMAN DZUGAN: Next, let's just go back up the  
3 scale and talk about, hear from the Watch Keeping in the  
4 alcove, back of the room. And can somebody from that  
5 group, if you want to, maybe give a general discussion  
6 about how things were discussed and then start to make  
7 motions.

8 MR. WENDLAND: Excuse me. Just one request,  
9 again, for the transcriber. If everybody could just  
10 pull the mics in when you're speaking and say the names  
11 just so it's on the record. Thank you.

12 MR. ALWARD: Matt Alward. So I'm the chair of  
13 the Watch Keeping Subcommittee.

14 So the first task we looked at, Angel is getting  
15 those tasks. 07-23. I don't think people need us to  
16 read them again, but I think we've read through the task  
17 several times already in the full committee for the  
18 record, and so I don't think we need to. But it was  
19 basically establish best practices and standards,  
20 standard procedures and guidance for crew standing  
21 navigation watches.

22 So we had some discussion, we reviewed the wheel  
23 watch safety tips document that was provided. We  
24 discussed that there was commonalities and differences  
25 of standing watch amongst fisheries, different



1 fisheries, different vessels. We discussed that  
2 technology is also changing rapidly and should be left  
3 up to the individual in charge of the vessel to develop  
4 the policy.

5 And we had a pretty robust discussion with a  
6 dockside examiner about the opportunity they have to  
7 have conversations with individuals in charge about  
8 their watch standing policy during the execution of  
9 dockside exams.

10 So the recommendation that we came up with for  
11 this one, and I'm going to read this as a recommendation  
12 and then we can turn it into a motion.

13 The subcommittee is recommending to the full  
14 committee that the Voluntary Safety Initiatives and Good  
15 Marine Practices document, which hopefully gets renamed,  
16 is updated to include a section on best practices for  
17 standing navigational watch. And that the following  
18 statement should be included in that section, which is  
19 the individual in charge of the vessel should have a  
20 watch standing policy for their vessel and any crew  
21 member standing navigational watch should be informed of  
22 the policy.

23 CHAIRMAN DZUGAN: Did I hear, that was a motion  
24 you made?

25 MR. ALWARD: No, I read it as a recommendation.

1 So for conversation, I will make a motion that the full  
2 committee recommends the Voluntary Safety Initiatives as  
3 stated.

4 CHAIRMAN DZUGAN: That's Task 07-23 A, No. 1.

5 MR. VINCENT: So, Matt, you made a motion?

6 MR. ALWARD: I made a motion.

7 MR. VINCENT: Tim Vincent, I second.

8 MR. ALWARD: Sweet. And I kind of already went  
9 over the discussion the committee had.

10 CHAIRMAN DZUGAN: Any discussion? Kris?

11 MR. BOEHMER: Kris Boehmer. How does the  
12 subcommittee feel about on that No. 1, where it says the  
13 watch should be, the crew member standing the navigation  
14 watch should be informed of the policy -- "should be  
15 informed and understand the policy."

16 Does that need to be said?

17 MR. ALWARD: Sounds like you're making an  
18 amendment?

19 MR. BOEHMER: Perhaps I am. Is it necessary?

20 CHAIRMAN DZUGAN: If I could respond to that one.  
21 When I see the word inform, it stands to reason that  
22 that's understood.

23 MR. BOEHMER: Okay.

24 MR. ALWARD: That's kind of how we, you know,  
25 we're getting into lawyer terms here, lawyer realm. But

1 I think informed implies that it is understood.

2 MR. BOEHMER: Okay.

3 MR. ALWARD: Unless the committee feels like we  
4 need to wordsmith that. I certainly could do an  
5 amendment.

6 MR. VARGAS: Frank Vargas. Should it read  
7 "informed and trained"?

8 CHAIRMAN DZUGAN: Anything back from the mover?

9 MR. ALWARD: I mean, informed is knowing what the  
10 policy is and how to implement it. So what is the  
11 training, besides going over everything in the policy;  
12 this is how you operate the autopilot; this is how you  
13 operate the radar; these are your tasks. This is how  
14 you perform your tasks.

15 I guess you could call that training, it's also  
16 informing. So I'm not against including that word, but  
17 we didn't really -- we felt like this was inclusive, and  
18 that it is expected that the person standing watch  
19 understands everything. Knows how to carry out the  
20 policy.

21 But if you want to insert the words it would have  
22 to be wordsmithed a little bit more, because it would  
23 just be informed and trained. I guess it could be  
24 informed and trained of the policy, but the floor is  
25 open for comment.

1           CHAIRMAN DZUGAN: We'll take Tom and then Mike  
2 next.

3           MR. DAMERON: So, Tom Dameron. So the first part  
4 of this says that there should be a section included on  
5 best practices for standing navigational watch. So that  
6 section that's going to be included on standing  
7 navigational watch can have a lot of things in it. And  
8 we're just pointing out in that, it should also have a  
9 policy for the standard policy for the vessel.

10          MR. ALWARD: Yeah. So we had a long discussion  
11 on should it have 10,000 things listed out that could  
12 possibly be in a watch standing policy. But we  
13 recognize that different fisheries and different  
14 vessels, technology is changing extremely rapidly, that  
15 it was just best left up to the individual in charge of  
16 the vessel to come up with their policy.

17          I mean there could be a lot more included in  
18 there, but after a lot of discussion, we felt like just  
19 making sure there was a section in the document for  
20 watch standing which there is not right now. And then  
21 looking at other sections in there, there are some  
22 pretty big topics with a very short paragraph underneath  
23 them, so we felt like it fit within the document, the  
24 way the document was already constructed.

25          CHAIRMAN DZUGAN: Do you want to make a comment

1 on that, since Mike had his hand up first and then  
2 Frank.

3 MR. THEILER: No, I was just going to make that  
4 same, basically, the same comment that Tom did. That  
5 this is just, you know, that we felt strongly that that  
6 statement should be included, but we weren't trying to  
7 omit anything else. We did, in fact, as Matt referenced  
8 that we could have had three pages of things to include  
9 under that section; however, being as to fisheries and  
10 different vessels that for all of the reasons we stated,  
11 we just felt it was best to make that read that there  
12 has to be, that everybody has to be informed and that we  
13 had to have a policy and then leave it up to the  
14 individual fishers or the individual in charge.

15 CHAIRMAN DZUGAN: Frank.

16 MR. VARGAS: Yeah, Frank Vargas. We talked about  
17 an incident on a crab boat when I was up north. We were  
18 all trawling and a crab boat comes through, and he said  
19 "I have been informed by my captain not to change  
20 course." And he goes through the grounds and everybody  
21 has to scatter, just plowing through our fishing  
22 grounds.

23 CHAIRMAN DZUGAN: So my comment was, and I think  
24 I voiced to it, and then I left the room, so this is a  
25 best practices document that the Coast Guard is going to

1     come out with -- this is Jerry speaking. And in lieu of  
2     any points as potential things to use for Watch Keeping,  
3     the Coast Guard is not going to have a section in their  
4     best practices that's just blank. They're going to add  
5     some things in, I would think, from other documents.

6             The reason why I gave the list of about 18 or 20  
7     things -- not 10,000 things -- that came from fishermen  
8     in Alaska and from the last committee meeting about ten  
9     years ago, members like us, is just a possible list.  
10    They're not all must-do things. Some of them are pretty  
11    standard procedures, whether you have computers on your  
12    boat or not.

13            And I didn't mean for that list to be everything  
14    on that list was going to be appropriate. That's  
15    appropriate for the person who's running that fishery to  
16    know what's an appropriate thing for them in their  
17    situation. Otherwise, you're going to have the Coast  
18    Guard riding you.

19            Do you want to have input from fisherman to  
20    enumerate some of the points in Watch Keeping, or do you  
21    want to let the Coast Guard write it? Because they're  
22    not going to put a blank page in that book.

23            MR. ALWARD: This is not a blank page. This is a  
24    section that says best practice with the individual in  
25    charge of the vessel should have a watch standing policy

1 for their vessel, and any crew member standing watch,  
2 navigational watch, should be informed and trained of  
3 said policy. It's not blank.

4 CHAIRMAN DZUGAN: Yeah, I would say, would it be  
5 helpful. That's a question that's coming up. That's  
6 the part that I thought would make it a bit stronger.  
7 Not that somebody has to do all of those things. And,  
8 again, I'm passing on fishermen's input from other past  
9 committee meetings and from that group up in Prince  
10 William Sound. So I'm just throwing it out there. You  
11 can throw it back out again.

12 MR. ALWARD: I would say if someone wanted to  
13 make an amendment to reference the i.e. is whatever, the  
14 wheel watch safety tips document, put it up but ...

15 CHAIRMAN DZUGAN: By Alaska Sea Grant.

16 MR. ALWARD: By Alaska Sea Grant has an "i.e."  
17 in there. Someone made that motion to amend. Robert's  
18 Rules. You need a motion to amend to change a motion.

19 CHAIRMAN DZUGAN: And the chair can make a  
20 motion, and I'll make it. It's just not going to say to  
21 take it out or not, that's fine. I just wanted to bring  
22 that one up.

23 I would say as part of that, that should  
24 be -- there should be a note in there that these are  
25 choices one may choose to use for your operation. So it

1 doesn't seem like it's -- especially for a lawyer, to  
2 think that this is the national standard and that you  
3 have to do all of these things. But these are some of  
4 these would be points to a particular fishery and  
5 region, something you can think about.

6 MR. ALWARD: So that was a lot of words and not  
7 actually formed in a motion at all. So do we need to go  
8 back and wordsmith?

9 CHAIRMAN DZUGAN: I would use that list as a list  
10 of possible points.

11 MR. ALWARD: So we're talking about actual  
12 language we're recommended within the Coast Guard  
13 document?

14 CHAIRMAN DZUGAN: Right. And I'm simplifying it  
15 by saying these are some suggested points in Watch  
16 Keeping.

17 MR. ALWARD: Language. You're going to get Angel  
18 to start writing it.

19 CHAIRMAN DZUGAN: We already have a reference, a  
20 document, we just add that to the document. That  
21 wording that I just said, the one sentence.

22 MR. ALWARD: Could you repeat the sentence  
23 please?

24 CHAIRMAN DZUGAN: That the following points are  
25 some Watch Keeping points that should be considered when



1       establishing your own procedures.

2               MR. ALWARD:   Best practices.

3               CHAIRMAN DZUGAN:   Best practices.   Thank you.

4               MR. CALDERON:   Want me to change that?

5               MR. ALWARD:   So right after -- could you repeat  
6       that.

7               CHAIRMAN DZUGAN:   Referencing the Sea Grant list  
8       of Watch Keeping, the list of the Sea Grant Watch  
9       Keeping -- the following list of Sea Grant Watch Keeping  
10      practices are ...

11              MR. ALWARD:   Do you want to send it back so we  
12      can get the wording right?   So I would suggest, Jerry,  
13      that we, "for example, you could reference the Sea Grant  
14      wheel watch safety tips document."

15              CHAIRMAN DZUGAN:   That's good.

16              MR. ALWARD:   Reference the wheel watch safety  
17      tips document produced by Sea Grant Alaska.

18              CHAIRMAN DZUGAN:   Thank you.

19              MR. ALWARD:   Is that the wording you were looking  
20      for?

21              CHAIRMAN DZUGAN:   Perfect.

22              MR. TURNER:   Mr. Chairman, I suggest we put this  
23      back in the subcommittee for consideration, since we're  
24      running out of time, to address this in the morning.

25              MR. WENDLAND:   And just as a point, I don't think

1     it was Watch Keeping, it was wheel watch, so there you  
2     go.

3             CHAIRMAN DZUGAN:   Yeah, Eric.

4             MR. ROSVOLD:   We did spend quite a bit of time  
5     talking about why not to have that in this.   So we  
6     should take it back tomorrow and talk about it.   But it  
7     may come back without this in it again.

8             CHAIRMAN DZUGAN:   Well, you talked about it more  
9     and that's all I'm saying.   Thank you.

10            MR. ALWARD:   So I will withdraw my motion.

11            MR. VINCENT:   Tim Vincent.   Perhaps, I'm kind of  
12     leaning on the training thing with Frank, but I don't  
13     know if training, maybe in your conversations tomorrow,  
14     like, take that on consideration, perhaps.   I'm a little  
15     bit on the fence on that.   It kind of, pardon me, the  
16     visceral part of me is just sort of like "informed,"  
17     well, that's just sort of -- that's just informed or  
18     whatever.   But I don't want to, you know, make it a big  
19     deal like, "oh, you've got to go through all of this  
20     training," and I would overcomplicate the issue.

21            MR. ALWARD:   Matt Alward.   I would recommend my  
22     committee, when we meet tomorrow, we work over this some  
23     more, that it would be informed of, and show competency  
24     in the policy.

25            MR. VINCENT:   There you go.

1           MR. ALWARD: All right. I withdrew my motion so  
2 that's not a problem.

3           So I'll move on to Task (i), 12-23, which was  
4 discuss and make recommendations requiring watch alarms  
5 on specific type of commercial fishing vessels. Our  
6 discussion was that we just well, first we watched a  
7 pretty cool video on a new watch alarm that's available  
8 out there. And then we had a discussion with a dockside  
9 examiner about continuity among regulations in different  
10 parts of the CFR 28, regarding the size of vessel that  
11 we might want to consider watch alarms be on. So I'll  
12 just make this in the form of a motion. That the full  
13 committee recommends to -- that the Coast Guard initiate  
14 a rulemaking that would require watch alarms on vessels  
15 36 feet and over that operate outside the boundary line  
16 as defined in 46 CFR Part 7.

17           And we also discussed, because there was some  
18 talk that there are some fleets that have vessels over  
19 36 feet that operate outside the boundary line that are  
20 fairly open and don't really actually have a wheelhouse  
21 that might not apply or be practical for. And we  
22 discussed the fact that there are fleet-specific and  
23 fishery-specific exemptions that are allowed to be  
24 worked through, through the districts. So that could be  
25 a vehicle for those fisheries that really didn't think

1     they should have to have watch alarms required in the  
2     regulations to be able to go through that process; i.e.,  
3     like they do in Alaska for Bristol Bay rafts, life  
4     rafts.

5             CHAIRMAN DZUGAN:   Do we have a second for that  
6     motion?   Okay.   Mike?

7             MR. THEILER:   Mike Theiler, second.

8             CHAIRMAN DZUGAN:   Second.   Discussion?   Barb?

9             MS. HEWLETT:   Barb Hewlett.   I'm not trying to  
10    be, I don't understand what exactly is the definition of  
11    a watch alarm.   Like, I didn't really do any research on  
12    that.   So what are you considering as a watch alarm real  
13    basic?

14            MR. ALWARD:   The Coast Guard, I assume if they  
15    were going to go through rulemaking would -- part of  
16    that rulemaking would be actually defining what the  
17    watch alarm is, in technical, like, those rules.   A  
18    timer that makes noise when it goes off.

19            MS. HEWLETT:   For the purpose of ...

20            MR. ALWARD:   Keeping you awake.

21            MR. VINCENT:   Yeah, Tim Vincent.   It's -- yeah,  
22    basically, the principle of it is you're underway,  
23    fatigued, tired.   The watch alarms purpose is, it is a  
24    timer.   And if you happen to fall asleep the way many of  
25    the watch alarms are rigged -- some of them are real

1     fancy, they're rigged right into the master alarm  
2     systems -- so, and it's happened to me, you know, with  
3     crew before, you know, more than once.

4             The crew falls asleep at the wheel. The boats on  
5     auto pilot, anything can happen. And then the watch  
6     alarm goes off. And it's on a timer. And it's a timer  
7     you can adjust up and down. And that's, you know, some  
8     consideration there, of course. So, you know, like how  
9     close they are and obstacles and things.

10            Okay. So, you hit the timer, and, you know, to  
11     reset it, it basically, if you're dosing off, it if you  
12     hit it --

13            MS. HEWLETT: Like a snooze alarm.

14            MR. VINCENT: Yeah. Exactly. Now, one thing, I  
15     want to -- I'm not going to make a motion right now, but  
16     one thing I'd like to add is my opinion on the use of  
17     this, and we were talking about the use of this down in  
18     our thing. It just kind of came over real quick.

19            But in my experience, in wintertime fisheries  
20     people are dog tired, they don't have much sleep, their  
21     cold. They close the door. The boat ventilation, you  
22     know, fishing boat ventilation isn't, maybe, the best in  
23     the world, and then you turn the heater on full blast.  
24     And then you're sitting there and you're getting cozy  
25     and you still have the watch alarm, right, but now, the

1 next thing, you know, your feet are kicked up. And when  
2 the watch alarm goes off and you're tired, you just hit  
3 the bottom.

4 The motion I wish to make is at a minimum, I  
5 would like to see that reset button on that alarm  
6 positioned where you at least have to get up and move  
7 around to reset it as opposed to just sitting in your  
8 chair. That allows you, at least, to get going a little  
9 bit, you know, maybe get a breath of fresh air. And so  
10 that was my thought on it.

11 MS. HEWLETT: Thank you.

12 MR. ALWARD: You could have a vessel that's 36  
13 feet and 7 feet wide that you could sit in your chair  
14 and reach, anywhere you put that thing in your  
15 wheelhouse -- I don't disagree with that as a practice.

16 MR. VINCENT: Yeah. I'm just saying as a best  
17 practice.

18 MR. ALWARD: So this is actually a recommendation  
19 to initiate a rule making. This is a big pretty big  
20 step for this committee to take. And we've had some  
21 discussion about the rulemaking process and it is a very  
22 thorough process where the Coast Guard puts a lot of  
23 thought into what goes into it, it goes through legal  
24 stuff; it goes out to the public for public comments.  
25 Just like that that would have to come back and be taken

1     into account before you go to, before rules are even  
2     propagated.

3             So we felt like there was a lot of things we  
4     could talk about here, that would fall under here, just  
5     like that. Try to define what it is; try to define if  
6     it has to be tied into a general alarm system or not.  
7     Is there a decibel, like, an actual decibel amount that  
8     it has to make?

9             We felt like all of those details would be  
10    fleshed out under the rulemaking process. So that's why  
11    our recommendation was just to initiate this rulemaking  
12    process.

13            CHAIRMAN DZUGAN: Any other discussions?

14            CAPTAIN NEELAND: Just one comment just for  
15    consideration. Oftentimes when we're talking watch  
16    alarms, the expectation is that the vessel has multiple  
17    crew members. And the intent of the watch alarm if the  
18    person on watch falls asleep, it provides notification  
19    so that those others on board the vessel are alerted and  
20    can make sure that the vessel is maintained safely.

21            There are a number of fisheries where there is a  
22    single person on board. So if it's like an alarm just  
23    to keep that person awake, you know, it's a little  
24    different twist on the watch alarm. So I don't know if  
25    that was a discussion point, but I just ...

1           MR. ALWARD: We did discuss that single-operator  
2 operations, it's probably even more critical to have a  
3 watch alarm that is loud enough to wake you up if you  
4 fall asleep. And even hook up a shocker in your chair,  
5 if you want.

6           MR. VINCENT: I know a guy who did that. True  
7 story.

8           MR. ALWARD: But, again, these are details that  
9 we felt like would be fleshed out in the rulemaking  
10 process.

11          CAPTAIN NEELAND: Understood. Thank you.

12          CHAIRMAN DZUGAN: Yes. Erik?

13          MR. ROSVOLD: Eric Rosvold. Many of our  
14 insurance pools already require us to have watch alarms.  
15 And in those pools, you are also required to have that  
16 watch alarm ring the general alarm after the first alarm  
17 is ignored. And it's often, if a guy goes down on deck,  
18 and taking a leak or something over the rail and falls  
19 overboard, then that other alarm is going to wake the  
20 rest of the crew up. Generally these things are hooked  
21 up to your general alarm.

22          CHAIRMAN DZUGAN: One comment I'd like to make on  
23 that, and this is Jerry. And I understand that we have  
24 to exist, we have to work within the existing framework  
25 of the regulations. So it's just terminology, but I've



1 always disliked the boundary line on terms of  
2 survivability, it makes absolutely no sense whatsoever.

3 In Alaska is the example I pick. It goes from  
4 headland to headland. An example is all of Cook Inlet  
5 is inside the boundary line. All of that hundreds of  
6 square miles of water. It goes out to the Bering  
7 Islands and then back in again. Due north above Kodiak,  
8 the boundary line is mean low or low-water. Basically  
9 you step into the water minus tide and you're beyond the  
10 boundary line.

11 It makes no sense. Especially when you go back  
12 to the history of why it was included in the first place  
13 which was to exclude Menhaden boats on the East Coast  
14 from having to have certain regulations they didn't  
15 want. It was an arbitrary line to favor one fishery.

16 And so, and I know that in the 2010 Act, they  
17 made a lot of changes in the boundary line. They called  
18 it the three-mile lines and that was for survivability.  
19 And I know we're not operating under those regulations  
20 right now. But I would just like for consideration,  
21 just like to bring that up. Not making any changes to  
22 the language.

23 MR. ALWARD: So we just put that in there because  
24 it's over 36 foot and operating outside of the boundary  
25 line is language in other parts of the CFR 28. So we

1     were just kind of for continuity.

2             We did discuss that the rulemaking is happening  
3     that would change this.  So, obviously, that would be  
4     part of the rulemaking process.  If somebody wanted to  
5     make a motion to just strike that part and just say all  
6     vessels 36 feet and over, that could be an amendment if  
7     somebody offers.

8             CHAIRMAN DZUGAN:  I have that on the record, so  
9     thank you.  Is there a motion to change that to the  
10    three-mile line?  I guess I'm making it since I'm  
11    talking about it.

12            MR. ALWARD:  Do you want to?

13            CHAIRMAN DZUGAN:  I'll make a motion to  
14    substitute 3-mile line, 3 miles from the baseline in  
15    place of boundary line for watch alarms.  Any seconds?

16            MR. VINCENT:  I'll second it.

17            CHAIRMAN DZUGAN:  Thank you.  Any discussion on  
18    that change?

19            MR. VINCENT:  That's just specific to this task?

20            CHAIRMAN DZUGAN:  Specific to this task.  Tom?

21            MR. DAMERON:  Can we see the change in wording on  
22    the -- on the motion to make sure that -- is this what  
23    you had in mind?

24            CHAIRMAN DZUGAN:  Just for the discussion.  Three  
25    nautical miles beyond the baseline.  Three nautical

1 miles seaward of the baseline.

2 MR. WENDLAND: Territorial sea baseline.

3 Territorial sea baseline.

4 CHAIRMAN DZUGAN: Territorial sea baseline.

5 Thank you.

6 CAPTAIN NEELAND: Mr. Chair, just for  
7 clarification. The territorial line is 12 miles  
8 offshore. So I believe your intent is the baseline  
9 which is the shoreline itself?

10 CHAIRMAN DZUGAN: The baseline, exactly.

11 CAPTAIN NEELAND: Thank you.

12 MR. MYERS: Joe Myers here. Angel, possibly drop  
13 the word "the."

14 CHAIRMAN DZUGAN: Any discussion about the  
15 change; any discussion about the motion?

16 MR. ALWARD: We need to vote on the amendment.

17 CHAIRMAN DZUGAN: Yeah. That's what I'm getting  
18 ready to do. Anymore discussion on the amendment  
19 itself? Then we'll close the discussion and all in  
20 favor of the amendment as it stands. As it stands,  
21 indicate by raising your hand. (Counting.) It's  
22 unanimous.

23 MR. ALWARD: Any opposition?

24 CHAIRMAN DZUGAN: Thanks. I had forgotten about  
25 oppositions. So trying to do all of the math.

1           MR. ALWARD: But now we have the motion as  
2 amended on the table.

3           CHAIRMAN DZUGAN: Any other discussion with the  
4 motion as amended? Does anyone want to offer the  
5 question?

6           MR. DAMERON: Tom Dameron, call for the question.

7           CHAIRMAN DZUGAN: All in favor, signify by  
8 raising your hand. Passed unanimously. Any objections?  
9 It's unanimous.

10          MR. ALWARD: Got one done. And the last task was  
11 Task 05-23 which was (b). Which was the examiner can  
12 make recommendations of what are best practices to  
13 reduce and mitigate negative consequences caused by the  
14 misalignment of state and -- state and federal  
15 regulations regarding drug loss.

16          We had a rather long robust discussion on this  
17 one. And we have no recommendations to make. Parts of  
18 our discussion were the fact that the drug placard is  
19 already currently required to be posted on the boat  
20 under the drug-free workplace act, it's already illegal  
21 to have drugs in the workplace.

22          MS. HEWLETT: The drug placard.

23          CHAIRMAN DZUGAN: Fishing vessels. That was a  
24 voluntary initiative.

25          MR. ALWARD: They always check it off when I get

1 a dockside.

2 (Some side discussion, not caught for the  
3 record.)

4 MR. VINCENT: I would agree with Barb. As an  
5 examiner, I've never personally had it on my checklist.

6 MR. ALWARD: We could strike that, but we did  
7 discuss that it is just flat out illegal to have drugs  
8 on your boat. I would not (indiscernible) or any other  
9 examiner in this room.

10 So basically the discussion is drugs are illegal  
11 "period" on any vessel, at any time. And under law, we  
12 must have a drug-free work environment.

13 MR. LA TORRE REYES: Just a point of  
14 clarification, is this Task 06-23?

15 MR. ALWARD: It's 5. As a point of  
16 clarification, I think I'm right.

17 On the issue of misalignment, we really felt like  
18 actually state and federal law was aligned because under  
19 all states and federal law it is illegal to operate  
20 under the influence of drugs or alcohol already. And  
21 the federal law prevails on the vessel, period. There  
22 is no ifs, ands, or buts, or discussions about a state  
23 law coming into play anywhere. So we didn't think that  
24 that was actually, there was misalignment.

25 We noted that in the statistics from 2002 to '22

1     there was an average of 11 incidents a year where drugs  
2     and alcohol influence could not be ruled out as a  
3     contributing factor. But that was out of 110 U.S.  
4     commercial fishing vessels, and we thought  
5     statistically, that was a pretty low statistic.

6             BUTCH HEWLETT: 110,000.

7             MR. ALWARD: 110,000 vessels, yeah. We also had  
8     discussion about that fact that there is no current  
9     testing available for being under the influence of  
10    drugs, just for the use of drugs. And the laws are  
11    about not being allowed to operate under the influence.  
12    We had a discussion about the fact that there is no  
13    database anywhere on a commercial fishing crew, let  
14    alone active commercial fishing crew, and it would be  
15    pretty much -- we couldn't see how it would be possible  
16    to have a random type drug testing program for a  
17    database that does not exist.

18            (Side discussion, not captured.)

19            Well, I've got one on my boat.

20            And then we had a thorough discussion with the  
21    Coast Guard chemical testing program manager, very  
22    helpful, as well as the specific fishing vessel owners  
23    association, and that's what I'm reading into the  
24    record.

25            CHAIRMAN DZUGAN: Any discussion on the "no

1 recommendation" from the subcommittee? Frank.

2 MR. VARGAS: Frank Vargas. We've got these  
3 posted, it's under our drug policy that we have there,  
4 so we have these on the vessel.

5 MR. ALWARD: And I would note that a lot of  
6 contract, crew contracts have it thoroughly spelled out,  
7 "no use or possession of drugs or alcohol."

8 (Side discussion, not captured.)

9 CHAIRMAN DZUGAN: Any other discussion on this?

10 MR. BOEHMER: Do we recommend we have no  
11 recommendation?

12 CHAIRMAN DZUGAN: Hearing no discussion then,  
13 we'll accept your no recommendation.

14 Thank you, David. Best of luck to you.

15 MR. TURNER: Thanks.

16 (David Turner has to depart the meeting.)

17 CHAIRMAN DZUGAN: Are we ready to move into the  
18 public comment section, so we're going to drop these  
19 tasks for today.

20 So there is opportunity in the agenda today, as  
21 there is every day, for public comment. Does anybody in  
22 the audience wish to make any public comments? We have  
23 three minutes to make any comments that you want related  
24 to fishing vessel safety. Twice, three times. I don't  
25 see anybody coming forward. So should we can move on.

1 I'm going to turn it back over to, you, Mr.  
2 Myers, Captain, Jonathan, any of you wish to make any  
3 final thoughts on this?

4 MR. WENDLAND: I'll follow you.

5 MR. MYERS: Joe Myers here. I have no comments.

6 MR. WENDLAND: I just have a, Mr. Chairman, just  
7 a couple of final thoughts, comments here. Just to let  
8 everybody know, that ice study was put up on our web  
9 page, so that's there. Again, a reminder of the sign-in  
10 sheets. I noticed there was fewer today than yesterday,  
11 and I know there's more people today than yesterday by  
12 my numbers. So a couple of people probably didn't sign  
13 up, so just a reminder of that.

14 Also, just quickly, wanted to say thanks, again,  
15 for the treats. Both to Kris Boehmer and Frank Vargas.  
16 We really appreciate it on that. And that's all I have  
17 except for just a reminder as well the meeting again  
18 will start at 0800 tomorrow for everyone. Thank you.

19 CHAIRMAN DZUGAN: Leave the last comments for the  
20 Captains.

21 CAPTAIN NEELAND: All right. Well, thank you  
22 everyone for today. Thank you for the excellent  
23 discussions. We look forward to continuing the  
24 discussions tomorrow. And with that, I hope everyone  
25 has a great evening.



1                   CHAIRMAN DZUGAN:   And unless there's any  
2   objection, we're at the end of our agenda.   So we will  
3   adjourn for today and recess, too.   Any objections.  
4   Hearing none.   See you at 8:00 in the morning.

5                   (The meeting recessed for the day at 4:25 p.m.  
6   PST.)

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1 \*\*\* DAY THREE PROCEEDINGS \*\*\*

2 September 28, 2023

3 (Meeting begins at 8:02 a.m. PST.)

4

5 MR. WENDLAND: All right. Welcome back  
6 everybody, Day 3. I hope everybody had an enjoyable  
7 evening. Some of us had more of an enjoyable evening  
8 than others, depending on which fan of the baseball side  
9 you're on. But it turned out to be a really enjoyable  
10 evening, just talking to some of you folks. I'm always  
11 learning more and more as we go through this. So thank  
12 you for that once again.

13 And I know we've said it the last couple of days,  
14 but I honestly, certainly appreciate and grateful  
15 towards Kris and Frank, again, for doing the treats and  
16 donuts, keeping us going through the mornings.

17 MR. BOEHMER: We're just setting the bar for the  
18 next meeting. Whoever takes over has to know where the  
19 starting point is.

20 MR. WENDLAND: Yes, and I did want to say a  
21 couple of things about that. So you know, we'll touch  
22 on this probably at the closing, but thoughts on that,  
23 if somebody else wants to volunteer those services. I  
24 think everybody would be appreciative of that. You  
25 certainly you don't have to, but I think it's worked at

1 well. And if that could be done, we would be  
2 appreciative of that as well. But we'll figure it out  
3 one way or another.

4 Just a couple of things to think about as well, I  
5 think some of you folks have, you know, chatted a little  
6 bit, but we talked the first day about the next meeting  
7 thoughts. So, you know, if you haven't really done too  
8 much more thinking on that, you know, during the breaks  
9 or whatever. You know, we're thinking timeframe on that  
10 just between the end of February and early April for the  
11 next meeting. So kind of in that time slot. So we  
12 would like to get those thoughts from you prior to  
13 leaving here. And so you know I can also reach out to  
14 the members that aren't here if we have those dates. So  
15 the earlier we have those dates, and understanding that,  
16 the best it is for everybody moving forward. I think we  
17 can all agree on that.

18 So, as we said yesterday, the heads are secured  
19 on this Deck, use 18 and 17. Also, as a reminder, just  
20 to, you know, secure your phones, alarms, ringers, that  
21 kind of thing. And so we'll talk about some other  
22 things at the closing of the meeting, but just want to  
23 welcome everybody again. And as we concluded yesterday,  
24 you know, with the three subcommittees, you know,  
25 working through the ten tasks that we had, I think there

1     was some good discussion there and we'll continue with  
2     that today as long as it takes to get these tasks and  
3     recommendations to the Coast Guard.

4             So just wanted to open up to the Captains and Mr.  
5     Myers. Any general thoughts this morning.

6             MR. MYERS: Good morning, everyone. Joe Myers  
7     here. No, I concur with everything Jonathan said. And  
8     it was good to see everyone working together and making  
9     progress on that large volume of tasks. And I think  
10    we've seen a lot of good ideas and we're hoping today is  
11    just as productive. So, again, look forward to today's  
12    events. That's all I have. Thanks.

13            CAPTAIN NEELAND: No, thanks, Jon. Just to echo  
14    what Mr. Myers has said, just thanks for everyone's good  
15    work yesterday. And looking forward to the discussions  
16    today and good dialogue, so thank you.

17            MR. WENDLAND: Awesome. Mr Chairman, the floor  
18    is yours.

19            CHAIRMAN DZUGAN: Okay. Thank you. Okay.  
20    That's live. Thanks again for everybody coming back and  
21    people in the audience. And this is also a time for  
22    general comments from the audience. So if there's  
23    anybody who wishes to make any comments up to three  
24    minutes, this time is yours. Okay. Seeing none. Yeah,  
25    go ahead, Mike.

1           MR. RUDOLPH: Thanks, Mr. Chairman. Mike Rudolph  
2 here. I just wanted to, I guess, bring before the  
3 committee that there is a congressman in Washington  
4 State, who just a couple of days ago issued a bill onto  
5 the House of Representatives floor about providing a tax  
6 incentive for fishermen who buy personal locator  
7 beacons.

8           So I just wanted to bring that to the attention  
9 of the committee, that our representative that's in  
10 Southwest, Washington is very big into commercial  
11 fishing safety. And her -- she's, you know, submitted  
12 this bill for to provide a financial benefit for people  
13 getting PLBs. So I just wanted to bring that to the  
14 awareness of the committee.

15          MR. THEILER: Is that -- Mike Theiler. Is that  
16 strictly for Washington State or is that a national  
17 program?

18          MR. RUDOLPH: No, it's -- I haven't seen the text  
19 of the bill, but the context in the news release was  
20 national. And, of course, it's just the introduction of  
21 the bill, so you never know where it's going to go, but,  
22 yeah.

23          MR. THEILER: Thank you.

24          CHAIRMAN DZUGAN: Thank you. Any other comments,  
25 updates? Okay. Thank you again for coming.

1           And as we have done in the past, members in  
2   attendance in the back can join the subcommittees as  
3   they wish, in terms of giving feedback. They don't join  
4   the subcommittee, per se, but you're welcome -- you're  
5   always welcome for your input which is often valuable.

6           So at this point I think we should reconvene  
7   those subcommittees that still have more work to do. I  
8   think there was a I think Matt, your just had a couple.  
9   And Stability had some. I'll start with Kris and then  
10   you Barb.

11           MR. BOEHMER: Kris Boehmer. Mr. Chairman, I'm  
12   just wondering, when -- last, if I recall yesterday we  
13   went through a few of the tasks and didn't finish them.  
14   We kind of found out where we were on those. Why don't  
15   we -- is there any reason we don't continue that to see  
16   where we are on all of these before we go back into  
17   subcommittee?

18           CHAIRMAN DZUGAN: As in the whole, with the whole  
19   committee, are you saying?

20           MR. BOEHMER: Just to see if we've got some that  
21   are wrapped up and we don't need to work on them, maybe  
22   we can get out of our subcommittee and move on to  
23   another one and help them, you know, join the discussion  
24   perhaps?

25           CHAIRMAN DZUGAN: What's the Committees' thoughts

1 on that? Any objection to that?

2 MR. THEILER: Yeah, Jerry. Mike Theiler. I  
3 think that's a good idea, because we never got through  
4 the Communication presentation. So there's no sense in  
5 us going back and reviewing ours, when maybe there is  
6 something that they could be reviewing on theirs as  
7 well.

8 MS. HEWLETT: I'll second.

9 CHAIRMAN DZUGAN: Barb.

10 MS. HEWLETT: Same thing.

11 CHAIRMAN DZUGAN: Sounds like we're in agreement  
12 then? All right. Well, we can start there then. We'll  
13 knock a few more out and then we'll break into our  
14 subcommittees. All right. Tom?

15 MR. DAMERON: Mr. Chairman, thank you. Tom  
16 Dameron. I was the scribe of the Communications  
17 Subcommittee. We had three motions prepared to bring to  
18 the full committee. The first one has to do with Task  
19 Statement 11-23.

20 Angel, might you have those for the Board?

21 Mr. Chairman, I'm not sure that this is the final  
22 one that you had sent to Angel. If you read that  
23 last --

24 MR. BOEHMER: The last one would've come from  
25 Chairman Dzugan, I think.

1 MR. CALDERON: Is this the one?

2 MR. DAMERON: Yes. Very good. Thank you. Task  
3 Statement No. 11-23. The Subcommittee recommended that  
4 the U.S. Coast Guard continue the development of a  
5 publicly accessible website as required by CG Auth Act  
6 2022, Section 11332, that contains all information  
7 related to fishing industry activities. The publicly  
8 accessible website should have a button at the bottom of  
9 each page to provide suggestions or feedback to. That  
10 button should say "improve this page." The website  
11 should be available to the full committee for  
12 suggestions on improvements for six weeks prior to the  
13 site going live. Additionally, we encourage the Coast  
14 Guard to measure the analytics and usage rates for  
15 ongoing development of the website so that it is more  
16 useful -- it is a more useful resource for fishermen.

17 CHAIRMAN DZUGAN: That's --

18 MR. ALWARD: I'll second.

19 CHAIRMAN DZUGAN: Thank you. Discussion? Tom.

20 MR. DAMERON: Mr. Chairman, I'll add a little  
21 context. So the Coast Guard has already started on this  
22 task that came through the Auth Act Section 11322.  
23 They've made quite good progress on that. Everything  
24 looks pretty good to date. It would be a pretty  
25 good -- it would be a pretty monumental task for us in



1     this setting to go through that and offer suggestions.

2             So what the Committee that would be appropriate  
3     was to let them finish getting on a website that they  
4     were happy with, and then give it to the full committee  
5     for six weeks, and then we can make tweaks as necessary  
6     with that specific button at the bottom of the page that  
7     says "make suggestions" for this page.

8             So using that button, the Coast Guard will know  
9     exactly what area we are saying make, you know, make  
10    improvements to this. They can refine that, and through  
11    that six-week process, then we can we can hopefully have  
12    a website that is ready to go to the general public.

13            CHAIRMAN DZUGAN: Any other discussion, comments,  
14    questions?

15            MR. WENDLAND: Mr. Chairman, if I may. Jonathan  
16    Wendland. So with that, Tom, with you asking the Coast  
17    Guard, if it's prior to going live, then my  
18    recommendation would be to meet as either a subcommittee  
19    or have that dialog in the committee, because that's,  
20    you know, that's a function of the task, right? So just  
21    passing it back and saying, you know, we would have to  
22    pass it back through the chair or, you know, as a way to  
23    get it back to the full committee for the work prior to  
24    going live.

25            So you're saying six weeks, right, so maybe

1     that's -- the subcommittee meets or the committee meets  
2     and you have six weeks to go through it, however long  
3     that term is, but, you know, that's something that as a  
4     body of the committee would need to be done through a  
5     task, you know, as a task, as was presented. So it's  
6     the full work of the committee, right?

7             MR. DAMERON: Mr. Chair?

8             CHAIRMAN DZUGAN: Yes.

9             MR. DAMERON: If the Committee so desires, I make  
10     the motion to add language that states before the word  
11     additionally, at the end of said six weeks the full  
12     committee is given the opportunity to review all of the  
13     suggestions to improve the website.

14            MR. BOEHMER: I just have a question, Jonathan.  
15     Kris Boehmer. Are we able to do this as an unpublished  
16     meeting in the Federal Register to kind of meet as a  
17     subcommittee to talk about it?

18            MR. WENDLAND: The Subcommittee, as long as there  
19     is work still being done with a Subcommittee, the  
20     Subcommittee can meet any time. So that's what I'm  
21     suggesting. So as the Subcommittee can meet during that  
22     time and then perhaps bring it up at the next meeting  
23     for a full approval of the Committee to go live.

24            MR. BOEHMER: And can the Subcommittee invite  
25     other people from the group that's not on the

1 Subcommittee as a part of the discussions?

2 MR. WENDLAND: The Subcommittee is open, yes,  
3 absolutely.

4 MR. ALWARD: I'll second his amendment.

5 CHAIRMAN DZUGAN: That was Matt. Any other  
6 discussion on the changes to the wording or on the  
7 motion?

8 MR. DAMERON: I have a question. So with what  
9 Mr. Wendland just said, does this need to be  
10 "Subcommittee will meet prior"?

11 MR. WENDLAND: It's how you want to do it. So, I  
12 mean, essentially it's still work of the Subcommittee or  
13 Committee, right. Because you're asking -- in this,  
14 you're asking the Committee will, right. So, however  
15 you want to do that, that works best.

16 One way to do that is for the Subcommittee to  
17 look at it and say yes or no, and bring that back up to  
18 the full Committee; or, you know, to have actually a  
19 carryover which it could, just depending on the timing  
20 of when that would go live, the timing might work out  
21 where the full Committee could look at it during that  
22 full meeting. So it's just a matter of how you want to  
23 go about it procedurally. Captain?

24 CAPTAIN NEELAND: So, Mr. Chairman, another  
25 option could be on this task is to leave it open. But

1 moving forward, allow the Subcommittee to continue to  
2 work with the Coast Guard and essentially do the same  
3 actions that you're proposing the recommendation, but  
4 not make a decision now; continue to provide feedback to  
5 the Coast Guard, and then at the next meeting do a final  
6 recommendation with whatever recommendation the  
7 committee has.

8           So I think -- in other words, leave the -- not  
9 make a recommendation at today's meeting, but  
10 continuously provide feedback, working with the Coast  
11 Guard through the Subcommittee. And then make a final  
12 determination on the website at the next meeting. So  
13 keep it ongoing recurring work between now and our next  
14 meeting.

15           CHAIRMAN DZUGAN: Tom?

16           MR. DAMERON: Mr. Chair, if I could offer an  
17 amendment that we state improvements for a minimum of  
18 six weeks prior to the site going live. I think that  
19 would cover the suggestion of Captain Neeland.

20           CHAIRMAN DZUGAN: Second on that?

21           MATT ALWARD: (Indicated.)

22           CHAIRMAN DZUGAN: Okay. Matt seconded.

23           MR. WENDLAND: And for everyone's awareness,  
24 Jonathan Wendland, for everyone's awareness that may not  
25 have been on the Committee in the past, the way it

1 operates is the subcommittees, once they are  
2 established, which they are established now, stay open  
3 until its been determined that the full business of the  
4 subcommittee has been completed.

5 So it's possible that, you know, two of the three  
6 subcommittees have finished and their tasks are  
7 complete. And so those subcommittees could be concluded  
8 with the DFO's approval. Then, you know, that last  
9 subcommittee would still continue work as the Captain  
10 stated.

11 CHAIRMAN DZUGAN: Is the mover okay with that  
12 language?

13 MR. DAMERON: Yes, I'm not sure that we have the  
14 first edit correct. It says committee will meet prior.

15 MR. CALDERON: Prior, before that, prior?

16 CHAIRMAN DZUGAN: Ongoing?

17 MR. DAMERON: Are we able to ask what that  
18 language was?

19 CHAIRMAN DZUGAN: They're waiting to make sure  
20 this language is what you meant it to be.

21 MR. DAMERON: I'd like to say exactly what -- the  
22 language that I originally stated was, if we have that?

23 CHAIRMAN DZUGAN: Jonathan?

24 MR. WENDLAND: I was going to suggest, while my  
25 computer is spinning with time here, Jerry. If you have

1     that email, again, if you could resend the original  
2     email to Angel.

3             MR. CALDERON:   (Indiscernible on playback.)

4             MR. WENDLAND:   Yeah, but Tom's asking for the  
5     original statement.

6             MR. DAMERON:   No, I'm asking for the original  
7     change that I made and I was wondering if that was  
8     recorded.

9             MR. WENDLAND:   Okay.   My fault.

10            CHAIRMAN DZUGAN:  And did you capture the  
11     original change?

12            MR. CALDERON:   Prior ...

13            CHAIRMAN DZUGAN:  Mike.

14            MR. THEILER:   Chairman, in the essence of time,  
15     if we wanted to move along, and kick this back to the  
16     committee, the other two committees already have  
17     something to change the language to as well, so that  
18     might not be a bad idea, if Tom, you know.

19            CHAIRMAN DZUGAN:  Captain?

20            CAPTAIN NEELAND:  So, if I may, an option on the  
21     table could be to leave this task statement open.  And  
22     you don't have to make a recommendation on it today, but  
23     essentially do this work as described her as part of the  
24     subcommittee work, and the Coast Guard will work with  
25     the subcommittee through it until the next meeting.

1           MR. ALWARD: So, to be clear, this recommendation  
2 is tasking the Coast Guard to do something. So you're  
3 saying without a recommendation, you will work with the  
4 Subcommittee and do the work they're asking you to do?

5           CAPTAIN NEELAND: Yes.

6           MR. ALWARD: Basically task (indiscernible). Of  
7 course, they have to understand the task they've been  
8 given and agreeing that they will do that work.

9           CHAIRMAN DZUGAN: Tom and then Mr. Myers.

10          MR. DAMERON: We have two minor amendments to  
11 this, that have both been seconded. I think we just  
12 give our reporter just a second to determine what that  
13 original language was for that first amendment if she's  
14 able.

15          CHAIRMAN DZUGAN: Mr Myers?

16          THE COURT REPORTER: That will take me off of  
17 getting live dictation is one thing. So I wonder if you  
18 and I should confer to find out which -- I did see the  
19 minimum of six weeks, but it seems like that's captured.  
20 So I'm not sure exactly which time you were talking  
21 about.

22          CHAIRMAN DZUGAN: Matt.

23          MR. ALWARD: What I'm hearing from our DFO is we  
24 don't actually need any motion and I think you might be  
25 able just to handle it from there (court reporter missed

1 live dictation and it's unclear on the recording due to  
2 conversation at the court reporter's desk) tasked with  
3 their duties, they understand what they need to do on  
4 the subcommittee. So if we make this motion and pass  
5 it, then we dispose of this task?

6 CAPTAIN NEELAND: Correct.

7 MR. ALWARD: It just goes to Mr. Myers. I  
8 suggest the maker of the motion with the motions.

9 THE COURT REPORTER: I think we found it.

10 MR. ALWARD: We don't need it.

11 THE COURT REPORTER: Okay. And I can recapture  
12 what I've missed in the little discussion here. And  
13 I'll make sure and do that.

14 CHAIRMAN DZUGAN: And it will be in the  
15 transcripts.

16 THE COURT REPORTER: Yes, it will. Thank you.

17 CHAIRMAN DZUGAN: So the second has requested  
18 that the mover withdraw the motion.

19 MR. WENDLAND: Matt, I'm not sure. In all  
20 fairness to Tom, I'm not sure he heard your explanation.  
21 So if you could just repeat it to him so he has a full  
22 understanding. Yeah.

23 MR. ALWARD: So we've been instructed by our DFO  
24 that if we make this motion -- we pass this motion then  
25 we've closed out this task. The DFO said that a much



1 better approach is to leave the task open, and basically  
2 the staff task is doing this exact same thing -- doing  
3 this, putting the button on the web page and giving the  
4 Subcommittee time to work through it.

5 And so proper action, I think, is to withdraw the  
6 motion and the amendments. And staff knows what their  
7 job is and will work with the Subcommittee.

8 MR. BOEHMER: With the understanding it will show  
9 up at our next meeting as a task. Is that correct?

10 MATT ALWARD: Yes.

11 CAPTAIN NEELAND: Yes.

12 CHAIRMAN DZUGAN: I really do think that that  
13 accomplishes what we're trying to do. And doesn't  
14 differ from the spirit of what we're doing at all. It  
15 just gives us more flexibility, if nothing else.

16 MR. DAMERON: Mr. Chair, which motion would I be  
17 withdrawing?

18 MR. ALWARD: Both of your amendments and the full  
19 motion.

20 MR. BOEHMER: Everything on 11-23.

21 CHAIRMAN DZUGAN: 11-23, in total, with  
22 amendments.

23 MS HEWLETT: Make it go away.

24 MR. DAMERON: Mr. Chair, I withdraw the motion.

25 MR. ALWARD: And the second concurs.

1           CHAIRMAN DZUGAN: The motion is withdrawn but  
2 will be worked on.

3           CAPTAIN NEELAND: Correct. Yeah. The Coast  
4 Guard will work in the spirit of the language that was  
5 proposed there, and but the task will remain open for  
6 reevaluation.

7           MR. BOEHMER: As I understand things --

8           CHAIRMAN DZUGAN: That's Kris.

9           MR. BOEHMER: If, we either pass this task and  
10 we're done with it, or we withdraw the motion, basically  
11 table it -- table the task to be able to -- I think  
12 there's some concern that we're not doing anything with  
13 this, and it's going to die.

14           Is that what you're concerned about?

15           CHAIRMAN DZUGAN: It doesn't seem to be a concern  
16 by the body language of Mr. Dameron. Mr. Myers.

17           MR. MYERS: Good morning, everyone. Joe Myers  
18 here. I just wanted to, my original thought was and  
19 still stands is that this is no different than the  
20 subcommittee meeting on this topic this week. We're  
21 just keeping it open. And, for example, what our  
22 intentions are is to incorporate that radio button for  
23 example, and as a mechanism to get your feedback until  
24 our next meeting. And just continue the process and  
25 then we're available for that open communication between

1 the Subcommittee and the Coast Guard.

2 So I think to satisfy everyone, we're not closing  
3 anything. Should that be your wish, it would remain  
4 open and we can make progressive progress to shape that  
5 website. And then at that next meeting then, should you  
6 choose so to make a recommendation to close it or make  
7 further recommendations, we can make those moves at that  
8 point.

9 CHAIRMAN DZUGAN: Mr. Dameron.

10 MR. DAMERON: Thank you, Mr. Chair. The  
11 subcommittee has motioned for Task Statement No. 10-23  
12 that reads, Recommend the U.S. Coast Guard CVC-3 use its  
13 fishing vessel safety (FVS) examiner network, fishing  
14 journals, and other Internet and printed materials to  
15 promote the U.S. Coast Guard website as a resource for  
16 commercial fishermen.

17 MR. ALWARD: Second.

18 CHAIRMAN DZUGAN: Any objections? Hearing none.  
19 It stands as stated. I heard no objections.

20 Any discussion? Mike.

21 MR. THEILER: Yeah, the one thing that actually  
22 Kris pointed out to me that I didn't actually realize is  
23 that, as the task is stated, it's a very short task, but  
24 as stated, theses are recommendations to the Coast Guard  
25 to ensure the most effective means to widely disseminate

1 critical safety information.

2 Now, there's a number of ways that could be  
3 interpreted. But if it is critical safety material,  
4 safety information, I think you would want to get it to  
5 the fleet a little quicker than the fishing journals.  
6 Although, I think that's a great idea and to great way  
7 to get it to the fleet.

8 And I don't know if that means radio  
9 communications, you know, when we have that alert that  
10 comes over on the radio and, you know, whether it's some  
11 sort of an Amber Alert on your phone, or, you know, I  
12 mean, I guess I'm looking for a little more of a  
13 definition of "critical safety information" from the  
14 Coast Guard?

15 CHAIRMAN DZUGAN: Ms. Hewlett.

16 MS. HEWLETT: Barb Hewlett. Yeah, I think I can  
17 answer that. We got a chance to look at the website and  
18 we talked about all of that. We talked about how they  
19 have an app for that or like an alert or something for  
20 your area, for your district. There are a lot of things  
21 that do go out when there's changes in your area right  
22 away, but we're not all listening to the VHF every day.

23 The neat thing about the website is you can go in  
24 and you put your email address in there and you pick  
25 your District, your Sector, your area, and whenever

1 anything changes in your area, wherever you want to  
2 know, you get an email right away.

3 So, you know, people check their emails a lot  
4 more especially with phones and how quick it is. So  
5 when you get an email notification of a change in your  
6 area, we felt right now that's probably the fastest way  
7 to get information out.

8 So you sign-up and you put your -- what you want  
9 in there. And then you'll get those email alerts for  
10 any changes in that area. So we thought that was a  
11 great idea. And that's probably the quickest way right  
12 now, without developing an app or going to the next  
13 level, which doesn't mean we might not do that in the  
14 future. But for now with this website that seems to be  
15 the quickest way.

16 MR. THEILER: Yeah, thank you for that  
17 explanation, Barb. That's great.

18 CHAIRMAN DZUGAN: Yeah. Eric.

19 MR. ROSVOLD: Eric Rosvold. And who are we going  
20 to use, the examiner network fishing journals internet  
21 printed materials. One thing that's left out is fishing  
22 associations and insurance associations that deal with  
23 fishermen. I mean, they have monthly newsletters or  
24 weekly newsletters.

25 CHAIRMAN DZUGAN: Does the mover wish to add

1     that?

2             MR. DAMERON: I'd like to see how it's stated  
3     now.

4             So, Eric, it does state other internet and  
5     printed material. If you don't think that can be  
6     included in other internet and printed material, we can  
7     add it.

8             MR. ROSVOLD: Yeah, I'm not sure that the Coast  
9     Guard looking at that would think of fishermen's  
10    associations in Seattle and Petersburg and Kodiak. That  
11    might not occur to them that that's part of the  
12    internet.

13            CHAIRMAN DZUGAN: I think it's a good addition.  
14    I have noticed a lot of communications sometimes between  
15    the Coast Guard and the fishing organization, I think  
16    the wording (indiscernible).

17            UNKNOWN MEMBER: And that would include AMSEA  
18    also.

19            CHAIRMAN DZUGAN: And NPFVOA, fisherman's  
20    partnership.

21            MR. VINCENT: Tim Vincent. Also the Bristol Bay  
22    Reserve, that would be another addition and that's  
23    roughly 1500 vessels.

24            CHAIRMAN DZUGAN: Barbara.

25            MS. HEWLETT: Barb Hewlett. Yeah, across the

1 United States, there's probably hundreds of  
2 organizations. And to start listing every single one  
3 seems a little excessive. I think the idea of our  
4 statement was with the help of the Coast Guard and the  
5 examiners, the task was the best way to get this  
6 information to the fishermen.

7 When it goes live and we all know that it's live,  
8 we can also go to all of our local organizations and get  
9 the word out. So it's not the Coast Guard,  
10 specifically, putting the word out, it's everybody  
11 getting the word out. So that's why we, kind of, left  
12 it open with the Coast Guard and their print, any other  
13 internet printed local organizations, we just get the  
14 word out as best we can.

15 CHAIRMAN DZUGAN: Matt.

16 MR. ALWARD: I move we amend the motion and add  
17 the words after network comma, fishing associations and  
18 partnerships.

19 CHAIRMAN DZUGAN: Second to that? Eric.

20 MR. ROSVOLD: I don't think there was any  
21 intention to individually list everybody. I thought the  
22 wording --

23 MATT ALWARD: Fishing associations and  
24 partnerships.

25 CHAIRMAN DZUGAN: Yeah, absolutely.

1           Any discussion, further discussion? Are we good  
2   with that.

3           MR. VINCENT: I have one thing, and I will  
4   withdraw this instantly, because I want to keep it  
5   moving along or whatever, so you feel free to shut me  
6   up. I'm a little bit of a greenhorn at this -- but one  
7   small ask, I was talking with Barb about this yesterday  
8   and I talked with you about it.

9           My other thing is that I'm a fishing -- I'm a  
10   third party, we call it a TPO, third party examiner.  
11   And one of the things, when I am a fisherman, I'm kind  
12   of always jealous of the Coast Guard examiners who  
13   examine my boat. They come onboard and they have, kind  
14   of, like, what we'll call "swag," you know. They have  
15   placards; they have the survival suits, zipper wax; they  
16   have good handouts and things like that.

17           From my perspective, I've not seen that trickle  
18   down to third-party organizations. And I just thought  
19   it would be a good idea to, like, when the Coast Guard,  
20   when you guys issue decals to the TPOs, give us, you  
21   know, like foil placards, sanitation placards, injury  
22   placards, the same stuff that your examiners are  
23   getting.

24           I think that -- it makes the examination go  
25   better, you know, faster. You know, you can make an



1 on-the-spot correction, and just everybody would win.  
2 So that's all I've got to say.

3 MR. MYERS: Joe Myers here. Yes, thanks for  
4 that. That's some good positive feedback. So I think  
5 we could work with Mr. Wendland and our examiners and  
6 coordinators to make that happen.

7 MR. VINCENT: Okay.

8 CHAIRMAN DZUGAN: And that was for discussion.  
9 You don't need to change anything up here in the words.  
10 Thank you.

11 MR. DAMERON: Mr. Chair, this is intended to be  
12 in the form of a motion. Task Statement No. 13-23,  
13 recommend --

14 MR. ALWARD: We haven't voted on the amendment  
15 that I just made for the full motion yet.

16 MR. DAMERON: Oh, we didn't. I'm sorry.

17 MR. ALWARD: Yeah.

18 MR. DAMERON: My bad.

19 CHAIRMAN DZUGAN: So any other comments on the  
20 amendment? Any objection to the amendment? Hearing no  
21 objections, we'll move onto the full motion. The  
22 original motion again, the language as amended. Any  
23 other discussion? Hearing none, all in favor, signify  
24 by raising your hand. (Counting.) That's 12. Any  
25 negative? That's 12. That's unanimous. No need to

1 worry about objections. Moving on. Thank you.

2 MR. DAMERON: Mr. Chairman, Tom Dameron. This is  
3 intended to be in the form of a motion. Task Statement  
4 No. 13-23, recommend the U.S. Coast Guard encourage the  
5 availability of FCC approved personal location beacons  
6 at reduced cost through grants or funding through such  
7 as -- funding through organizations such as the U.S.  
8 Coast Guard, NIOSH -- strike the word organizations.  
9 I'm sorry. And I'm going to start over.

10 Recommend the U.S. Coast Guard encourage the  
11 availability of FCC approved personal location beacons  
12 at reduced cost through grants or funding through such  
13 as the U.S. Coast Guard/NIOSH research and training  
14 grants; Alaska CDQ programs; Sea Grant Regions, local  
15 fishing organizations and/or other nonprofits or  
16 entities.

17 CHAIRMAN DZUGAN: Do we have a second?

18 MR. VINCENT: (Indicating.)

19 CHAIRMAN DZUGAN: Tim second. Discussion?

20 MR. MYERS: Joseph Myers. My only recommendation  
21 would be to consider spelling out acronyms so there's no  
22 confusion. In particular --

23 MR. ALWARD: I don't think we have to write it  
24 out right now. I think we understand what we're voting  
25 on without writing it all down. Don't worry about it.

1           MR. MYERS: Thank you.

2           CHAIRMAN DZUGAN: Erik?

3           MR. ROSVOLD: Eric Rosvold. Was there some  
4 discussion within the Subcommittee concerning the need  
5 for these, I mean, is there some overriding need to have  
6 this done? And the other question I had, is if these  
7 are FCC approved? It's the same paperwork trail that  
8 we're familiar with EPIRBS as going through NOAA and  
9 having the annual sticker assigned. I think that's my  
10 question.

11           So it turns into a lot of work. I wonder if that  
12 was discussed. If I've got five personal locator  
13 beacons on board, who do they belong to; who is  
14 responsible for the paperwork. Those for instances.

15           CHAIRMAN DZUGAN: I'll open it up to the  
16 Subcommittee that was there, since that's who he's  
17 directing it as. I was there for most of that. I think  
18 the basis of that was -- well, I'll speak to what I saw,  
19 this is Jerry.

20           The basis of that was the recommendations made by  
21 the Coast Guard or the NTSB on different investigations.  
22 Especially, in reference to -- and I didn't see that in  
23 this particular packet, but I'm thinking of the Ranger  
24 book, the number of people that they had onboard that  
25 larger vessel, with I forget the exact number, 38 or 48

1 people spread out on the ocean and they had to do  
2 multiple helicopter rescues on them.

3 And trying to find them in the middle of the  
4 night. I think that's what the Coast Guard saw and SAR  
5 saw as a need for how to find a large number of people  
6 in the water. They were lucky to have gotten everybody  
7 except, well, only one person died on that one, that was  
8 pretty miraculous. That's kind of the background of  
9 that.

10 I -- the second part was the paperwork. I have  
11 three EPIRBs and the PLBs. It's filling out a card and  
12 sending it in. And they notify me that you have to put  
13 a sticker on it every other year. It's not -- it  
14 doesn't seem very onerous, and that was not brought up.  
15 Nobody brought up the fact that this was some onerous  
16 paperwork.

17 So that's what I saw. Unless anybody else on the  
18 Subcommittee would like to address Mr. Rosvold?

19 MR. DAMERON: Yeah, thanks for that question,  
20 Eric. The task seemed to want to get these PLBs to  
21 individual crew members. So I think it would be the  
22 individual crew member that would be actually owning the  
23 device and responsible for that being registered to them  
24 personally, and taking care of the registration and  
25 paperwork for that.

1           MR. ROSVOLD: If I may, it doesn't make sense to  
2 me, because as a vessel owner, I'm responsible for the  
3 survival suit and the life on the survival suit. And,  
4 yet, the crew member is going to be bringing this  
5 onboard and somehow this doesn't line up well to me.  
6 And I wondered if anybody, I'm sure the computers at  
7 NOAA can handle all of this, but if you're talking about  
8 500,000 personal locator beacons, that turns into a lot  
9 of stickers going back and forth.

10           CHAIRMAN DZUGAN: First of all. Yeah, Kris.

11           MR. BOEHMER: Well, I think some of this, at  
12 least in my mind, was that it's not a required item.  
13 It's not like something that needs to be on the boat.  
14 This is something extra that, I don't think the owner  
15 has to be responsible for, anymore than a guy bringing a  
16 pocketknife on board.

17           CHAIRMAN DZUGAN: I want to say when I crewed on  
18 vessels, I brought my own emergency beacon. I didn't  
19 want the vessel's emergency. I knew what fit me and I  
20 knew the quality of the vessel. It's like packing your  
21 own parachute. Secondly, I brought my own PLB, that was  
22 back in the '90s. That was my own personal one.

23           I knew it; I maintained it. It had my number on  
24 it, if I needed a search. And in case nobody got to the  
25 vessels EPIRB, or coming up, I knew I had my own in my

1     suit. And that was an individual choice that I chose as  
2     a crew member.

3             MR. ROSVOLD: We don't have that choice when the  
4     examiner comes onboard.

5             CHAIRMAN DZUGAN: Let me remind you also, this is  
6     a voluntary thing.

7             MR. ROSVOLD: This would be?

8             CHAIRMAN DZUGAN: Yes.

9             MR. ROSVOLD: I didn't see where it said  
10    voluntary.

11            CHAIRMAN DZUGAN: Voluntary, in the fact or just  
12    making them available to people, making them accessible,  
13    that's it. It's not a requirement. That's a different  
14    discussion and that's a different motion.

15            MR. ALWARD: And we had that discussion in the  
16    last meeting ...

17            CHAIRMAN DZUGAN: Exactly. Mr. Vargas.

18            MR. VARGAS: Thanks, Jerry. Frank Vargas. The  
19    way we work ours is if somebody may bring their own,  
20    they're responsible. If we provide them, we register  
21    them. We have the PLBs. And then I have, like, on our  
22    capture boat I have "MA" for master, "MT" for mate,  
23    Chief, and then they're all lined up. And I keep, you  
24    know, make sure they're always registered.

25            CHAIRMAN DZUGAN: And that's voluntarily, as per

1 company policy.

2 MR. VARGAS: Yes, exactly. And if they bring  
3 their own, they're responsible for their own.

4 MR. WENDLAND: Frank, if I may. So when a, you  
5 know, mariners come and go, right? So when they leave  
6 your vessel, that item actually belongs to you and they  
7 turn it back into you as the management?

8 MR. VARGAS: Yes. We keep them, they're ours.

9 MR. WENDLAND: Thank you.

10 CHAIRMAN DZUGAN: Mr. Dameron.

11 MR. DAMERON: Thank you, Mr. Chair. I would like  
12 to make an amendment to strike the word "through" after  
13 "funding" and before "such."

14 MR. ALWARD: I'll second that.

15 MR. DAMERON: Thank you.

16 MR. WENDLAND: So, Jonathan, one question from  
17 the Coast Guard on this. So if beacons are provided  
18 through grants somehow to some people, to some  
19 organizations, you're asking the Coast Guard to  
20 encourage the availability of those.

21 So my interpretation of that, and so I'm asking  
22 the question is, you're asking the Coast Guard to maybe  
23 put something on our web page saying "PLBs are available  
24 at," or what do you mean by "encouraging availability"?

25 MR. ALWARD: It's pretty broad, but I read this

1 to say we're encouraging you, the Coast Guard, to reach  
2 out, because you have your own internal grants program.  
3 So you know how to communicate with that. You can reach  
4 out to NIOSH and say "we have a need." The Committee's  
5 recommended we, the Coast Guard, seek these  
6 opportunities to grant funding at reduced cost for PLBs.  
7 I read this as we're asking you to figure out how to do  
8 it.

9 MR. BOEHMER: So were enhancing the original task  
10 statement.

11 CHAIRMAN DZUGAN: Yeah, Eric.

12 MR. ROSVOLD: Eric Rosvold. In this discussion,  
13 personal locator beacons, are we talking about the ones  
14 that are simply satellite, or are we also talking about  
15 the ones that transmit an AIS signal.

16 CHAIRMAN DZUGAN: This, specifically, refers to  
17 the PLBs, however, I mentioned yesterday the AIS  
18 combination PLB.

19 MR. ROSVOLD: Correct.

20 CHAIRMAN DZUGAN: So if someone is on the action  
21 of wanting to get a PLB through this program or through  
22 any other means for themselves, or for the boat, or  
23 whatever, they have the option of buying that one that  
24 includes an AIS. That's about twice the price almost of  
25 a regular PLB. So I would think that that's going to



1     also be a factor in that decision.

2             Any other discussion about the change that we  
3     just made a small change in the wording or to the  
4     motion?  Mike, was that a comment?

5             MR. THEILER:  No, just a followup on Mr. Myer's  
6     suggestion that we get rid of the acronyms there.

7             MR. ALWARD:  Yeah, we -- Matt Alward.  I think we  
8     already directed staff when they write this out to make  
9     sure that the acronyms are written out.

10            MR. THEILER:  Perfect.

11            CHAIRMAN DZUGAN:  Once more.  Any other  
12     discussion?  Okay.  We should call for the question?

13            MR. DAMERON:  Call for the question.

14            MR. ALWARD:  It was your motion, so I'll call for  
15     the question.

16            MR. DAMERON:  Okay.

17            CHAIRMAN DZUGAN:  All in favor of this motion as  
18     stated and explained, signify by raising your hand.

19     (Counting.)  11.  All opposed, (counts) 1.  The motion  
20     passes 11 to 1.  Thank you.

21            Okay.  Any other -- I think at this point we  
22     could break back out into our Subcommittee meetings  
23     again.  Wrap up what started on.  I think it would be  
24     good to have a break at 10:15.  I think that's a good  
25     time to try to have as a of benchmark, see if you can

1 wrap up that task.

2 Is that okay with you, gentlemen? We have a  
3 break at 10:15. We'll kind of use that as a soft  
4 deadline for wrapping up that. If you need more time,  
5 we'll take it, of course. This is just as a target.

6 MR. BOEHMER: Mr. Chairman, I have a question.  
7 I'm a bit confused. Our subcommittee that dealt with  
8 Communication type things, we're done with ours, right?  
9 The motion we passed on or are we to continue to work  
10 on? Or are we going to do that next month?

11 CHAIRMAN DZUGAN: For the pass for 10-23, a pass  
12 for 13-23.

13 CAPTAIN NEELAND: If I may, I think for your  
14 Subcommittee, there's two motions that you passed, and  
15 one we agreed, at this point, to leave open. So during  
16 this period of time, I think you have a little bit of  
17 free time. If you want to contribute with the other  
18 Subcommittees' work, but at this point, unless the  
19 Subcommittee has additional work they would like to do,  
20 I think you have a little bit of freedom.

21 MR. BOEHMER: Just wanted to clarify. Thank you.

22 CHAIRMAN DZUGAN: And we can use the same rooms  
23 that were used yesterday. Thank you.

24 (The meeting recessed at 8:53 a.m. PST.)

25 (The meeting reconvened at 10:45 a.m. PST.)

1           MR. WENDLAND: All right. Welcome back,  
2   everybody. Just a quick reminder. Some folks were in  
3   the room, but we do have the sign-up sheets, again, if  
4   you haven't signed up, do so. And I understand all  
5   three subcommittees have worked through some thoughts  
6   and we are ready to move forward with those. So at this  
7   time, I'll turn it over to the chairman, Jerry.

8           CHAIRMAN DZUGAN: Yeah, just for the record,  
9   we're in the full committee again. Any other, anybody  
10  have a tasking statement that they would like to make,  
11  to bring forward, a recommendation? It can come from  
12  either one, whoever is first.

13          MR. ALWARD: All right. I'm just going to do  
14  this in a motion. So the full committee recommends that  
15  the Voluntary Safety Initiatives and Good Marine Best  
16  Practices document is updated to include a section on  
17  "Best practices for standing navigational watch." This  
18  section should include the following statement:

19           The individual in charge of the vessel should  
20  have a watchstanding policy for their vessel, and any  
21  crew member standing a navigational watch should be  
22  informed of and understand the responsibility stated in  
23  the policy. The policy may contain items such as: The  
24  word "may."

25           Be familiar with the use and operations of the

1 vessel's engine and gear controls.

2 Be familiar with the use and operation of the  
3 vessel's electronic navigation system (ENS).

4 Be familiar with the use and operation of the  
5 vessel's radar, depth sounder, autopilot, and automatic  
6 identification system, (AIS). Further, understand the  
7 use and operation of automatic radar plotting aid,  
8 (ARPA), and the use and operation of AIS both with radar  
9 and electronic navigation system (ENS), and know how to  
10 determine closest point of approach.

11 Be familiar with the vessel's Rules of the Road  
12 handbook and understand how they apply to watch standing  
13 on the vessel.

14 Be familiar with the use and operation of the  
15 vessel's VHF radios, and will understand the need to  
16 monitor Channels 16, a common traffic and distress  
17 frequency, and Channel 13, a common vessel to vessel  
18 frequency.

19 Be familiar with the use and operation of the  
20 Vessel's Watch Alarm, and ensure it is set for an  
21 appropriate period, generally ten minutes after dusk and  
22 15 minutes after daylight hours.

23 Be familiar with the use of the vessel's  
24 navigation lighting and will ensure the proper outlook  
25 is had.

1           Be familiar with the use and operation of  
2   vessel's fishing lights and know their appropriate  
3   usage.

4           If the crew member is unsure of their  
5   observations, they should immediately notify the  
6   individual in charge.

7           Is there a second?

8           MR. BOEHMER: I second.

9           MR. ALWARD: After a quick discussion, we took  
10   the advice we received from the full committee and this  
11   is what we came back with. Knowing that Jerry was going  
12   to make us make bulleted points as examples.

13          CHAIRMAN DZUGAN: Your welcome. Discussion?

14          MR. THEILER: I would just like to point out the  
15   fact that this list of bullet points came, actually came  
16   right off of Eric's standing orders on his boat. I was  
17   really impressed with how thorough it was. And, again,  
18   it's only a "may" include, but that's a pretty detailed  
19   description of the responsibilities that would be  
20   involved. And so I just wanted to point out that that  
21   you know, like I said, that it's something that Eric  
22   obviously uses and practices. And I think it's a great  
23   example. Very impressive.

24          CHAIRMAN DZUGAN: Thank you for your  
25   contribution. Any other discussion? Seeing no other

1     comments or discussion; does anybody want to call the  
2     question?

3             MR. TURNER:   Call for the question.

4             CHAIRMAN DZUGAN:   And on the motion, that's been  
5     first and seconded.   Okay, David.   All in favor of the  
6     motion as written raise your hand.   (Count)   That's 12.  
7     That's everybody here.   It's unanimous.   Thank you very  
8     much for your work on that.

9             MR. ALWARD:   And so I have another motion.

10            The full committee recommends that the U.S. Coast  
11   Guard change the name of the Voluntary Safety  
12   Initiatives and Good Marine Practices document to  
13   "commercial fishing vessel best safety practices."   I  
14   don't think I need to speak to this anymore.

15            CHAIRMAN DZUGAN:   And the second was Barb  
16   Hewlett.   Any discussion, comments?   Seeing none.   Call  
17   for the question.   All in favor, raise your hand.  
18   That's 12.   That's unanimous, again.   So, again, there  
19   are no dissenters.

20            MR. ALWARD:   That's all we have from our  
21   Subcommittee.

22            CHAIRMAN DZUGAN:   Thank you for your work.

23            David, I think your subcommittee is next?

24            MR. TURNER:   So we took the advisement of the  
25   committee and went back and rewrote recommendations to

1 the Coast Guard. The second part is unchanged. The  
2 first one now reads:

3 With regards to vessels under 79 feet which  
4 currently have no stability guidance, the committee  
5 recommends the USCG investigate how other agencies,  
6 (i.e., maritime and Coast Guard agency, Transport  
7 Canada, International Maritime Organization, et cetera),  
8 are assisting operators in assessing their vessels.  
9 Voluntary standards supported by education are believed  
10 to be the optimal approach to improving the safety of  
11 this category of vessels.

12 For instance, the MCA has published Marine  
13 Guidance Note MGN 526(F) Stability Guidance for Fishing  
14 Vessels and promotes training to the public organization  
15 Seafish. The committee is not promoting the guidance  
16 published by the MCA, only providing it as an example.

17 So that's the motion.

18 MR. ALWARD: So that was the motion?

19 MR. TURNER: That was the motion.

20 MR. ALWARD: I'll second.

21 CHAIRMAN DZUGAN: Any discussion? Seeing no  
22 discussion. Do you want to call for the question? I'm  
23 sorry David, go ahead.

24 MR. TURNER: Because the two were grouped  
25 together, we should read the second bullet point. It

1     hasn't changed.

2             CHAIRMAN DZUGAN:   Sure.   Let's read it.

3             MR. TURNER:   The committee recommends that the  
4     U.S. Coast Guard provides formalized training to its FV  
5     examiners on the topic of compliance with vessel  
6     stability regulations specific to the USCG district and  
7     fleets with the district, (i.e. vessel service.)

8             MR. BOEHMER:   Is that part of the same motion?

9             MR. TURNER:   That is part of the same motion.

10            CHAIRMAN DZUGAN:   And we discussed that  
11     yesterday.   So that second bullet point has been  
12     discussed but not voted on.

13            MR. TURNER:   Correct.

14            CHAIRMAN DZUGAN:   Barb?

15            MS. HEWLETT:   Barb Hewlett.   It just caught my  
16     eye this time.   Training on fishing vessel examiners on  
17     the topic of "compliance."   There is no compliance as a  
18     rule, compliance to anything in terms of stability, it's  
19     more about just the training and how to make the  
20     recommendations.   But the word "compliance" means  
21     towards their (indiscernible).   If I'm wrong, I'm wrong.

22            MR. TURNER:   That was not the intent.   So if we  
23     need to wordsmith that ...

24            CHAIRMAN DZUGAN:   Tom?

25            MR. DAMERON:   Mr. Chairman, Tom Dameron.   It



1     seems to me like bullet point 1 and bullet point 2 are  
2     separate and distinct?

3             MR. TURNER:   Correct.

4             MR. DAMERON:   And deals with compliance of vessel  
5     stability regulations, so that doesn't necessarily have  
6     anything to do with under 79 feet?

7             MR. TURNER:   Correct.

8             MR. DAMERON:   Thank you.

9             MR. TURNER:   We could strike the words  
10    "compliance with," from the second bullet point, if that  
11    would eliminate concern.

12            MS. HEWLETT:   Well, that would be up to you.   I  
13    just didn't know if it had to do with the first bullet  
14    point.   Training and learning, not complying, on the  
15    topic of vessel stability.

16            MR. VINCENT:   As one of the Subcommittee members,  
17    I'm okay with that, with striking those two words there.

18            MR. ALWARD:    Is that a motion to amend then?

19            MR. VINCENT:   Yeah.   Motion to amend.

20            MR. BOEHMER:   It could just be familiar with,  
21    right?

22            MR. HEWLETT:   Yeah.   On the topics of vessel  
23    stability.   And regulation, just examiners on the topic  
24    of vessel stability "period."

25            MR. ALWARD:    Is that your motion or just striking

1     those two words?

2             MR. TURNER:   Yes, that's my motion.

3             MR. VINCENT:   Angel, can be we do that; can we  
4     just see what that looks like real quick?

5             MS. HEWLETT:   Maybe removing the word  
6     "regulation."

7             MR. ALWARD:    That was not his motion so that  
8     would be a separate amended motion.

9             MS. HEWLETT:   Oh, I'm sorry.

10            CHAIRMAN DZUGAN:  Tom.

11            MR. DAMERON:   Mr. Chair, Tom Dameron.  The few  
12   minutes that I sat in your subcommittee, it seemed like  
13   that you wanted the examiners to be able to understand  
14   the regulations and know that the vessel master was able  
15   to comply with their stability guidance.

16            Was that not the original intent of this part of  
17   the motion?

18            MR. VINCENT:   I would say so.  You know, I can't  
19   speak for the Coast Guard, you know, on their, other  
20   than my sense of the situation was that they would  
21   definitely like to see some more training to their  
22   personnel on the topic of stability.  And I strongly  
23   agree with that.

24            So I'm just looking at this and, you know, you  
25   have to cover the smaller vessels as well.  So therefore

1     probably anything that slants towards more of a  
2     regulatory aspect, you know, could be omitted. As I'm  
3     looking at this, I see the word regulations, and maybe  
4     that should possibly be omitted, too. I'm not sure what  
5     that would look like.

6             CHAIRMAN DZUGAN: Mr. Myers?

7             MR. MYERS: Thank you, Mr. Chair. I just want to  
8     make a recommendation for consideration. Perhaps after  
9     vessel stability regulation, maybe insert vessel  
10    stability regulations or relevant guidance. That  
11    broadens options that way.

12            CHAIRMAN DZUGAN: That okay with the first and  
13    second? Okay.

14            Is there any objection from anybody with the  
15    wording as it has been just changed? If there's no  
16    objection to that wording, is there any more discussion?  
17    Any other discussion? I'm going to call for the  
18    question again.

19            All in favor of the motion currently listed,  
20    raise your hand. 12, and that's 12 for and that's  
21    unanimous. Yeah, okay. We're going to move on.

22            Thank you for your work on that.

23            MR. TURNER: In response to Task 09-23, I move  
24    that the committee recommends that in addition to crew  
25    safety orientation requirements as prescribed by 46 CFR

1 28.270 for vessels operating beyond the boundary lines,  
2 as best practices additional safety orientation topics  
3 should be discussed between captains, owners, and crews.  
4 This is to include topics such as procedures for icing,  
5 fatigue management, heavy weather avoidance/safe  
6 harbors, if applicable, and watchstanding orders as they  
7 relate to the management or risk.

8 The Committee recommends the USCG promote this as  
9 a part of their best practice through their website and  
10 other publications.

11 CHAIRMAN DZUGAN: Is there a motion?

12 MR. ALWARD: I'll second it.

13 CHAIRMAN DZUGAN: David made the motion.  
14 Discussion? Tom?

15 MR. DAMERON: Thank you, Mr. Chairman. So just  
16 to be clear, this is not the change in 46 CR 28.270, but  
17 an additional to the best practice document?

18 MR. TURNER: Correct.

19 MR. DAMERON: Thank you.

20 CHAIRMAN DZUGAN: Any other questions or  
21 discussion about this motion? Captain.

22 CAPTAIN NEELAND: Just one question for  
23 clarification. The way I read it, it really talks about  
24 safety orientation and learning about potential hazards,  
25 not necessarily conducting a risk assessment or

1 identifying risk factors, conduct a risk assessment.

2 Is that the intent, just so I understand.

3 MR. VINCENT: Tim Vincent. I think, Kris gave us  
4 help. And thank you very much, on this. We had a tough  
5 time, you know, getting our head around this. And we  
6 kind of came to the consensus opinion that you have  
7 safety orientation vests, that's, you know, like a  
8 requirement for beyond the boundary lines. And so that  
9 kind of got us brainstorming on this a bit.

10 And it's kind of like, you have safety  
11 orientation. Basically you bring your crewman on board  
12 and you are telling him about, if everything else fails,  
13 this is your survival suit. This is where we muster.  
14 These are the life rafts, the EPIRBs, you know,  
15 basically, your big 8 things.

16 And then we decided it would be a good idea to  
17 have another discussion, you know, between either  
18 owners, or normally captains and crews would be the  
19 normal thing. The stuff in the safety orientation, is  
20 this is your last ditch stuff. This is if all else  
21 fails. Now, we're going to have discussion about  
22 risk-management, because we don't want to get to that  
23 part in the first place.

24 So that was the spirit of this, I guess, you  
25 could say. It was like, okay, how would -- what are we

1 going to do to make sure we don't get into these  
2 situations, which I think speaks to the task.

3 MR. BOEHMER: If I could just add to that. My  
4 thought was that a lot of times, let's say you have a  
5 seven-man crew, you bring in another guy on the boat.  
6 He's fished for over 30 years, but he hasn't fished on  
7 that boat. So you just have to bring him up to speed.  
8 There are things that are going to happen on this boat  
9 that are specific to this boat, to this voyage. So  
10 that's what I thought that's what we talked about that  
11 that task was sort of addressing.

12 CHAIRMAN DZUGAN: That was Kris speaking.

13 MR. BOEHMER: Oh, I'm sorry. Kris Boehman.

14 CHAIRMAN DZUGAN: Any other comments?  
15 Discussion? Captain.

16 CAPTAIN NEELAND: Yes. Thank you. I understand  
17 and I like the concept of talking about risk factors  
18 when to take a look when you're going to -- underway a  
19 voyage. Did you consider making a recommendation to  
20 actually practice or implement risk management prior to  
21 actually -- so flipping the talk about the factors, and  
22 understanding the risks. It's another thing to  
23 recommend formally taking a look at the risks prior to  
24 getting underway. And I just wanted to understand if  
25 the Committee, or the Subcommittee thought about that.

1           MR. VINCENT: I believe we did. You know,  
2 perhaps, not on a very, very, deep level. But, yes,  
3 certainly.

4           CAPTAIN NEELAND: Okay. Again, my question is  
5 just intent, do you take the next step of not only  
6 identifying risks, but did you want to go a step further  
7 and actually recommend evaluating the risk prior to the  
8 voyage or something along those lines?

9           CHAIRMAN DZUGAN: If I could say, Kris, if you  
10 don't mind, to me, as a bystander on the law, that's  
11 what it seemed like they were both interconnected; it's  
12 hard to separate them.

13          CAPTAIN NEELAND: Okay.

14          MR. BOEHMER: Yeah, I mean, some of these risks,  
15 icing, stability, you just have to be aware of them.  
16 They are there regardless. So I think the idea was  
17 making sure that the crew understood what the risk was  
18 so that they wouldn't be caught off guard. And that was  
19 what I thought the object of this task was.

20          CAPTAIN NEELAND: I'm thinking, just from the  
21 Coast Guard, typically when we conduct a risk  
22 assessment, it's a "go/no go," and you add in all of the  
23 risk factors, and make a decision after you evaluate it.  
24 I'm not saying that's something you have to do, but I  
25 was just trying to understand your recommendation in the

1     how the context of the Coast Guard typically applies  
2     risk assessment. Thank you.

3             CHAIRMAN DZUGAN: Is there any other discussion?  
4     Mike?

5             MR. THEILER: Just briefly, Cap. So you're  
6     talking about the formal, written risk assessment or  
7     just, a -- obviously, you know, we're trying to keep it  
8     as broad as possible. Is that what you're looking for  
9     or are you referring to what the Coast Guard would do?

10            CAPTAIN NEELAND: Typically, the Coast Guard,  
11     before we undergo an operation, we will conduct a risk  
12     assessment and take a look at the factors, right;  
13     weather condition, fatigue, those type of things. And  
14     then just evaluate and discuss it as a group before they  
15     go out and conduct the mission.

16            The thought processes is, you've at least talked  
17     and identified what your potential risk factors are and  
18     made sure you have a plan. I'm not saying you need to  
19     do that, I just wanted to understand the Committee's  
20     recommendation and intent. I'm not saying you have to  
21     formally do that, but, I think identifying those  
22     factors, and talking about those factors are a huge  
23     step. I just didn't know if you wanted to go a step  
24     further. That was the point of my question.

25            CHAIRMAN DZUGAN: I think the operative word



1     there is discussed.

2             CAPTAIN NEELAND:   Yeah, okay.   I just wanted to  
3     get your clarification, that's all.

4             CHAIRMAN DZUGAN:   Any other discussion you wish  
5     to share with the Committee?   Call for the question  
6     then.   All in favor of this motion as worded, signify by  
7     raising your hand.   12, that's unanimous.   Passes.  
8     Anything else, any other recommendations?   Matt?

9             MR. ALWARD:   Just to be clear.   So if we had a  
10    topic, that we -- the recommendation was no  
11    recommendation, does that close that topic, or do we  
12    need to do something formal to close that topic  
13    process-wise?

14            CAPTAIN NEELAND:   So until we have something  
15    formally back from the committee, that topic will remain  
16    open.   So I think you referring to the, I forget the  
17    substance topic.   The --

18            MR. ALWARD:   05-23.

19            CAPTAIN NEELAND:   Thank you.   On that one, if you  
20    have no recommendation, then that's the -- the Committee  
21    would like to, say at this point, if the Committee has a  
22    recommendation, then we should provide that as to close  
23    that topic.

24            MR. ALWARD:   So I move that the Committee has no  
25    recommendation on Task Statement 05-23, and we close

1     that task.

2             MR. TURNER:   Second.

3             CHAIRMAN DZUGAN:   Who was the second?   Dave.

4     Thank you.   Any discussion?   Tom?

5             MR. DAMERON:   No discussion.   I had to remember  
6     what 05-23 was.

7             CHAIRMAN DZUGAN:   After thought.   Any discussion  
8     by anybody else or questions about the motion?

9             MR. WENDLAND:   Just one comment, Jerry.   Jonathan  
10    Wendland.   I saw the list of people, real briefly, as it  
11    went up that were involved in the subcommittees and  
12    whatnot.   And I just want to reiterate, I think I saw my  
13    name on there, just as -- it should just be on there  
14    just as a roving guidance person.

15            And all of the U.S. Coast Guard folks in the room  
16    were just, you know, advised you, give, you know, not to  
17    influence, but just to give advice, you know -- not  
18    advice, I shouldn't say advice -- but to give  
19    documentation and support to the groups.

20            CHAIRMAN DZUGAN:   The record shall show that.

21            MR. WENDLAND:   Thank you.

22            MR. ALWARD:   I saw your thumb.

23            CHAIRMAN DZUGAN:   Any other discussions or  
24    questions or clarifications?   A show of hands again for  
25    those that are for this motion, raise your hand.   I'm

1 counting 12 hands here. How did we get 13? So that's  
2 been closed. Task Statement. Thank you. Any other  
3 hanging chats regarding the task statements?

4 Okay. Well, thank you to all the subcommittees  
5 for all of that hard work and for those people who  
6 helped out unofficially in the past meetings with their  
7 advice. Good job, good work this week.

8 MR. ALWARD: For their information, not advice.  
9 Matt Alward.

10 CHAIRMAN DZUGAN: Anything the Coast Guard would  
11 like to state before we move on in the schedule?  
12 Thoughts? We have a reconvene. We've got lunch coming  
13 up, actually in about 15 minutes.

14 MR. ALWARD: Maybe we can power through lunch.

15 CHAIRMAN DZUGAN: Any opposition to that? We can  
16 power through lunch, we can dispense with the  
17 formalities again and move on to the next thing if the  
18 Committee so desires. Barb?

19 MS. HEWLETT: Barb Hewlett. Yeah, was there  
20 going to be some discussion about what we wanted  
21 possibly on the agenda for the next meeting?

22 CHAIRMAN DZUGAN: What we would also like to do  
23 is a debrief on what worked and what didn't work.  
24 Suggestions for next time as we did last time. Again,  
25 we really appreciate that you took us up on some of

1     those suggestions. The printer, so thanks for that.  
2     And try to bring this guy along over here too. He's  
3     been really helpful. And all of you have been very  
4     helpful. Omar, thank you very much for your help during  
5     this. And the members who came from afar in the  
6     examiner section, thank you.

7             So shall we begin with topics for the next  
8     meeting? Who would like to speak? Is it time to get  
9     them on the record and give the Coast Guard time to see  
10    what they can and can't to be prepared? Yeah, Barb.

11            MS. HEWLETT: It may not necessarily be a topic,  
12    but just like a recommendation for the Coast Guard for  
13    the next one.

14            THE COURT REPORTER: I don't think it's on right  
15    now.

16            MS. HEWLETT: Can you hear me?

17            THE COURT REPORTER: No.

18            MR. HEWLETT: Now it's on.

19            MS. HEWLETT: Recommendation for the next meeting  
20    wherever we decide to have it, that someone in an  
21    official capacity explain to the Committee and some of  
22    the members that come and the public about Rescue 21,  
23    about how the single side bans are working or possibly  
24    not working. There was some discussion that people  
25    don't use it because they don't think anybody is

1 listening.

2 And also the future of communications that are  
3 coming out such as Sky V, things like that where the  
4 legality of having that on the vessel at this time for  
5 your communication versus the satellite phone or other  
6 things. Just to, kind of, put clarification from an  
7 official person to explain it to everybody.

8 CHAIRMAN DZUGAN: Captain?

9 CAPTAIN NEELAND: Thank you. That's a great  
10 topic. We can reach out and as we do our presentations  
11 of the district that's something we can definitely  
12 incorporate in and try to update you.

13 CHAIRMAN DZUGAN: Jerry, since Rescue 21 and  
14 single side band, et cetera were on this agenda as a  
15 topic, can we get a clarification from the Coast Guard  
16 on something, on single side band.

17 There was a notice put out about a year ago by  
18 the Coast Guard saying that single side band coverage is  
19 no longer guarded by the Coast Guard. They were no  
20 longer, they are no longer guarded, in other words,  
21 they're not listening to it, except in around the area  
22 of Kodiak, and I think, Guam, and maybe Hawaii.

23 And I think the rationale for that was that they  
24 hadn't had a call on Single Side Band in years in these  
25 other areas, or in the more remote areas, they

1 occasionally, but they would rarely get a call.

2 So can you speak to, so can you verify that for  
3 us? Are you familiar with this announcement that they  
4 made about a year ago?

5 UNKNOWN MEMBER: 2022.

6 CHAIRMAN DZUGAN: What's that? No -- that had  
7 been made before when they switched over to 2025, but  
8 this said that they are not guarding single side bend  
9 period.

10 CAPTAIN NEELAND: So I am aware of the  
11 announcement. And that was the office of the commercial  
12 vessel compliance and we don't have any experts here  
13 that were part of that. So what I would propose is at  
14 the next meeting, when we do a presentation, we have an  
15 expert in the room that could provide some additional  
16 background that I have don't have at my fingertips today.

17 CHAIRMAN DZUGAN: Just for the record, I wanted  
18 to note that this is an announcement on that from the  
19 Coast Guard. So beware. Because if you're using that  
20 for an emergency, it may not be guarded by somebody at  
21 the Coast Guard. Thank you. February 7, 2022?

22 UNKNOWN MEMBER: '23.

23 CHAIRMAN DZUGAN: Oh, '23. So it was this year.

24 Anything -- since we've opened up the, we're  
25 talking about additions for the agenda potentially in

1 the future; any other ideas on that? Tom.

2 MR. DAMERON: Thank you, Mr. Chairman. Just as a  
3 reminder to the Committee, as part of are bylaws in  
4 Article V, Section 2, agenda, prior to each meeting a  
5 call for agenda items will be sent to the committee  
6 chairman. The chairman will communicate the call for  
7 agenda items to the committee members and request their  
8 input.

9 The committee input will be communicated through  
10 the chairman to the DFO. The DFO will consider  
11 committee input and will approve the decided on  
12 committee meeting agenda. So there is time before the  
13 meeting where we can add items to the agenda.

14 CHAIRMAN DZUGAN: How much time would the Coast  
15 Guard like for that to be? How much time would you like  
16 before the meeting to be able for you to be able to  
17 facilitate that and decide if it would be two months  
18 before the meeting or three months? I think we did this  
19 last time.

20 MR. MYERS: Joe Myers speaking. I think if we  
21 had the luxury of having it two and a half months ahead,  
22 that would be ideal. Three months, even better. But  
23 what that does is it allows us to circulate and consider  
24 the task, and which sometimes may involve different  
25 offices. And then it allows us to prepare for a notice,

1 public announcement on the Federal Register. And all of  
2 these things take time. So I would say two and a half  
3 would be great. Thanks.

4 CHAIRMAN DZUGAN: It might be wise for us to put  
5 this on our calendars just to remind us.

6 MR. MYERS: Yes, sir.

7 CHAIRMAN DZUGAN: Matt?

8 MR. ALWARD: I would recommend or request that we  
9 have a task that is to look at the frequency of life  
10 raft repacking and make recommendations to the Secretary  
11 of Homeland Security.

12 CHAIRMAN DZUGAN: That's an annual favorite.

13 MR. ALWARD: I'm going to keep putting it on the  
14 agenda until they put it on the agenda.

15 CAPTAIN NEELAND: Noted.

16 MR. VINCENT: Tim Vincent here. Just as an aside  
17 to that. Kyra, I believe, I found out that there is a  
18 five-month grace period with the packing of the raft.  
19 And it kind of got -- because I know where you're going.  
20 It would be great have two years on the raft because  
21 it's a brutal expense for these guys. And it kind of  
22 got me to --

23 MATT ALWARD: Because flares and everything else  
24 is a 2-year.

25 MR. VINCENT: Yeah. It just got me to thinking



1     that, you know, maybe if you went to a year and a half,  
2     then with the grace period, you're almost at that two  
3     years and that would be a way, you know, to consider to  
4     get it over the goal line, so to speak. So just a  
5     thought.

6             MR. ALWARD: I'm just trying to get it on the  
7     agenda so we can have this conversation.

8             CHAIRMAN DZUGAN: Yeah, Scott and I know Mike had  
9     a comment too. Scott, you were first.

10            MR. WILWERT: Yeah. Thanks, Scott Wilwert. I  
11     just want to clarify what I think I heard Tim say and  
12     the five-month grace period. That's not a compliance  
13     grace period, that's a "you just won't get terminated  
14     period."

15            TIM VINCENT: Okay. All right.

16            MR. WILWERT: So if we're doing a dockside, we're  
17     not going to say to someone "oh, it just went out last  
18     month." You're still okay for four more months. That's  
19     an "on the water" if it's within five months, it won't  
20     end your day.

21            MR. VINCENT: Okay.

22            MR. WILWERT: So I didn't know if that was --  
23     okay. Thanks.

24            MR. VINCENT: Yeah, Tim Vincent. Understood.  
25     And for the record I'm not, you know, advocating to use

1 your grace period, so to speak. I'm looking for, you  
2 know, ways to -- because as a fisherman, it is, you  
3 know, it's a hard time fishing right now. And we need  
4 to look at ways, you know, to mitigate that. So that's  
5 all I'm trying to achieve here.

6 CHAIRMAN DZUGAN: Well, his AK numbers on his  
7 boat are publicly accessible.

8 Mike, does that satisfy what you were going to  
9 say? Okay.

10 CAPTAIN NEELAND: I was just going to add one  
11 comment. If we do add that to the agenda, what I would  
12 plan on doing is bringing the office of engineering and  
13 design standards 4 which does all of the life raft  
14 approvals and have them doing presentation in  
15 conjunction with this assignment or task to provide  
16 additional information.

17 CHAIRMAN DZUGAN: That would be great.

18 MR. ALWARD: And make them available to the  
19 subcommittee working on the agenda item.

20 CHAIRMAN DZUGAN: Tom and then Mike next.

21 MR. DAMERON: Yeah, thank you, Mr. Chairman. One  
22 problem with that is under 28.140, which emergency  
23 equipment on a commercial fishing vessel has to be  
24 maintained per manufacturer's guidance. So the Coast  
25 Guard could say whatever they want, and the

1 manufacturer's guidance, if it's one year, it's one  
2 year.

3 CHAIRMAN DZUGAN: And there's a liability issue  
4 there for the company and the owner. Mike?

5 MR. THEILER: Yeah, Mike Theiler. On the topic  
6 of agenda items for next meeting. I'm in the Northeast,  
7 as you guys are well aware. We actually have wind farms  
8 that are under construction at this time. And there's  
9 been an awful lot of confusion of everything from search  
10 and rescue opportunities within the wind farms, to the  
11 spacing of the actual pylons, locations, and citing.  
12 Regulations on fishing vessels that are working for wind  
13 farm developers or support vessels.

14 And anything that the Coast Guard would deem, you  
15 know, a topic that would be applicable to this group, I  
16 think that, you know, if you don't have wind farms in  
17 your area under our current administration, you will  
18 have them at some point. I think they just announced  
19 the Gulf of Mexico, and I think there are some off of  
20 the West Coast here that are already being used out.

21 So, you know, I think it's definitely something,  
22 there's opportunities for this group to address the  
23 practical, and that might be something that would be on  
24 agenda for next meeting.

25 CHAIRMAN DZUGAN: Matt?

1           MR. ALWARD: Matt Alward. So I would expect  
2 maybe as part of that topic, if you put it on the  
3 agenda, to have a report from the Coast Guard on what  
4 work you're doing to mitigate hazards and just assess  
5 your readiness to actually perform rescues on the  
6 turbines. And also, like, lightening on turbines.  
7 Records of complaints from fishermen out there, they're  
8 hard to see in the middle of the night. People have  
9 been running into them, I guess, as well.

10           MR. VINCENT: As well as (indiscernible) systems.

11           CHAIRMAN DZUGAN: Any other topics? Okay. Yeah,  
12 Frank.

13           MR. VARGAS: Frank Vargas. I would still like to  
14 see some documentation for ways help to fatigue.

15           CAPTAIN NEELAND: A point of clarification. By  
16 fatigue, you're talking mariner fatigue?

17           MR. VARGAS: Yes.

18           MR. VINCENT: Tim Vincent. I completely agree  
19 with Frank. I just about said the same thing.

20           CHAIRMAN DZUGAN: And I think, in particular,  
21 what we're talking about is sleep deprivation. Knowing  
22 that the nature of fishing is fatigue by a certain  
23 nature, but sleep deprivation. And it would be really  
24 interesting to have some expertise on that. Some people  
25 that study that kind of thing.

1           Anything else is terms of additional topics  
2   before we move on to what worked or didn't work at this  
3   meeting?

4           Yeah, and then we'll talk about, open it up for  
5   ideas on dates and locations for February and March,  
6   calling it a late winter/early spring meeting. Does  
7   anybody have ideas for that? Operative word, a swimming  
8   pool in the background.

9           MR. ALWARD: Key West in March.

10          MR. VARGAS: Second.

11          MS. HEWLETT: And then even though he's not here,  
12   (indiscernible).

13          MR. VINCENT: How far is Miami? Would that be a  
14   viable location.

15          MS. HEWLETT: Yeah, I mean, if Key West doesn't  
16   work because of, you know, our venue. You know Miami.  
17   For us, it's an hour and a half drive. Its easier  
18   access, and a lot of pools and beaches, restaurants.

19          MR. HEWLETT: Yeah, we don't have any problem  
20   getting meetings.

21          MR. THEILER: Is there any fleet down there in  
22   Miami or is it mostly Coast Guard?

23          MR. HEWLETT: There's a small fleet in Miami.  
24   That's a lot of bigger fleet in Key West and in the Keys  
25   than in Miami. There are a few commercial fishing boats

1 in Miami.

2 CHAIRMAN DZUGAN: And I assume, Barb, that that's  
3 a good time for the fishermen to be around to attend the  
4 meeting?

5 MS. HEWLETT: Yes, March is a very good time for  
6 the commercial fishermen down in that area. They're  
7 finishing up their lobster season; they may still be  
8 crabbing, but that time of year is very easy to take a  
9 day or two off to come to meetings.

10 CHAIRMAN DZUGAN: Kris?

11 MR. BOEHMER: Yeah, just to remind, the  
12 International Seafood Show in Boston is the 10th to the  
13 12th of March. So it looks to me like the second -- or  
14 the third and fourth week March -- or the first week of  
15 April, 3rd or fourth weeks of March and the first week  
16 of April look like good dates from my area as well.

17 There's shows before that in New England that  
18 people may be going to. The Mass Lobster Association  
19 show and the Maine Fisherman's Show before that period.

20 CHAIRMAN DZUGAN: Barb?

21 MS. HEWLETT: So also in March, in Marathon is  
22 the Organized Fishermen of Florida Official Seafood  
23 Festival, and thousands of people come to that. All of  
24 the fishermen all have booths. And we all cook for two  
25 days and drink a little bit. But March is like usually

1 the second weekend. So it would be Saturday, Sunday. I  
2 think this year might be 11 or 12, 12, 13 without  
3 looking at my calendar.

4 So, you know, if anybody wanted to be in that  
5 area and extend your trip, it's a good opportunity to  
6 come to our Seafood Festival.

7 CHAIRMAN DZUGAN: How is housing available with  
8 the festival going on, is it going to be hard to get a  
9 location and housing?

10 MS. HEWLETT: I think if the dates are set early  
11 enough, we shouldn't have a problem finding a venue  
12 early. I know, yeah, with some local hotels, it might  
13 be a little tough to get a room here and there. But I  
14 think you know, if we have a venue with that it  
15 shouldn't be a problem.

16 CHAIRMAN DZUGAN: Did you have something you  
17 wanted to say?

18 MR. ALWARD: I'm just going with Kris to the  
19 seafood show. I'll probably do that myself. So I would  
20 recommend March 19th to the 21st. And then if you want  
21 to come early, you could come down for the Festival.

22 CHAIRMAN DZUGAN: Any other suggestions or places  
23 or venues or local knowledge.

24 MR. THEILER: Yeah, I got it throw at least one  
25 other out there just so there's three options, but

1 someone had mentioned Puerto Rico before and I'm not  
2 sure if that's appropriate to, you know, it's kind of in  
3 the country or kind of not depending on, but that was a  
4 pretty good venue.

5 MS. HEWLETT: Yeah, Angel could be our crew  
6 guide. That was a really good restaurant you hooked us  
7 up with last time. Thank you.

8 MR. CALDERON: My pleasure.

9 CHAIRMAN DZUGAN: One more chance for ideas on  
10 locations, times?

11 Let's move on to feedback for the meeting, what  
12 went well, what didn't, what changes we would like make  
13 a request to the Coast Guard or request that they don't  
14 do?

15 MR. WENDLAND: Just, if I could, Jerry, just one  
16 comment, Jonathan Wendland. In regard to fatigue with  
17 the mariners, whatnot. There is some information out on  
18 and out on D-13's web page already on mariner fatigue.  
19 So I just called it up on my computer. So it might be  
20 worth looking at. But we certainly can look into that  
21 further obviously, but there is some information out on  
22 that, so we've got that up on D-13's web page.

23 And I'm scheduled to be in Miami the second week  
24 in November, so that might be a good opportunity to do a  
25 recon, at same time down into the Keys, to see if that



1 venue could work. And if not for me, we also have a  
2 coordinator and people down there. So we can try to  
3 coordinate that just to see if that facility or  
4 whatever, we could set that up with people. That might  
5 be an opportune time and probably just enough time to  
6 get that started.

7 CHAIRMAN DZUGAN: Great. And I missed that Barb,  
8 how long of a drive is it from Miami to Marathon for  
9 example?

10 MS. HEWLETT: It's about two hours, an hour and a  
11 half to two depending on traffic to get down to the  
12 Marathon areas. So Key West would be about another  
13 southwest.

14 CHAIRMAN DZUGAN: Two or three hours then. Mike?

15 MR. THEILER: Jerry, I just wanted to commend the  
16 staff here for things that worked out well because I  
17 thought that having the resources available through the  
18 safety examiners, and, you know, we did have Mr.  
19 Mannion, I guess, for an expert speaker. I thought that  
20 thing, that worked really well, being able to have an  
21 examiner here, that I could speak to, get some  
22 information, not only from yourself but also your staff.  
23 That was very helpful.

24 CHAIRMAN DZUGAN: I think from the whole  
25 Committee, we appreciate your work. It was really

1 interesting having the gentleman talk about the drug  
2 situation and the status of that now. So it's just  
3 information that was really interesting information as  
4 far as background. It's always in the background of  
5 what's going on in every industry. In everyplace you  
6 walk around in every city, and that was interesting.

7 So thank you all. Kris?

8 MR. BOEHMER: I think it was you, but somebody  
9 brought up that we should be thinking about something to  
10 do for Richard Hiscock.

11 CHAIRMAN DZUGAN: Yes.

12 MR. BOEHMER: And I haven't forgotten that about  
13 that yet. And my thought was maybe is it possible that  
14 we could, as a Committee think of an award for somebody  
15 who promotes safe practice or does something in the  
16 industry that relates to our Committee in his name and  
17 something that the Coast Guard supports or something  
18 like that, or is that something you can't do?

19 CAPTAIN NEELAND: Can you restate exactly what  
20 you want to do in his name? I'm sorry --

21 MR. BOEHMER: Well, I'm not sure exactly, but the  
22 thought was like, maybe an award for somebody that  
23 developed -- came up with an idea to make our industry  
24 safer. Like this years award goes to Jerry Dzugan, for  
25 training, you know, these guys in vessel stability, or

1 something along that line, that would be the "Richard  
2 Hiscock Award" for safety within the fishermen's crew,  
3 just a very rough thought.

4 CAPTAIN NEELAND: Yeah, that's definitely  
5 something we can look into. I think there's a couple of  
6 different ways we could go about it. So it might be  
7 worth having some dialogue later and looking at some  
8 different options.

9 It could be, like, potentially like an industry  
10 award where we recommend folks from the industry.  
11 There's a couple of other different ways we could go  
12 about it. But I think it's definitely within the realm  
13 of possibility. And we could take a look at how  
14 to -- what that -- how to best promulgate it and how it  
15 would be most effective.

16 CHAIRMAN DZUGAN: Thanks for keeping that going  
17 Kris, our minds. Yeah, Matt?

18 MR. ALWARD: Kind of along those same lines, I  
19 don't know if it would be possible for the Committee to  
20 kind of have their safety heroes or a Hall of Fame type  
21 thing that we can induct people into.

22 CHAIRMAN DZUGAN: I was just going to say the  
23 same thing. And there's nothing that prevents the  
24 Committee itself from doing that. It has been done  
25 before. But it gives us, also, what we get out of that

1 is we get more of a -- it identifies us as a group for  
2 one thing, outside of periodic meetings. And it's  
3 something that we can do and we don't have to ask  
4 anybody for. And we don't have to jump through any  
5 regulatory hurdles or anything else.

6 And I'm not suggesting that we're relieving you  
7 of looking into that. You know, because, obviously, the  
8 larger the organization, the more prestige it has, and  
9 better obviously that looks. But I think we can look at  
10 doing that. I often think about those people who have  
11 been those knowns or unknowns behind the scenes that  
12 have pushed the marble up the hill a little bit.

13 A couple other people I can think of them, too,  
14 Norm (indiscernible) being one of them who was on the  
15 initial committee and who got the 1988 Act made into a  
16 regulation three years later. So that was a big push.  
17 There's others, but we don't have to go through that  
18 list right now currently.

19 CAPTAIN NEELAND: That's true. You know, another  
20 option you can also do is potentially add that as a task  
21 to the next meeting, is take a look at how best to  
22 recognize some sort of -- I mean, the Coast Guard can  
23 look internally, but also the committee, if you want to,  
24 that could be something you could add, the committee  
25 propose some different, some brainstorming some of that

1 as well.

2 CHAIRMAN DZUGAN: We could talk about that with  
3 communications.

4 CAPTAIN NEELAND: Absolutely.

5 CHAIRMAN DZUGAN: And we can act faster.

6 CAPTAIN NEELAND: Sure.

7 CHAIRMAN DZUGAN: Thanks for that, so that it is.

8 Yeah, so if you get an idea for that and you want  
9 to be a champion of that or move it along just, you  
10 know, let's communicate by email or by phone.

11 Anything else about how we could thank or  
12 recommend that the Coast Guard do things differently?  
13 Well, let me start with something easier. What worked  
14 this time?

15 MR. VINCENT: Tim Vincent. I, actually, you know  
16 we were broke up in groups and we were down below. I  
17 actually found that quite nice to tell you the truth.  
18 You know, there wasn't a great level of distraction. We  
19 were able to concentrate pretty good and you know, there  
20 wasn't any kind of noise, no noise in the background or  
21 anything like that. Now, I don't know if we can do  
22 that, you know. Ideally it would be a little bit  
23 closer, you know, so you can move around, but if we're  
24 going to go into subcommittee, I found that a positive  
25 experience.

1           CHAIRMAN DZUGAN: I think even between this room  
2 and the alcove back there also worked out, right?

3           MR. ALWARD: As long as people turned their mics  
4 off.

5           CHAIRMAN DZUGAN: Yeah. Kris.

6           MR. BOEHMER: Kris Boehmer. I would suggest on  
7 these tasks that we get, I think when you write them  
8 down, the person writing them has a really good idea of  
9 what the intent is. But maybe like a little summary at  
10 the end of the intent of the task so that we don't get  
11 too bogged down in the language and can follow it and  
12 get to a clearer objective that way.

13          CHAIRMAN DZUGAN: Matt?

14          MR. ALWARD: I really like that suggestion, but I  
15 don't think that would need to be a part of the Federal  
16 Register. I would think you would just want to have the  
17 task listed in the Federal Register. But as a packet, I  
18 think, like, with the statistics -- I know there was an  
19 unfortunate incident -- but it would be nice if we could  
20 have had, like, that data sent out to committee  
21 beforehand for homework, to be more efficient in our  
22 meeting.

23                Anything like that, but I think that's a great  
24 suggestion as to the rationale behind why the Coast  
25 Guard has made that task statement.

1           CHAIRMAN DZUGAN:   Tom?

2           MR. DAMERON:   Mr. Chairman, Tom Dameron.   Yeah,  
3   following up on that, I think if we did have a packet  
4   that would go out to the full committee so that we  
5   didn't have to go through the Federal Register and find  
6   everything there, that would be -- that would be  
7   helpful.   I know that there was committee members that  
8   totally missed items because they just weren't found in  
9   the Federal Register.

10          MR. WENDLAND:   Just one comment on that.  
11   Jonathan Wendland.   Yeah, if it's feasible, I don't  
12   think there's any issues with that, right.   As we get  
13   into some technical things, the size of these packets  
14   maybe the next time could be even bigger, if I  
15   understood.   Yeah, so these PDF files can get fairly  
16   large.

17          So if we can do it, understood.   And you know we  
18   do you put that information out in the docket as  
19   required, you know, for the public as well.

20          CHAIRMAN DZUGAN:   Matt?

21          MR. ALWARD:   And on that, I'll note that at the  
22   last meeting, we kind of had this same conversation, and  
23   we had asked you guys to look into it if it's possible  
24   to have anything like a Google Doc, a place where you  
25   could just put all of the information, you know, Spring

1 meeting '23. And then we can just get emailed the link  
2 to that spot. I know you have issues with internal fire  
3 walls and whatnot, but we did actually task you guys at  
4 the last meeting of being able to do something. But a  
5 lot of big information that we could just have access  
6 to.

7 MR. WENDLAND: Understood. And we did that. So  
8 that's why in the first day -- and not for everything,  
9 of course, like the data that you're talking about, but  
10 the Task Statements, the Agenda, you know, all of that  
11 was up on the web page. So all of that information  
12 we're trying to upload onto our web page so you have  
13 access to that.

14 And, of course, I think I've sent out the links  
15 to that web page and went through it again this time  
16 around. So everybody should have that information.  
17 Right.

18 CHAIRMAN DZUGAN: I would just like to -- let me  
19 get this word right, commend the Coast Guard -- not  
20 condemn -- commend for actually doing a much better job  
21 on that than in the past advisory committees. Where the  
22 night before we got, as we walked into the hotel, we got  
23 a stack of papers like this. I think you've been making  
24 real great steps in that direction.

25 So we all really appreciate you giving us the



1 information like that. So I think that's much better.

2 Thank you. Mike?

3 MR. THEILER: Just one other thing, understanding  
4 it's more of just a thing of understanding the  
5 challenges, physical challenges, and stuff. I thought  
6 this was a great meeting room and such. But, again.  
7 I'm only -- I'm kind of a greenhorn at this, and I  
8 thought that the last meeting, having the conference  
9 center, you know, people stayed at the same place as the  
10 conference center, allowed for a little more interaction  
11 after-hours, discussions outside of maybe off the  
12 record, and allowed for a little more opportunity to  
13 really fully vet some of these things out, you know,  
14 outside of the subcommittee.

15 So if we, you know, if there's an opportunity at  
16 the next meeting to hold the meetings at the same place  
17 as the location of the hotel, I would suggest that that  
18 might be a good move.

19 MR. WENDLAND: Jonathan Wendland. Understood.  
20 And it all goes into the matrix, right. So as you can  
21 imagine, and as you remember, I think the per-diem hotel  
22 was like \$99 or \$100 in Norfolk. Here, it's \$240,  
23 right. So we looked, because of the higher cost and the  
24 cost we have to stay under, you know, we looked for a  
25 facility, which this is a GSA facility that has no cost,

1 right. So we were able to secure this room as a  
2 no-cost, that, you know, to fit into that matrix. It's  
3 not always easy to do.

4 And so high-rent district areas sometimes, and  
5 oftentimes, don't have those types of government or GSA  
6 facilities. So it all does go into the matrix, and we  
7 look at that every time. So that's why I was suggesting  
8 like even Key West or Miami or something like that, we  
9 have to kind of check that out and see how that works in  
10 the budget.

11 UNKNOWN MEMBER: How does the Astros fit into  
12 your matrix?

13 JONATHAN WENDLAND: Two World Series rings  
14 consecutively.

15 CHAIRMAN DZUGAN: Kris?

16 MR. BOEHMER: You guys will probably get to it,  
17 but usually, as I recall, either Angel or you, Jonathan,  
18 comes and tells us how to prepare our expenses for you  
19 guys. Are we going to go through that because I always  
20 need help?

21 MR. WENDLAND: Yes. I think we'll -- I don't  
22 know how the Chairman wants to do this. I kind heard  
23 we're just kind of hanging out ideas here, what worked  
24 well, what didn't work well. And I didn't know if we  
25 were going to go around the room and have everybody have

1 a chance. But when it came to me, I was, you know,  
2 going to do the download on the debrief.

3 CHAIRMAN DZUGAN: Can we just start go around the  
4 room and just get some individual comments then,  
5 starting with you Mike?

6 MR. THEILER: I've already commented enough on  
7 what I thought worked and didn't work.

8 CHAIRMAN DZUGAN: Kris?

9 MR. BOEHMER: I know I've spoken up a lot, but  
10 thank you guys, Angel, Jonathan, Scott, you guys have  
11 really made this work and I really appreciate it. I  
12 know we end up complaining a lot, but it's only because  
13 we respect what you guys do. So thank you very much.

14 MR. VARGAS: Frank Vargas. Yeah, no, I thank  
15 everybody and I'm still learning. It's only been my  
16 second meeting. It was great.

17 MS. HEWLETT: Yeah, Barb Hewlett. Yeah, thank  
18 you, everybody for putting this together, the Coast  
19 Guard, and Angel and Jon for all of the work that you do  
20 for the travel and everything. And, you know, I think  
21 it was a great meeting. We got a lot out of it. Found  
22 some work to do and a little bit of homework, but it was  
23 a great meeting altogether.

24 CHAIRMAN DZUGAN: Yeah, same. Coast Guard.

25 MR. MYERS: Yeah, Joe Myers here. Yeah, I

1 thought this was a really productive meeting. I think  
2 we, kind of, advanced even beyond the last meeting in  
3 that we were, we saw a lot of good interaction, gelling  
4 with subgroups. You had some challenging tasks. And I  
5 don't think we all -- all of those tasks in one bucket  
6 looked pretty daunting. But I think you smartly were  
7 able to team up into subgroups and tackle them in a  
8 short amount of time. Which, again, was kind of amazing  
9 when you think of -- I think on the surface some of the  
10 tasks looked basic and straightforward, and then we  
11 found out as you peel back that onion, like we say, it  
12 gets more complex.

13           And so I think the hand you were dealt, very  
14 successful. And we do value your input and I think, for  
15 example, we had a couple existing initiatives and  
16 programs being the website and that good practice guide,  
17 and I think sometimes they tend to flat line over the  
18 years. And I think you resurrected some real good  
19 ideas.

20           Especially, with the good practice guide -- well,  
21 and the website, and so I think we're able to run with a  
22 lot of things and push that marble up the hill as the  
23 Chair put it. And we can keep chipping away and making  
24 this a more safer environment for the fishermen. So I  
25 look forward to the next session in the spring.

1           I do want to thank the Office of INV for their  
2 presentations and contributions. I don't think anyone  
3 has any idea the amount of background work that went  
4 into preparing these marine casualty cases. And I thank  
5 Omar for that. And we also thank Patrick Mannion for  
6 his presentation.

7           So, again, and, again, I don't want to lose sight  
8 of Jonathan and Angel. They do a tremendous amount of  
9 work for you. And so we appreciate your support as a  
10 team member, that's what it is. And, this is what  
11 happened when you let me talk.

12           One more thing. Thanks to the District  
13 Coordinators and Examiners for being here. I think  
14 there was a lot of value. They had amazing  
15 presentations that allowed us to understand their world.  
16 And then they were really beneficial in the breakouts.  
17 I saw folks tapping into their knowledge. And, again,  
18 that's a lot of value that hopefully adds to the toolbox  
19 so you can make a decision or a recommendation.

20           So again, thanks again and I look forward to the  
21 next page. Appreciate it.

22           CAPTAIN BEACH: Yeah, I pretty much echo  
23 everything that was just said. Thank you for your  
24 input, your collaboration, and your commitment to this  
25 Committee. And that does, not only to you all, but to

1 the Coast Guard that help keep this committee  
2 functioning and moving smoothly during the week.

3 I do look forward to reconvening this meeting  
4 whether that's in Key West or somewhere else and working  
5 towards continuing to have a safer and more prosperous  
6 industry.

7 CAPTAIN NEELAND: Thank you, everyone. I just  
8 wanted to thank you all for the good dialogue today, the  
9 last couple of days going through the tasks and the  
10 recommendations. Also thank you all for the  
11 constructive feedback as we work to try to make these  
12 better.

13 One of the things on the CVC, the Coast Guard,  
14 we're always trying to make things better. So that  
15 feedback is valued as we try to incorporate it and try  
16 to always make improvements.

17 I can't thank enough, again, just echoing the  
18 staff that put a lot of time and effort that you don't  
19 see in the background -- that work in the background  
20 that's not always valuable -- or, visible. I'm sorry.  
21 It's invaluable, not always visible. But, yeah, a  
22 tremendous amount of work, and I appreciate the support  
23 from INV, again, and the other officers, and the  
24 examiners.

25 So we'll reach out again on the agenda for the

1 next meeting so that we can review and get everything  
2 published in the Federal Register in time for our next  
3 meeting. So with that, thank you, and I will pass it to  
4 Jerry.

5 CHAIRMAN DZUGAN: I'm going to pass it along to  
6 you, Matt, go ahead. You were anxiously wanting to say  
7 something.

8 MR. ALWARD: I think everything's been said now  
9 for the record. I just want to thank the staff, like  
10 you said, we did have -- it looked kind of like some  
11 daunting task and with all of the help and guidance from  
12 you guys. And thank you to our expert audience who gave  
13 a lot of help in the subcommittee work. And we were  
14 able to get it done with all of that team effort.

15 CHAIRMAN DZUGAN: Angel.

16 ANGEL CALDERON: Yes, sir. Angel Calderon. Well  
17 guys, thank you for being here, number one. Excellent  
18 location. So one things that you guys need to do for  
19 consideration for the future is like picking the place,  
20 with all of this facility, because the government paid  
21 for it. We are never going to get a nice printer, an  
22 excellent presentation, breakout rooms and the  
23 facilities. It cost a lot of money. Excellent.

24 Other than that, travel claims. Please, I don't  
25 know if you guys are going to be working on Monday or

1 not, but anyway send me an email at least by Wednesday  
2 with your hotel receipt, okay. I need the hotel  
3 receipt, Uber, Lyft, taxi, whatever, and any account  
4 expense that you think you have the right, just put it  
5 there. I will let you know. Bar vouchers, no, Kris.

6 So I'll see you guys again at the next meeting.  
7 Please keep open communication. Once you pass it to me  
8 no matter if I am not working Monday or the week, who  
9 knows, I will process everything in the system. Now  
10 something to take into consideration. If we are not  
11 working, we government, on the shutdown, the information  
12 is in the computer, but there is no human on the other  
13 side hitting the go button, okay. We're going to keep  
14 you in the loop on how to process them out. Okay.  
15 Thank you.

16 MR. TURNER: Yeah, I second most of what's been  
17 said here. Appreciate the opportunity and especially  
18 appreciate the public's contribution in the breakout  
19 sessions. I think that added a lot to the discussion.

20 MR. ROSVOLD: Eric Rosvold. Thank you and thanks  
21 to Frank and Kris for the treats. It was appreciated  
22 this time.

23 MR. HEWLETT: Butch Hewlett. I think everything  
24 went really well. And hopefully everything goes good  
25 again. I do like the idea of having the motel and the



1 meeting room and everything in one place. I think that  
2 goes very well and thanks for all of the help out there.

3 And, Scott, by the way, a skiff would be a nice  
4 asset here.

5 MR. WILWERT: Well, if you hold this meeting when  
6 I'm in Costa Rica this spring ...

7 MR. LONDRIE: Greg Londrie. Yes, I would like to  
8 thank the staff as well for getting on. And I do repeat  
9 the -- it's not always possible to get the meeting with  
10 the hotel, it was a different vibe last meeting. But  
11 even more so, I thought was, thank you, Jonathan, for  
12 keeping an eye on dates and actually getting the second  
13 meeting in.

14 And this is the first time since I've been on the  
15 panel that we actually had two in the same year, and I  
16 thought that was great continuity between meetings in  
17 such a short time. But not the constant rotation of new  
18 people on and off, when I first started. It was, you  
19 know, a third of the room was always someone different.

20 So I thought between those two factors of  
21 actually getting the second meeting, we appreciate you  
22 getting that done for us. So I thought the continuity  
23 was really good.

24 MR. VINCENT: Tim Vincent. This is the first  
25 meeting, you know, that I've met all of you in this

1 room, and this has been a delight. It really has. I've  
2 really enjoyed, you know, this process. And, you know,  
3 I'm 66. Some people do crossword puzzles. I'll take  
4 this any day of the week. Down there tearing your hair  
5 out, you know, and trying to figure things out, but  
6 we're doing stuff that really matters. And you know  
7 saving lines and that's the really important work.

8 And I'd so much like to thank all of you  
9 examiners and all of the people in the public. That was  
10 really, really helpful in our room when we were battling  
11 it out down there. And I very, very, much look forward  
12 to the next meeting.

13 MR. WENDLAND: Thank you, Tim. And thanks  
14 everybody. Just a couple of things. I was having some  
15 conversation, so I apologize if I didn't pick up on the  
16 dates first. I understand there was three meeting  
17 venues thrown out; one was Key West, one was Miami, and  
18 one was Puerto Rico; is that correct or did I miss one?

19 MR. BOEHMER: Boston.

20 MR. WENDLAND: Boston. Okay. Sorry about that.

21 And also, were there any dates officially you  
22 guys, that you worked in there, I heard some type of  
23 weeks but I didn't hear, like, any consensus on any  
24 dates just so I can work with that as I move forward.

25 MR. ALWARD: I had suggested.

1           CHAIRMAN DZUGAN: March 19th to the 21st was  
2 suggested. We didn't hear any objections to that.

3           MR. BOEHMER: Yeah, I think the three weeks from  
4 the 19th to the 21st, and the two weeks that follow that  
5 all seem to be possible.

6           MR. WENDLAND: Right. I heard possibilities. I  
7 just wanted to make sure that was all good still, right?  
8 No objections?

9           MR. THEILER: Once we get into April, just on a  
10 personal basis, March is much better than April. And  
11 May is completely out. April is still possible, but  
12 March would be ...

13          UNKNOWN MEMBER: March would work for me as well.

14          MR. LONDRIE: If you're talking about Boston and  
15 the seafood show it would be the week prior to, I think.

16          MR. THEILER: I said it's tough to have time and  
17 so expensive to get in.

18          MR. WENDLAND: Okay. Understood. Yeah, I just  
19 wanted to make sure I got it right on that. So I can't  
20 appreciate that.

21          Also just take a look at that MSIB that went out,  
22 I just read that real quickly and it describes HF. So  
23 there's also MF associated with it. So I've got to see  
24 if that's a technical detail on that and we'll get back  
25 to you on that. But the MSIB specifically talks about

1 HF and VHF, so we should also watch that. So we'll have  
2 to look at that a little closer.

3 In regard to the facilities here, I meant to say  
4 this on the first day, and I just want to be remiss on  
5 this. I want to, on the public record, just want to  
6 thank the GSA. They went way out of the way for us this  
7 time around. We knocked down a couple of doors, so to  
8 speak.

9 And I want to thank the Judge's staff that  
10 enabled this to happen. Because some of you may or may  
11 not know this room has been closed for meetings since  
12 COVID. So we really were the first group that was able  
13 to open up this facility. And it really helped us out  
14 to get this meeting. And I just wanted to recognize a  
15 couple of people involved with that in the GSA. Bill  
16 Keene and Taylor Stevens.

17 And also the tech person we had running the first  
18 day was Tony Duck, and his representatives as well.  
19 They did an amazing job. They informed us. They got us  
20 here the first day to set up, all of that kind of stuff.  
21 So thank you to all of those folks. The Coast Guard  
22 really, really appreciates those efforts.

23 In regard to travel, you heard from Angel. He's  
24 done an excellent job. And I want to thank him.  
25 Because with all of the other stuff going on and taking

1     that off some of our plates, he's done an amazing job of  
2     that. And to reiterate what he says, get your receipts  
3     into him as soon as possible. The requirement is three  
4     days, you know, within the travel.

5             And once you get a response, and who knows how  
6     long this is going to be, once those, your travel claims  
7     are approved, please send your vouchers back into me as  
8     soon as possible, as soon as you got those.

9             MR. CALDERON: I got them.

10            MR. WENDLAND: Okay. So within that, then we  
11     have to do the budget, so I need to get those vouchers.  
12     And was goes with the folks out in the audience, too,  
13     the Coast Guard staff, once -- or the Coast Guard reps,  
14     once you're approved, send your vouchers into me as soon  
15     as possible. Thank you.

16            Did we have any thoughts on treats and coffee at  
17     the next facility; do we have any volunteers for that?  
18     Because I know that that was awesome and it worked out  
19     really well. I didn't know of anybody wanted to think  
20     about that or make suggestions. Barb?

21            MS. HEWLETT: I just volunteered Butch. I mean,  
22     if it's in Florida. I mean, if it's in Florida. It  
23     doesn't matter, but I mean we can take on the coffee in  
24     the next meeting. My fish house will pay for it.

25            MR. WENDLAND: You said coffee and treats or

1 coffee and lobsters, what was that?

2 MS. HEWLETT: Yes.

3 MR. WENDLAND: All right. That's very generous.  
4 Thank you on behalf of the Committee, if you're taking  
5 on both of those or if you want to split it up for  
6 treats or something, I don't know. Awesome. Thank you.

7 MR. HEWLETT: Her fish house is paying, so I'm  
8 fine.

9 MS. HEWLETT: I'm just going to have to pay you  
10 less for your lobsters.

11 MR. HEWLETT: That's not going to work.

12 CHAIRMAN DZUGAN: You guys have a few months to  
13 work this out.

14 MR. WENDLAND: Yeah, and so just in closing, when  
15 we put this together, you know, we thought these  
16 taskings, there's a lot here. So every member here  
17 needs to be commended for working through these. And,  
18 Jerry, for setting it up the way you did. Three  
19 different parts; having the peoples best associated to  
20 get through the tasks; make the recommendations to the  
21 Coast Guard. You folks did a fantastic job. We weren't  
22 sure if that was going to be feasible within the  
23 timeframe that we put out there. We got some great  
24 recommendations. And so, to all of you folks, thank you  
25 very much on the Coast Guard's behalf. Thanks.

1           And that's all I have, except to say safe travels  
2   on the way back. Jerry.

3           CHAIRMAN DZUGAN: Yeah, thank you. I have the  
4   last word, I guess, before we adjourn. This is a big  
5   thing having regular meetings. I just want to  
6   reemphasize that. It was so hard and difficult to again  
7   move that proverbial marble anywhere when we had long  
8   passages of time between. So thank you so much for  
9   putting your shoulders to the wheel on that one.

10          And I know it's a lot of work on your part to set  
11   each of these up. That must consume a huge amount of  
12   time in your small office. So appreciation, I think,  
13   from all of us I'm sure on that. Makes us feel badly I  
14   guess you could put it that way.

15          And appreciate also just as importantly is  
16   getting, I'm not going to put it on the scale, but  
17   getting us the paperwork ahead of time, we mentioned,  
18   the read-aheads are really important as well.

19          I just really wanted to end it by saying thank  
20   you all for helping with the Committee and your work on  
21   the committee. Members of the public who have a stake  
22   in this as well. This is your jobs. And living, you  
23   know, I moved from Chicago, for crying out loud, to a  
24   little community of 8,000 people. And one of the things  
25   that I learned right away was the most important thing

1     that I had missed living in a big city was the value of  
2     relationships. And the relationships that we build here  
3     between ourselves, between the Coast Guard, members of  
4     the public, are, to me, the most important thing.

5             I learned living in Sitka, for example, that your  
6     enemy today is who you need tomorrow. And I appreciate  
7     the level of work because we're passionate people at the  
8     same time. We're passionate about our beliefs and our  
9     industry and what we do. But we can also remember that  
10    we're going to need each other tomorrow.

11            And I think the fact that we can sit together  
12    afterwards and during lunch and we can have a normal  
13    conversation about something, or maybe just get  
14    something off our chest because we're pretty p.o.'d  
15    about it. You know, and we can do that, and it feels  
16    like we're free to do that. And that's really  
17    important.

18            So I hope we can maintain that comradery in that  
19    way, knowing that we're going to have our fights, but  
20    also knowing that we're in this together and we're all  
21    trying to achieve the same thing in our own different  
22    ways. So thank you so much for the ability to do that.

23            And I want you to stick around once we adjourn  
24    the meeting, just for a few moments, to help us cleanup  
25    and things like that. But unless I hear any objections



1 to adjourn at 12:03.

2 MR. ALWARD: Motion to adjourn.

3 CHAIRMAN DZUGAN: Any objections? Hearing no  
4 objections, we're going to call this a wrap.

5 MATT ALWARD: Thank you, Jerry.

6 (Applause.)

7 (Meeting adjourned at 12:05 p.m. PST.)

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C E R T I F I C A T E

STATE OF WASHINGTON )  
 )  
COUNTY OF SPOKANE )

        This is to certify that I, Tamara Nassar, Certified Court Reporter in and for the State of Washington, residing in Spokane Valley, reported the within and foregoing Board meeting; said meeting being taken before me on the date herein set forth; that pursuant to RCW 5.28.010; that said meeting was taken by me in shorthand and thereafter under my supervision transcribed, and that same is a full, true, and correct record of the meeting of said members and all participants.

        I further certify that I am not a relative or employee or attorney or counsel of any of the members or attendees, nor am I financially interested in the outcome of the cause.

        IN WITNESS WHEREOF I have set my hand this 13th day of October, 2023.

*Tamara Nassar*  
s/Tamara Nassar  
TAMARA NASSAR  
CCR NO. 22006692, CVR NO. 8036

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