

UNITED STATES COAST GUARD

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**39th
COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE**

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PUBLIC MEETING

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FRIDAY,
NOVEMBER 16, 2018

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The Committee met at the United States Federal Center South, 4735 East Marginal Way South, Seattle, Washington, at 8:00 a.m., Chairman Erling "Jake" Jacobsen presiding.

PRESENT:

ERLING "JAKE" JACOBSEN, Chair
KRISTIAN BOEHMER, Member
KAREN CONRAD, Member
THOMAS DAMERON, Member
EDWARD DENNEHY, Member
JOSEPH DERIE, Member
GLENN HEWLETT, Member
HAL HOCKEMA, Member
MICHAEL KAMPNICH, Member
GREG LONDRIE, Member
ERIC ROSVOLD, Member

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STAFF PRESENT:

CAPT. MATT EDWARDS, Chief, Commercial Vessel
Compliance, Designated Federal
Officer of the Commercial Fishing Safety
Advisory Committee

JOSEPH D. MYERS, Chief, Fishing Vessel Safety
Division, and Alternate Designated Federal
Officer of the Commercial Fishing Safety
Advisory Committee

ROB CRAIGHEAD, Fishing Vessel Safety Division
ALAN ROBINSON, NIOSH

ALSO PRESENT:

ALAN DAVIS
BRENT PAINE

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

2 8:00 a.m.

3 CHAIRMAN JACOBSEN: Good morning,
4 everybody. Thank you for coming again. I
5 appreciate you all being here and your
6 contributions yesterday. And hopefully we will
7 have a fruitful day today.

8 The first agenda item is the NIOSH Grant
9 Program. After that is done, we plan to go into
10 our industry update. This is an opportunity to
11 go around the table, if you have any concerns or
12 issues in your areas of expertise that you want
13 to bring to the attention of the group that would
14 be the time to do it. And so, think about that.

15 It's not exclusive of the next presentation. And
16 so, we'll invite Mr. Myers to start off this
17 segment.

18 MR. MYERS: Good morning, everyone.
19 What we're going to talk about in our first topic
20 this morning, we're going to talk about the Grants
21 Program and the partnership that the Coast Guard
22 is having right now with NIOSH. We recently signed

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1 an MOU with NIOSH to help deploy and shape and build
2 the Grants Program, which is driven by the Coast
3 Guard Authorization Act and the created funds to
4 deploy towards the training and research grants.

5 There's actually two of them.

6 And this is a long time coming, but
7 we're thoroughly engaged with NIOSH right now.
8 We've had a lot of conversations and meetings and
9 building and laying the foundation of this probably
10 since February of this year.

11 I'm going to get NIOSH on the line, Dr.
12 Alan Robinson. He is the grants guy for NIOSH.
13 He drives the main train on this, and he's
14 invaluable with a lot of our questions with regards
15 to grants and how we're going to deploy it and how
16 we're going to promote it -- that's a big thing
17 also -- and getting the announcements out, and
18 engaging with stakeholders in grants.

19 So, what I'm going to do is lay the
20 foundation and give you a little bit of background
21 history of the grants. We'll go to our websites,
22 and we have a little tab dedicated to the grants

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1 and what that will show us, also, is little
2 hyperlinks that may take us to, for example, last
3 year's congressional report that highlights the
4 particulars and the cases of the grants. I'm going
5 to show you how to get to that. Because, next week,
6 when you may forget about the conversations today,
7 you can drill into it, and it's very easily-read
8 documents that kind of set the tone for the whole
9 program.

10 And we have just put grants information
11 on grants.gov, which is where we post the
12 announcement for the grants. That is being built
13 right now as we speak.

14 Mr. Robinson, that we're going to hear
15 from in a second, he is the primary point of contact
16 for the build of this and maintaining the grants.gov
17 information. So for example, people that are going
18 to want to apply for these grants, be it research
19 or training, he is going to be the primary resource
20 fielding questions.

21 With that said, what we have also been
22 partnering with NIOSH to date on is compiling an

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1 archive of frequently asked questions. That's a
2 living, breathing animal, because, as we move
3 forward with this over the next couple of months,
4 questions are going to pop up, and then, we're going
5 to populate it, so other people can read the same
6 responses. I'm going to show you where that's at
7 also.

8 So, that being said, I'm going to kick
9 this off, and again, lay the foundation, a little
10 bit of history, a little bit of the phases of grants,
11 because we just don't give grants. There's actual
12 phases legally we have to abide by. And then we'll
13 talk a little about the MOU, and we'll hand it off
14 to Mr. Robinson.

15 If you're able to maybe dial him up now,
16 if possible?

17 MR. ROBINSON: Good morning. Alan
18 Robinson.

19 MR. CRAIGHEAD: Good morning, Mr.
20 Robinson. This is Rob Craighead from the Fishing
21 Vessel Safety Division. I'm here with Mr. Joe
22 Myers. Mr. Myers has briefly introduced the

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1 federal grants program and I'm going to hand you
2 back over to him in a second. Thanks for joining
3 us this morning.

4 MR. ROBINSON: Absolutely. Glad to do
5 it.

6 MR. MYERS: And good morning, Alan.
7 You can hear me fine? This is Joe Myers speaking.

8 MR. ROBINSON: Yes, Joe, I can hear
9 you.

10 MR. MYERS: Okay, great. Okay. So,
11 I'm going to kick it off. And as I just told to
12 the folks here, I'm going to give a little bit about
13 the history and the phases of the grants. Then,
14 we'll probably go to the website, and then, chime
15 you in for a comment also.

16 MR. ROBINSON: Okay. I'll be on mute
17 while you're speaking.

18 MR. MYERS: Yes, sir.

19 So, the Coast Guard Authorization Act
20 of 2010, as amended by the Howard Coble Coast Guard
21 and Maritime Transportation Act of 2014, directed
22 the Secretary to establish a Fishing Safety

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1 Training Grant Program. This program, as
2 authorized, was intended to provide funding to
3 municipalities, port authorities, other
4 appropriate public entities, not-for-profit
5 organizations, and other qualified persons to
6 conduct commercial fishing vessel safety training
7 for vessel operators and crew members. The program
8 also was authorized for the purchase of safety
9 equipment and training aids for the use of
10 commercial fishing vessel safety training
11 programs.

12 The Act also directed the establishment
13 of a Fishing Safety Research Program. This
14 program, as authorized, was intended to provide
15 funding to individuals in academia, members of
16 nonprofit organizations, and businesses involved
17 in fishing and maritime matters, and other persons
18 with expertise in commercial fishing safety. The
19 funding would be used to conduct research on methods
20 of improving the safety of the commercial fishing
21 industry, including vessel design, emergency and
22 survival equipment, enhancement of vessel

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1 monitoring systems, communication devices, design
2 technologies, and severe weather detection.

3 The Act stipulated that the grants were
4 to be awarded on a competitive basis and would cover
5 up to 75 percent of the cost of any training or
6 research activity. The Act authorized
7 appropriations of \$3 million for each grant program
8 each fiscal year from 2010 to 2017. And we would
9 like to note that, until recently, the Coast Guard
10 did not establish a training or research grant
11 program because the Agency did not receive specific
12 appropriations for these programs until 2017. And
13 so, we just want to make that clear. And by the
14 way, that is also laid out, those details, in the
15 report to Congress that I'll share with you also.

16 So, Public Law 115-31 included \$6
17 million for the two grants programs. Funding's
18 are available through September of 2019.

19 Okay. So, the phases. Phase 1 is the
20 pre-award phase, and this encompasses budget
21 appropriations and program authorizations. It
22 also details the Notice of Funding Opportunity and

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1 the approval and clearance of the Notice of Funding
2 Opportunity, or NOFO, posted to grants.gov, which
3 we'll take you to in a little bit. It will be
4 basically a hyperlink, and we'll show you where
5 these postings are hung electronically.

6 Okay. So, that's the initial phase 1
7 construct, and we're in phase 1 right now. The
8 other phases, again, take shape as we move forward.

9 So, when we move into phase 2, the award
10 phase, that's when we have the award selection.
11 Grant applications will be reviewed and rated for
12 awards on the basis of the intent and value to the
13 program, as set forth in the authorization for the
14 program.

15 Award notification. Award grantees
16 will receive a letter stating which project or
17 projects are funded, the award amount, and the
18 assigned grant technical manager.

19 Award acceptance. After mutual
20 acceptance of the revised proposal, the formal
21 grant is drafted and signed. Then, we move into
22 phase 3. That is payments and drawdown, financial

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1 monitoring, submissions of quarterly reports from
2 the entity that was awarded the funds. That takes
3 place. Programming, monitoring. This includes
4 review of the grantee's work plan and review of
5 the grantees submitted progress reports. So, it's
6 oversight.

7 Technical assistance. Such
8 assistance may involve concerned personnel and/or
9 grant technical managers answering questions,
10 fielding questions from time to time, and audits.

11 Generally, audits are required only if a single
12 entity is awarded \$750,000 or more. However, the
13 Coast Guard does expect to conduct audits of all
14 awardees periodically, keeping the pulse of the
15 program.

16 Lastly, phase 4, which is the closeout.

17 Pre-closeout notifications provided as required.

18 Final reports, the Coast Guard will create
19 programmatic and final reports as needed and close
20 out notification. The notice will indicate the
21 period of performance as closed. This lists any
22 remaining funds that will be needed to be

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1 de-obligated, if any, and address the requirements
2 of maintaining the grant's records.

3 So, with regards to the MOU
4 between -- and by the way, these phases that I just
5 detailed out, I just hit the bulleted points but
6 when one goes to the grants or the congressional
7 report, as I said, there's a lot of good details
8 in it. It lays out all these different phases.
9 So, if you want to soak them in and read them and
10 then field questions as they may come along, we'll
11 be standing by throughout this whole process.

12 An MOU, or Memorandum of Understanding,
13 partnership was signed between the Coast Guard and
14 NIOSH in the spring of 2018. NIOSH was identified
15 as the ideal partner to lead efforts in
16 administering these grants due to their in-depth
17 expertise and history in grants management and
18 facilitation.

19 The purpose of the MOU is to define
20 roles and responsibilities between the Coast Guard
21 and NIOSH in managing and deploying various grant
22 processes and phases. So, for example, when we

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1 go to the MOU, there will be specific segments that
2 will just detail out, hey, what's the role of the
3 Coast Guard in this and what is the role and
4 expectations of NIOSH? And sometimes there's a
5 blending of both, obviously, because we're both
6 major stakeholders.

7 Now the grants.gov site, which I think
8 we'll take you to right now -- now, first, I'll
9 just back up just a second, and I want to make sure
10 I spoke of all my talking points here.

11 We of the Deputy of Commandant
12 Operations, the acronym being DCO, this is our
13 official website that the Commercial Vessel
14 Compliance has generated, and there's many, many
15 layers to this. You can see, when we go to this
16 site, we have ports they control, we have areas
17 dedicated to domestic vessels and offshore
18 compliance, but we also have our swim lane, being
19 fishing vessel safety.

20 So, if Rob will click on that. And by
21 the way, this site is open to everyone to go to.

22 Some Coast Guard portal sites are restricted to

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1 who can access them and who can't, but this one
2 is ideal for the public, this Committee, everyone
3 to go to get information.

4 And we have just started building this
5 over the last, I'd say the last year. And you may
6 remember, back in the day, we had the FishSafe site,
7 still had FishSafeWest for D13 that sets the tone
8 for much of the program. But we have migrated the
9 old FishSafe content that CVC-3, my office, used
10 to manage, and we've populated it here at this site.

11 And before you go today, we're going
12 to give you this link, so you can get to it. But
13 it is -- Rob, he clicked "fishing vessel safety,"
14 and then, you get a dropdown tab. And we have a
15 lot of categories here.

16 Just to kind of show you the
17 capabilities or the search engine, Rob, could you
18 show them where we would find our District
19 Coordinators, because we talked to them yesterday?

20 So, we -- "find an examiner" -- he clicked on that
21 tab, and this will populate. This is updated
22 frequently, every several months, when we need to.

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1 And this will give you, the public,
2 everyone, access to numbers and emails -- phone
3 numbers, emails of our District Coordinators.
4 There's Dan Hardin. We have Charlie out in D14.

5 And so, if you need to get a hold of the
6 Coordinators or the local examiners, it's here.
7 Okay?

8 Go all the way down, if you wouldn't
9 mind. Okay. And by the way with headquarters,
10 if you have a need to just send us some kind of
11 word or question, we're here also. So, we're not
12 hiding.

13 And so, then, we go back here, and now
14 we get to the grants. Let's maybe go to the grants,
15 if you wouldn't mind. This is federal grants, and
16 you see that dropdown tab?

17 And then, since we are in phase 1 of
18 this process, and we are building this -- what I
19 would say is, if there's something here -- and we
20 always say this -- if you don't see something here
21 that you want to see or we're just missing some
22 element, let us know. Maybe we haven't thought

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1 about it, and we could, more than likely, hang it
2 here. And this isn't just for us, it's for you.

3 So, you're the customer, and we're here for the
4 customer.

5 So, for one, could you please click on
6 the "Report to Congress" that I've been talking
7 about? And we go to the report to Congress, which
8 was, I believe, in October of last year, 2017, last
9 year.

10 What this does is this sets the tone
11 and the foundation and the particulars of this
12 grants program. If a general person is even
13 remotely interested in these grants, they go to
14 this. This is going to spell out a lot of detail
15 and answer a lot of questions, specifically the
16 phases, and some of the background knowledge. And
17 it does talk about our partnership with NIOSH and
18 why we deem them a very valuable partner in this.

19 Okay?

20 And it also gives you cites, CFR cites.
21 You'll see littered through this key Code of
22 Federal Regulations cites -- or I'm sorry -- U.S.

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1 Code cites. Correction, U.S. Code cites. And
2 then, you can go to that part of the U.S. Code and
3 see where that spells out the actual details of
4 this grant that transpired from the Coast Guard
5 Authorization Act of 2010.

6 Okay. So, we won't read this because
7 it's there for your viewing pleasure at a later
8 date. But, if you wouldn't mind, Rob, if we could
9 just go back one? And please click on the
10 memorandum, the MOU with NIOSH.

11 Now what this does, we talked a little
12 bit about the roles and responsibilities between
13 the Coast Guard and NIOSH, the partnership. This
14 launched last year, May -- 3 of May.

15 And so, what I would encourage everyone
16 to do is look at this also, if you're remotely
17 interested, because this spells out not only
18 stakeholders and roles and responsibilities, but
19 at the tail end I think it gives you a couple of
20 point of contact names. I'm not sure where that
21 is, but, yes, if you come down just a little bit?

22 Yes, there we go. And these are one of our prime

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1 NIOSH point of contacts also. That's Dr. Jennifer
2 Lincoln, and that's my office right there. Okay?

3 And then, there's legal jargon.

4 Okay. And then, let me see, if you
5 could please click on "USC 4502"? Because not
6 everyone has in our back pocket or at the office
7 a copy of the U.S. Code. So, what this does is
8 this is just kind of a scanned version. You can
9 always go to the electronic version of the U.S.
10 Code. But what this does is this lays out in black
11 and white what the U.S. Code says about the grants
12 training and research, so there's no confusion.
13 Okay?

14 And if we could, lastly, I think what
15 we're going to do is, I've talked a little bit about
16 grants.gov. As I said, there's going to be some
17 frequently asked questions that will come from time
18 to time. We're going to take what is hung -- why
19 don't we just go to grants.gov? There's a
20 hyperlink.

21 When we go to grants.gov, this is where
22 the details are hung. You'll see, for the funding,

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1 the opportunity title is in that second lane, the
2 number, RFAOH1904. If we click on that, please?

3 This is the announcement here that will
4 get into the research grant. And so, a lot of this
5 language, when you do your homework and read, again,
6 the documents that I just showed you previously,
7 a lot of this verbiage here will seem familiar
8 because it spells it out again.

9 And there are different tabs that will
10 be in the near future populated that will highlight,
11 hey, what we need in the package, history, forecast.

12 And so, I don't talk out of line on this, I want
13 to go to the technical expert, Mr. Robinson. And
14 he's going to talk a little more on this.

15 But what I wanted to do before I handed
16 it off to him, I wanted to come all the way -- if
17 you wouldn't mind, Rob, going all the way down to
18 the bottom? And you'll see right there, the
19 grantor contact information. This is the prime
20 point of contact to field questions if we are
21 unclear on something. And if anything, that allows
22 us to kind of streamline our questions and go to

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1 one source, so 16 people aren't fielding questions.

2 And then, as appropriate if, for example, Mr.
3 Robinson couldn't answer a question -- maybe it's
4 Coast Guard related -- well, we may field it out
5 to the appropriate source. But his email, CDC
6 email, and phone number is listed there also.

7 So, what I would say, if you ever have
8 a hard time finding this portion of the link, you
9 go to grants.gov. And then, with the search engine
10 all the way in the upper right-hand corner, you
11 simply could type in "commercial fishing," and it's
12 going to take you right to this. I've tried it
13 and it works.

14 Dr. Robinson?

15 MR. ROBINSON: Hello.

16 MR. MYERS: Yes, sir. Joe Myers
17 speaking, and I think I am ready to hand this off
18 to you for comment, if you would like to comment
19 on any of this.

20 MR. ROBINSON: Sure.

21 MR. MYERS: Yes, sir.

22 MR. ROBINSON: Sure, I'll make a few

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1 comments and I'll be very brief. Can you hear me?

2 MR. MYERS: We can, very good.

3 MR. ROBINSON: Okay, great.

4 So, let me just mention a couple of
5 things. We're very excited, NIOSH is very excited
6 to be working with the Coast Guard on this effort.

7 Either most of you or all of you are acquainted
8 with Captain Jennifer Lincoln, and she is the NIOSH
9 subject matter expert in commercial fishing safety,
10 commercial fishing occupational safety and health.
11 And she will be engaged in this effort in that
12 capacity.

13 NIOSH has a long history of
14 occupational safety and health research in a wide
15 range of areas. And the Institute has a strong
16 extramural research and training program. Some
17 of you in the room are probably familiar with our
18 Training Project Grant Program, and some of you
19 may be familiar with the research arm, the
20 extramural research arm of NIOSH, and some of you
21 may actually be funded under a research grant or
22 a training grant. I don't know for sure.

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1 But I've been here since -- I came in
2 2006, managed a variety of portfolios, including
3 AG, forestry, fishing, and several others. And
4 now I manage the office, and it's been a fascinating
5 journey because we get to deal with so many
6 different subject matter areas. So, we're looking
7 forward to this.

8 And I think, Joe, what we'll do is you
9 keep track of the questions, whether we can answer
10 them or not today, keep track of them. And if
11 they're not on our FAQ list, we will add them.
12 And I have made a couple of notes to follow up with
13 you after the meeting for a couple of questions
14 that we should add to our list.

15 MR. MYERS: That sounds great.

16 MR. ROBINSON: Okay, that's it.

17 MR. MYERS: Okay. Are there any
18 questions with what we've just laid out? Yes?

19 It looks like we have one question
20 coming up.

21 MR. DAMERON: Mr. Chairman, Thomas
22 Dameron.

1 So, I'm curious, what is the timing
2 between phase 1 and phase 2? When might the Coast
3 Guard and NIOSH be finishing up phase 1 and starting
4 phase 2?

5 MR. MYERS: Mr. Robinson, the question
6 is with regards to the timing. Can you elaborate
7 on the timing between phase 1 and phase 2
8 logistically?

9 MR. ROBINSON: Sure. Yes. So, those
10 phases cover a wide range of activities. So, maybe
11 I'll just cut to the chase and that the next critical
12 event that will happen that I think all or most
13 of you are interested in knowing is when these
14 announcements will be published, so you can see
15 those and start working on your applications.

16 Hold on one second here, let me stop
17 this call from ringing.

18 And the plan, the current timing is that
19 the research announcement is expected to be
20 published in early December, and the training
21 announcement will follow closely behind that.

22 MR. MYERS: Thank you.

1 MR. ROBINSON: Okay.

2 MR. MYERS: Did that answer --

3 MR. ROBINSON: And let me just comment,
4 too, that, Joe, a question for you. Did you show
5 them the grants.gov website?

6 MR. MYERS: I sure did. Yes.

7 MR. ROBINSON: Thank you. Okay,
8 great.

9 So, when these announcements are
10 published, they will be posted or, as Joe said,
11 hung right here under the "Related Documents" tab,
12 and that's where you'll find them.

13 And then, when they are published, I
14 think we're planning on sending out a pretty large
15 email to folks that we know are interested. And
16 that probably includes everybody in the room there,
17 or most people in the room, I imagine.

18 So, we'll be doing some outreach and
19 communication to inform people broadly when these
20 announcements are published.

21 MR. MYERS: And with that said -- this
22 is Joseph Myers speaking again -- with that said,

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1 what we will attempt to do here is get point of
2 contacts or a list of names and contact information
3 for that announcement. There's a possibility,
4 because I know you have -- NIOSH has generated a
5 pretty hefty list of recipients for this broadcast.

6 And we'll provide to you extra names to make sure
7 that they're captured in that list.

8 MR. ROBINSON: Right. We will
9 disseminate that information as widely as we can.

10 So, if you're interested, maybe here's
11 a hint for the public in the room. If you're not
12 sure if you're on a list to receive this
13 information, you should make that known before you
14 guys end your meeting or before you guys go your
15 separate ways, before you all go your separate ways.

16 MR. MYERS: Are there any other
17 questions?

18 CHAIRMAN JACOBSEN: Can you just
19 assume that the entire Committee is interested and
20 put us all on the list?

21 MR. MYERS: Yes, sir, Mr. Chair, we'll
22 make sure that happens.

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1 CHAIRMAN JACOBSEN: Any other
2 questions? Comments from the public? Questions?

3 (No response.)

4 MR. MYERS: Mr. Robinson, I think we
5 are wrapping this up. There are no more questions,
6 and we appreciate you opening up your schedule.

7 MR. ROBINSON: Okay. Thanks for
8 taking it easy on me, and I will certainly be
9 available to answer questions as they come up.
10 If you have other questions that are on your mind,
11 let Joe know and if we don't have an answer for
12 you in the FAQs, we will put our heads together
13 and provide an answer for you.

14 Thank you very much.

15 CHAIRMAN JACOBSEN: Any other
16 questions about the website or anything? Mr.
17 Boehmer?

18 MR. BOEHMER: Kris Boehmer.

19 I'm just trying to get on the website.
20 It's www.dco.uscg.mil. But where do I find the
21 part where -- I'm not seeing the same screen you
22 are.

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1 MR. CRAIGHEAD: See "Our
2 Organization"?

3 MR. BOEHMER: Yes.

4 MR. CRAIGHEAD: Go down to where it
5 says, "CG-5P". Scroll over to "Inspections &
6 Compliance". And then you'll see --

7 MR. BOEHMER: Okay, I go down to which
8 one? The third one down?

9 MR. CRAIGHEAD: "Inspections &
10 Compliance".

11 MR. BOEHMER: Okay, yes.

12 MR. CRAIGHEAD: And you get into a
13 dropdown. You'll have to go down to "Commercial
14 Vessel Compliance". Click on that.

15 MR. BOEHMER: Well, that's easy.

16 (Laughter.)

17 MR. MYERS: If I could, we'll make it
18 even easier. Let's give him the FishSafe --
19 remember that condensed --

20 MR. CRAIGHEAD: Yes, I wish I had it
21 in front of me, but I don't.

22 (Simultaneous speaking.)

1 MR. BOEHMER: I like this whole document
2 searching area but I just couldn't find where you
3 were. Thank you.

4 MR. CRAIGHEAD: We have a much shorter
5 website address we can send.

6 MR. MYERS: I think we have it here.

7 MR. CRAIGHEAD: That will make things
8 a lot easier.

9 MR. MYERS: If you can bear with me,
10 I think I've got it right here. That's a good
11 question.

12 MR. BOEHMER: Thank you.

13 MR. MYERS: Okay, I've got it right
14 here.

15 Not to interrupt, but just for
16 everyone, if you want to write this down, I believe
17 this is a little more condensed than what we used
18 to have. It's <https://www.dco.uscg.mil/fishsafe>.

19 And so, not to cut you off, Rob, but
20 what I'd ask, if you wouldn't mind getting out of
21 this and maybe type that in up there, so everyone
22 can see the way it should look. And then, we'll

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1 hit "enter," and that should populate. So,
2 <https://www.dco.uscg.mil/fishsafe>.

3 Again, if we can ever shrink this
4 shorter, by all means we will. But what we did,
5 we knew it was long. So, we kind of condensed
6 things, and that's as condensed as we can get it
7 for right now, yes.

8 CHAIRMAN JACOBSEN: Other questions?
9 Yes?

10 MR. RANKS: Yes, Mr. Chair. Craig Ranks
11 with D13.

12 Just to make it a little easier, on
13 Google, if you type in "CG-CVC-3," it will bring
14 it up and it will get you to the link there.

15 The other thing is I think we have a
16 link to it directly from FishSafeWest. So, you
17 can get to it that way.

18 MR. CRAIGHEAD: Most of the stuff I've
19 got here is pretty self-explanatory. But I'll give
20 you an example. Yesterday we were talking about
21 fire extinguishers, the whole fire extinguisher
22 conversation, and it got mentioned the Policy

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1 Letter that was sent out -- what, a year or two
2 ago, Captain?

3 CAPT. EDWARDS Yes.

4 MR. CRAIGHEAD: And it's not on here,
5 but this is a place where those kind of questions
6 will pop up. We can add it to this website. So,
7 I guess that's the point. If you have questions,
8 or we're getting a number of questions on the same
9 topic that are of interest to everyone in the
10 community, we can post them here. So, like Mr.
11 Myers mentioned earlier, it's a living, breathing
12 website, and it will continue to grow. As long
13 as you're interested in participation, that process
14 continues.

15 Again, everything else here is
16 self-explanatory. Finding an examiner, look at
17 the grants. All of the meeting minutes are posted
18 here. That's all the previous year listed there
19 and associated documents. Training information
20 is here. Anyway, I won't give all the details here,
21 but it's a useful site. Again, that's what we have
22 here.

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1 CHAIRMAN JACOBSEN: Will there be a
2 place where the public can access things like
3 approved courses for fishing vessel safety
4 training?

5 MR. CRAIGHEAD: So, that will be the
6 National Maritime Center.

7 CHAIRMAN JACOBSEN: Accepted courses?

8 MR. CRAIGHEAD: Yes, but I think in
9 that case NMC speaks specifically to those courses.
10 But you can get in through this DCO site to the
11 National Maritime Center.

12 CHAIRMAN JACOBSEN: So, I would be able
13 to access Karen's organization through this site?

14 MR. CRAIGHEAD: Yes.

15 CHAIRMAN JACOBSEN: Okay, good.

16 MR. CRAIGHEAD: Yes, through the DCO
17 site. So, you may have to do a search specifically.

18 And again, you can run through the same thing with
19 Google, like Joe mentioned, and it will get you
20 there. But, again, National Maritime Center would
21 be your site.

22 MR. MYERS: Mr. Chairman, I think you

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1 got me thinking as you made that question. We can
2 look into maybe adding to our training dropdown
3 tab and maybe creating a hyperlink. So, if you
4 have questions on the status of an accepted course,
5 for example, then they go to our site. You click
6 it, and that will launch you over to NMC. That
7 may make it easier for everyone. So, we'll jot
8 that down as a takeaway. CHAIRMAN

9 JACOBSEN: Great. Thanks.

10 MR. MYERS: Yes.

11 CHAIRMAN JACOBSEN: Okay. Any other
12 questions or comments?

13 (No response.)

14 CHAIRMAN JACOBSEN: All right. Thank
15 you very much. Okay so, we will go into the
16 industry updates. So, this is an opportunity for
17 you to discuss/raise any issues that you're
18 involved in, in your particular area of expertise
19 and association. So, if there's a particular issue
20 or several issues that you would like to discuss,
21 now would be the time to do it.

22 I think I'll start with Karen. Do you

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1 have anything, Karen, from your perspective that
2 you think needs to -- and then, I'll go around the
3 table here.

4 MS. CONRAD: Hi. This is Karen.

5 The only thing I would like to maybe
6 update is we've got our two-day course accepted,
7 as we talked about yesterday. But, moving forward,
8 NPFVOA has a four-hour stability course that's
9 Coast Guard approved. I have given that to Gerry
10 for review, and we're matching that course up with
11 the objectives that came out of the Committee.
12 So, we could resubmit that and try to get that
13 accepted, rather than approved.

14 And then, we also have a collision
15 avoidance navigation course that's already Coast
16 Guard approved. And Gerry and I are working on
17 that, too, to do the same thing, to make sure our
18 objectives are covered in that course and try to
19 get that one accepted, rather than approved.

20 So, we are moving forward with all the
21 other courses that are in the auth act.

22 Thank you.

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1 CHAIRMAN JACOBSEN: Okay. Thanks,
2 Karen.

3 Mr. Hockema?

4 MR. HOCKEMA: Mr. Chairman, if I could,
5 I would like to defer.

6 CHAIRMAN JACOBSEN: Yes, no problem.

7 Mr. Dameron?

8 MR. DAMERON: Thank you, Mr. Chairman.
9 This is Thomas Dameron.

10 Yes, in the New England and
11 Mid-Atlantic area, we had a recent development with
12 traffic corridors through wind energy areas. And
13 these traffic corridors are being proposed by
14 fishermen and wind developers, and they're being
15 considered by BOEM without any in-depth special
16 spatial use or historic traffic analysis.

17 I feel, as a fishing industry
18 representative, and those that I represent feel,
19 that this is a major safety issue. With the
20 introduction of wind turbines, these traffic
21 corridors will be particularly confined and busy
22 areas of traffic.

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1 The traffic corridors will not have the
2 same regulatory weight as traffic lanes and traffic
3 separation schemes, as we all know in the marine
4 industry how to handle meeting situations in
5 traffic lanes and traffic separation schemes.

6 The COLREGS Rule No. 10, which
7 precludes a vessel engaged in fishing from impeding
8 the passage of any other vessel following a traffic
9 lane, will not apply to fishing or traveling within
10 the wind energy area traffic corridors. This will
11 likely lead to confusion as to which vessel is
12 actually the stand-on vessel and which vessel is
13 the give-way vessel.

14 30 CFR, Part 585 of renewable energy
15 regulations requires that BOEM will ensure that
16 any activities authorized in this part are carried
17 out in a manner that provides for safety. It also
18 requires that BOEM coordinate with relative federal
19 agencies, including, in particular, those agencies
20 involved in planning activities that are undertaken
21 to avoid this type of conflict.

22 And the fishing industry in my area

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1 believes that the United States Coast Guard is the
2 one that they should be coordinating with to make
3 sure that these types of conflicts are mitigated
4 among users and to maximize the benefits of all
5 users of the Continental Shelf.

6 So, I have a motion this morning, and
7 it reads that:

8 "The Commercial Fishing Safety
9 Advisory Committee recommends the Coast Guard
10 coordinate with BOEM in developing routes, as
11 appropriate, through all wind energy area leases.

12 As part of this process, the Coast Guard should
13 look at historical vessel tracked data, both AIS
14 and VMS" -- which is vessel monitoring
15 system -- "from both fishing vessels and commercial
16 vessels.

17 "The Coast Guard should propose to BOEM
18 routes through the wind energy areas that follow
19 very nearly the routes currently being used by both
20 fishing vessels and commercial vessels alike as
21 they transit the area.

22 "The Coast Guard should work with BOEM

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1 towards finding routing solutions with appropriate
2 traffic lane widths, setbacks, and areas of
3 separation that balance the many competing demands,
4 will ensure an appropriate level of safety, and
5 will avoid impediments to vessels traveling along
6 the designated routes through the wind energy
7 areas."

8 And that's the conclusion of my motion.

9 And if there's any questions or discussion --

10 CHAIRMAN JACOBSEN: A motion has been
11 made. Is there a second?

12 PARTICIPANT: Second.

13 CHAIRMAN JACOBSEN: Mr. Boehmer?

14 MR. BOEHMER: Do you have a copy of the
15 motion, Karen?

16 MR. DAMERON: She will.

17 CHAIRMAN JACOBSEN: Okay. Any
18 discussion?

19 (No response.)

20 CHAIRMAN JACOBSEN: The maker has
21 already spoken to this motion. Do you have
22 anything to add?

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1 MR. DAMERON: I think that pretty much
2 covers it. The fishermen and the wind developers
3 and BOEM are getting together as a group and they're
4 talking about these traffic corridors. And these
5 traffic corridors are not going to have any
6 regulatory significance.

7 So, what the fear is is these areas,
8 being high fishing areas, that fishermen could
9 congregate within these traffic corridors, and
10 commercial and fishing traffic that are trying to
11 use those corridors for safe transit will not be
12 able to do so. It will be confusing if the vessel
13 that's fishing is the give-way vessel, which is
14 not the case because it's just a traffic corridor,
15 not a traffic separation scheme or not a recognized
16 traffic lane. The vessel within the lane actually
17 is the give-way vessel, and it's going to be very
18 confusing.

19 There's been no spatial and use
20 analysis done in this area to see what the proper
21 width of the lanes, to make sure, is there enough
22 vessel traffic that you need widths enough that

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1 ships can pass tugs and tows? Do you need a
2 separation lane? Do you need setbacks from the
3 actual wind turbines?

4 None of that has been looked at, and
5 the fishing industry doesn't think that they are
6 the proper ones to be negotiating with BOEM and
7 negotiating with the wind developers on what these
8 should look like. The Coast Guard should do the
9 analysis and consult with BOEM and give BOEM
10 recommendations that come from the analysis of good
11 information.

12 CHAIRMAN JACOBSEN: Thanks, Tom.

13 I think we're ready to vote.

14 If you could read the motion again?

15 MR. DAMERON: I sure will.

16 "The Commercial Fishing Safety
17 Advisory Committee recommends the U.S. Coast Guard
18 coordinate with BOEM in developing routes, as
19 appropriate, through all wind energy area leases.

20 As part of this process, the Coast Guard should
21 look at historical vessel tracked data, both AIS
22 and VMS, from both fishing vessels and commercial

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1 vessels.

2 "The Coast Guard should propose to BOEM
3 routes through the wind energy areas that follow
4 very nearly the routes currently being used by both
5 fishing vessels and commercial vessels alike as
6 they transit the area.

7 "The Coast Guard should work with BOEM
8 towards finding routing solutions with appropriate
9 traffic lane widths, setbacks, and areas of
10 separation that balance the many competing demands,
11 will ensure an appropriate level of safety, and
12 will avoid impediments to vessels traveling along
13 designated routes through wind energy areas."

14 CHAIRMAN JACOBSEN: Thanks, Tom.

15 All right. We'll do it by a raise of
16 hands.

17 All in favor?

18 (Show of hands.)

19 CHAIRMAN JACOBSEN: Thank you. Any
20 opposed?

21 (No response.)

22 CHAIRMAN JACOBSEN: Okay, it's

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1 unanimous. Thank you very much.

2 MR. DAMERON: Thank you.

3 CHAIRMAN JACOBSEN: Is there anything
4 else that you have, Tom.

5 MR. DAMERON: No, sir.

6 CHAIRMAN JACOBSEN: All right. Thank
7 you.

8 Mr. Londrie?

9 MR. LONDRIE: I have nothing at this
10 time, Mr. Chairman.

11 CHAIRMAN JACOBSEN: Thank you very
12 much.

13 Mr. Boehmer?

14 MR. BOEHMER: I'm not sure how relevant
15 this is, but I'm concerned with the implementation
16 of tier 4 engines. And I guess a surveyor or an
17 architect could answer this better. But will an
18 older vessel be required to put in a tier 4 engine
19 if they repower? If so, are we addressing the heat
20 that's going to be built up, and the exemptions?
21 I'm seeing a potential fire risk, is what I'm
22 concerned with, and how we look at that as a

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1 committee.

2 CHAIRMAN JACOBSEN: Thank you, Mr.
3 Boehmer.

4 Are there any questions or comments?

5 MR. HOCKEMA: Mr. Chairman?

6 CHAIRMAN JACOBSEN: Yes, Mr. Hockema?

7 MR. HOCKEMA: This is a subject that
8 I've been curious about myself. I hate to say that
9 I've kind of given up on understanding it. So,
10 I continue to defer to the major engine
11 manufacturers to provide reliable information on
12 that.

13 We have, I think, two repowering
14 projects now where we are removing existing engines
15 from trawlers and putting in substantially larger
16 engines. I would say that the engine size is not
17 putting us into a major conversion category from
18 a Coast Guard regulatory standpoint, but it is
19 touching on the EPA standards for exhaust
20 emissions.

21 And one of the vessels I know is able
22 to -- and it's not from my consulting side -- but

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1 one of the vessels they put in a tier 3 engine,
2 where the original engine was a tier 1, I believe.

3 The other vessel is putting a tier 4 engine in.

4 And again, we've kind of given up on trying to
5 understand the matrix on this, and we've deferred
6 just to the engine manufacturers.

7 Thanks.

8 CHAIRMAN JACOBSEN: Great. Thanks
9 for your comments.

10 Mr. Derie?

11 MR. DERIE: Yes, Joe Derie.

12 It's been my experience it depends on
13 where the vessel is going to be operating, whether
14 it's going to need the tier 4 engines or not. I
15 just surveyed a tugboat down in San Francisco that
16 had it, but it's moving someplace else, will not
17 need it. That's not part of why the guy is buying
18 it. It depends on where it's going to be operating.

19 With regards to the heat buildup, you
20 know, that comes down to the architects and the
21 manufacturers to be sure that's taken care of when
22 they do the installation. It should be done

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1 properly and take that into effect. I can see where
2 that would happen with these engines. But, again,
3 it's the yard and the naval architects and the
4 engine manufacturers to take that into
5 consideration when they get that thing done.

6 CHAIRMAN JACOBSEN: Thank you very
7 much. Appreciate your comments.

8 Any other comments?

9 (No response.)

10 CHAIRMAN JACOBSEN: No motions? Do we
11 need a motion on that?

12 (Laughter.)

13 CHAIRMAN JACOBSEN: Okay. Mr.
14 Hockema?

15 MR. HOCKEMA: Thank you, Mr. Chairman.

16 I'm referring to the Tasks and Recommendations
17 list that was provided to us for the meeting here.

18 So, I have some concerns here.

19 The Committee over the years has made
20 numerous recommendations to the Coast Guard, and
21 some of them have been acted on fairly swiftly and
22 some are not acted on for many years.

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1 So, there are two groups here that I'm
2 curious about. One is the new vessel construction
3 for vessels 50-foot length and less. There were
4 some reference numbers; 13G through 13I address
5 new vessel construction and standards for such.
6 And it was recommended that the Coast Guard develop
7 some standards in addition to those set forth in
8 33 CFR 183.

9 And I see there's a note in the NPRM
10 on this. And I apologize, I didn't read the NPRM
11 that this is referring to. I'm wondering if
12 Captain Edwards or Mr. Myers could comment on where
13 those are, particularly 13G and 13H.

14 And again, I'm only looking for a
15 general comment on this. I'll go ahead while
16 they're taking a look at that.

17 My next comment is on -- again, it's
18 the equivalent class issue. And I believe Mr.
19 Myers indicated that they are working on this.
20 All I would say is that industry does need some
21 guidance on this, not on which equivalents are
22 considered equivalent to class, but the

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1 documentation of such and whether documentation
2 is necessary.

3 As a licensed professional engineer,
4 I'm obligated under state regulations to design
5 to an accepted standard. For most of what we do,
6 an accepted standard is available. In this case,
7 it could be classification rules or Coast Guard
8 regulations, or even another standard that we feel
9 has become an industry standard by default.

10 So, we don't have a problem with
11 determining what an acceptable standard is, but
12 we would like guidance from the Coast Guard,
13 recommendations on how to document that
14 equivalency. We have our own methods right now
15 for doing it, but we would like the naval architect
16 community to have some guidance from the Coast Guard
17 on how to document this. Again, we've done it
18 ourselves already. We're not worried about us.
19 We're concerned about the industry in general.

20 And if we compare this to some other
21 issues -- for instance, stability
22 documentation -- the Coast Guard has guidance for

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1 presenting stability calculations to them. It's
2 fairly flexible. It's not super-rigid, because
3 they understand that different naval architects
4 may have a little bit different way of doing things.

5 Different industries have different needs as far
6 as what their guidance is.

7 So, it's already been done in other
8 areas. Anyway, I'll stop there on that.

9 The third thing, and the final thing,
10 I'm concerned about is, and I think this is
11 something that the entire Committee is concerned
12 about -- is that the Alternate Safety Compliance
13 Program was essentially halted recently in lieu,
14 I think, in favor of some voluntary standards.
15 I really want to see that program carried through.

16 And a lot of work has been done on the
17 ASCP, by the Committee here, by the Coast Guard,
18 by a lot of industry people that are not here.
19 It's probably the most important safety issue we
20 have as far as vessel construction. Because the
21 real world has a lot of older boats out there, and
22 we will continue to have those older boats. We

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1 have boats in the fleet that are -- well, some of
2 them are a hundred years old, of course. But, by
3 and large, the fleet is between 20 and 50 years
4 old, and those alternative safety standards are
5 extremely important.

6 We have a number of vessels that are
7 not maintained correctly. They're out there
8 fishing right now and they're not safe. The
9 private surveying industry has not -- this isn't
10 a thing against marine surveyors at all. It's more
11 a matter of the bar is set so low for existing
12 vessels that there's been some tragedies that are
13 totally unnecessary.

14 And this is something that's relatively
15 unique to our commercial fishing industry. We
16 don't have this in many of the other industries,
17 commercial industries. Our commercial fishing
18 industry, as far as regulatory standards, is far
19 behind Europeans and developed Asian nations.

20 If you take any of the European
21 countries, any of the developed Asian countries,
22 Japan, Australia, you know, these places, their

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1 standards are higher than ours. And I'm very
2 concerned, as a career naval architect -- I'm
3 approaching 40 years in the industry; I wouldn't
4 trade it for anything as far as a profession -- but
5 I'm very concerned that our progress for improving
6 our construction standards has been very slow.

7 I hear a lot of comments from fishing
8 vessel owners that they can't get crew because now
9 our younger generation in many cases hasn't been
10 trained in blue collar jobs or grown up around them,
11 and these kinds of things. But one of the reasons
12 we can't get crew is some of the vessels I think
13 most of us in this Committee wouldn't want to work
14 on. And it may be related to safety issues. It
15 may be related to just the quality of the vessel
16 and its cleanliness, or lack thereof.

17 This is a minority of vessels. Don't
18 get me wrong. It's definitely a minority of
19 vessels. But we have to get this Alternative
20 Safety Compliance Program off the ground, and its
21 worth whatever effort it takes to get it done.

22 So, thank you, Mr. Chairman.

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1 CHAIRMAN JACOBSEN: Thank you, Mr.
2 Hockema. I appreciate those remarks.

3 Mr. Myers?

4 MR. MYERS: I do want to respond to
5 that. That was a lot of information, and I want
6 to make sure that we -- part of this I was going
7 to address with my next construction presentation,
8 as you know. So, when we go over this, some things
9 may be a bit redundant. But I was jotting down
10 a couple of notes.

11 And, yes, you did comment on the
12 enhanced oversight program. This went in effect,
13 obviously, January, I believe, of '17. It offers
14 best practices and guidance to the commercial
15 fishing industry for commercial fishing vessels.

16 The Coast Guard, we feel there's a lot
17 of tools that the industry can use with regards
18 to vessel construction and adopting those tools
19 to help along the way.

20 And going back to the oversight of a
21 licensed person to oversee, a state licensed
22 person, architect, naval architect, to oversee the

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1 construction of a vessel, the Coast Guard, we are
2 not in a position where we have oversight on many
3 uninspected commercial fishing vessels. So, we
4 are leaning on those credentials, and the
5 flexibility to use those credentials, to accomplish
6 the mission at hand.

7 And just along with that said, just to
8 say that there is a lot of tools out there. We
9 have NVIC 7-68 for construction, IX standards, ASME
10 standards for pressure vessel welding, for
11 example, ABYC standards. There's a lot of
12 standards out there.

13 And I've spoken in-depth with the
14 Marine Safety Center on this topic. I don't want
15 to speak for them. I think we can get further
16 comment from them for more detailed questions.
17 But I think, overarching, the Marine Safety Center,
18 the Coast Guard feels that there's a lot of assets
19 out there to be used and they are hiring key persons
20 to use those tools.

21 That being said, along with this
22 enhanced oversight program and your concerns, there

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1 may be a solution if industry wishes to partner
2 up and provide further best practices specifically
3 on this topic. I know that the EOP document here
4 spans many topics, several topics, and maybe
5 this -- I'm saying "maybe"; I'm throwing this out
6 there -- that we can tighten up the topic and address
7 the issue at hand by way of perhaps a Committee
8 work group or an industry-driven work group that
9 we may detail the concerns a little more. That
10 may be the solution.

11 I think there's, again, a lot of assets
12 out there that could be tapped into, but maybe a
13 formalized recommendation to the issue at hand may
14 be the route to go.

15 With that said, Captain, I don't know
16 if you want to add to that.

17 CAPT. EDWARDS: We have gone on record
18 on the Alternative Safety Compliance Program of
19 some of the problems or challenges of setting that
20 up. One is that an alternative suggests that there
21 is something to have an alternative to. There is
22 nothing in regs to develop an alternative to. So,

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1 you're developing alternatives to something that
2 doesn't exist. So, that created a challenge.
3 That's kind of why we went with the EOP out there.

4 But, like Mr. Myers said, we would
5 encourage, if there is best practices -- I know
6 this is done by other segments of the industry,
7 that they come together and develop best practices
8 for either construction or best practices for
9 operation. And that would be probably a great task
10 for this Committee to work on. It's to initiate
11 perspective; what are the recommendations? So,
12 we can look into that.

13 CHAIRMAN JACOBSEN: Yes, thank you.

14 So, the Committee spent a lot of time
15 working on the Alternative Compliance Program.
16 I think we were under the impression at the time
17 that we were looking at an alternative to class
18 and load line requirements.

19 MR. HOCKEMA: Mr. Chairman, I second
20 that. Yes, it was very obvious that it was an
21 alternative to class. And this goes before the
22 Coast Guard or this Committee even got involved.

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1 It was during the lawmaking portion of it.

2 There was a discussion amongst industry
3 and Congressmen about classification of vessels.

4 And it was creeping into the existing vessel fleet,
5 which was unacceptable for the industry.

6 I don't have a documented record of
7 this. So, I apologize for that. But I know that
8 industry scuttlebutt was, a few years ago, was on
9 that subject. And I got a letter from one of the
10 fishing associations in 2006, as early as 2006,
11 where it was related to some fishery endorsements
12 for the American Fisheries Act. And there was some
13 concern that lawmakers were looking at
14 classification for even existing boats or major
15 conversions of existing boats.

16 And so, this is where, after that, an
17 alternative was developed. Eventually, it was
18 named Alternative Safety Compliance Programs, but
19 there was a period of time where, for the industry,
20 it was fairly silent, I think, and it wasn't a
21 subject. And then, it came up just in new
22 construction. And then, the existing vessels came

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1 up as this alternative.

2 So, it's kind of a matter of semantics.

3 I think the name "alternative" is probably, as
4 you guys would probably agree, is not the right
5 terminology in the law literally, unfortunately
6 for us. And so, if we take the name away, the issue
7 still stands, you know, the issue of existing
8 vessels getting older and needing more maintenance,
9 and basic integrity issues still stands.

10 CHAIRMAN JACOBSEN: Any further
11 comments?

12 PARTICIPANT: Captain Neberts
13 (phonetic) here. Again, you bring up existing
14 vessels. On very rare occasions does the Coast
15 Guard retroactively apply regulations to existing
16 vessels. There are some, especially within the
17 fire protection world. The wall anchors is another
18 one. But in very rare occasions have we gone back
19 in time. So, again, I think that's another
20 challenge that the Alternative Safety Compliance
21 Program poses, is to develop something that is fair
22 and equitable, and that meets it.

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1 But I hear what you're saying. Thank
2 you.

3 MR. BOEHMER: Mr. Chairman?

4 CHAIRMAN JACOBSEN: Mr. Boehmer?

5 MR. BOEHMER: Kris Boehmer.

6 I think it's our duty, as the Fishing
7 Vessel, the Fishing Safety Committee here, to help
8 develop this, not look for the industry to get it
9 together. That's what we all get together for.

10 I do think that the Coast Guard has
11 retroactively done a lot of -- the Fishing Vessel
12 Safety Act was pretty much a retroactive plan.
13 We had no regulations in place and we put that in
14 to start a baseline, which is a very small
15 beginning.

16 But maybe we named this wrong. Maybe
17 we should just start it for vessels built before
18 a certain date of when we were starting to have
19 it built to a similar class. We should be looking
20 at a compliance program. Let's not call
21 it -- because if we let this go, we're pretty much
22 letting everything we've worked for go by the

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1 wayside. And something needs to be done. That's
2 what most of us are here for, I think.

3 So, do we need to repackage this as Hal
4 says, take out the alternative? Because I think
5 he's right, it wasn't implied alternative class,
6 and call it a Fishing Vessel Compliance Program
7 and look at the area that we want to capture? And
8 work on how to gradually implement, like this
9 Committee did? Because to ask the industry to do
10 this one, nothing is going to happen. We're going
11 to have life lost, and that's what we're trying
12 to prevent.

13 PARTICIPANT: Yes, even in the context
14 of revamping Part 28 -- and we've been tasked with
15 that before, and we submitted a lot of
16 recommendations in that regard -- I think this
17 Committee would be well within its responsibilities
18 to consider that kind of thing if the Coast Guard
19 would task it.

20 CHAIRMAN JACOBSEN: Do we need to make
21 a motion for that? Or that's something you would
22 work on anyway? I mean, what is the best way to

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1 proceed with this?

2 CAPT. EDWARDS: We'll have to get back
3 to you on that because I don't know --

4 CHAIRMAN JACOBSEN: It sounds like we
5 should make a motion on that.

6 (Laughter.)

7 CAPT. EDWARDS: Well, you can feel free
8 to make a motion. I mean, the challenge that we're
9 in now is -- you know, we touched on it a bit
10 yesterday. Captain Edwards speaking.

11 New regulations are very challenging
12 to move through at this time. So, it's tough to
13 put something new in. But, when it comes out, we're
14 going to have to come down, and there's also, you
15 know, if it's even a significant rulemaking.

16 That's why we are looking for where are
17 opportunities that we can capitalize on industry
18 best standards. Are there other non-regulatory
19 solutions to promote compliance? Or are there ways
20 that the Coast Guard can reward people who are
21 following those best practices?

22 So, that's kind of more the lane that

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1 we're in, I think, at this time, yes.

2 MR. BOEHMER: Kris Boehmer again.

3 My concern is that, up until now, it's
4 been left up to certain owners that have a very
5 good idea of what they need to do and others that
6 don't. You know, it's really been pushed upon my
7 industry to be the enforcers. The insurance
8 companies will tell you, hey, you need this test;
9 you need this; you need that. And that's great
10 for the guys that have insurance.

11 I hate being the bad guy, but it's
12 worked. But there's other people that don't. And
13 voluntarily compliance hasn't saved too many lives.

14 So, I understand there's a problem and
15 an issue with putting new regulations out, but I
16 don't think that should stop our mission statement.

17 We're trying to create a safer industry.

18 I've got to be honest with you. After
19 listening to, I believe it was Tracey yesterday
20 that was telling us about the formation of the
21 committees and the general idea of removing a third
22 of the advisory committees, which I sort of

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1 get -- none of us are making any money at this.
2 We're doing this because we believe it's important.

3 I don't see anything on this agenda
4 that's really pressing why we're here. And if we
5 don't have some issues to take this forward, I think
6 we're just going to drive to a slow death and we're
7 going to be looking at another rise in casualties
8 that will make this Committee be important again.

9 I just don't see that's necessary. I think we
10 have an obligation to push this forward.

11 MR. HOCKEMA: Mr. Chairman?

12 CHAIRMAN JACOBSEN: Yes, Mr. Hockema.

13 MR. HOCKEMA: First of all, I would
14 like to thank Captain Edwards and Mr. Myers and
15 their supporting cast, their departments, for
16 working on these things.

17 I think all of us understand on the
18 Committee your limitations. First of all, the term
19 "alternative" is in the law, and you're quite
20 correct on that. Second, there's no congressional
21 record that backs up my statement that I just
22 mentioned, that originally this was considered as

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1 an alternative to class. Those things are out of
2 our realm. They're out of our control. And so,
3 we can only worry about the things that we can
4 control ourselves.

5 My main concern is that I want -- and
6 I think we've said this before, and I don't think
7 a motion is necessary at this time. The Committee
8 has said this before. We just want the Coast Guard
9 to note our position on these things. And when
10 there are opportunities for the Coast Guard in the
11 future, congressional hearings, those kind of
12 issues, please bring these up because they're
13 concerns that we, as a committee, have.

14 And like I say, we've already made
15 motions before on this kind of stuff, but don't
16 forget about them. Because that existing fleet
17 is going to be a reality for the rest of our lives.

18 It's the one that is really the big concern that
19 we've had.

20 There's been a lot of resistance to
21 classification in new vessels. I have mixed
22 feelings on it. I'm generally against it. But

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1 I'm also very much for established standards
2 because it's the business that I'm in, to design
3 to an acceptance standard.

4 And I believe that everywhere we go that
5 the car we drive, the microphone that we're talking
6 into here, the building we're in, they're all
7 established design standards for these. And our
8 fishing fleet doesn't have very many, and it's a
9 sore point in my career, and I think for many of
10 us here.

11 We have a real broad cross-section of
12 people on the Committee. There's a number of
13 fishermen who I know also have mixed feelings on
14 this on a different level or different priorities
15 than what I have. But I know, by being exposed
16 to hundreds of vessels over my career, that certain
17 design standards have prevented tragedies. And
18 so, the more that we can do to promote these things
19 without those design standards being too onerous
20 and expensive, the better our industry is going
21 to perform from a safety standard and an economic
22 standard, because they're not broke down.

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1 Okay. Well, thank you.

2 CHAIRMAN JACOBSEN: Thank you, Hal.

3 Mr. Davis?

4 MR. DAVIS: My name is Alan Davis, and
5 I think I have a relatively unique perspective,
6 along with Jake and some of the other folks that
7 were involved.

8 There's three different terms that have
9 gotten blended into discussion here, three
10 different issues. And each of them has a different
11 piece and part in the history. So, looking back
12 through the lens of history might help clarify some
13 things.

14 And a general once said, "No good plan
15 survives first contact with the enemy." I think
16 the same thing could be said for no good idea
17 survives first contact with D.C.

18 There was an issue found in the Bering
19 Sea fleet where we had vessels that were in
20 violation of the letter of the law, that were doing
21 processing, which was a line drawn in the water
22 back in the late eighties to trigger certain things,

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1 like load line and classification.

2 The Coast Guard, in D13 and D17, were
3 left with 80 vessels that they had identified that
4 had stepped beyond the line and something had to
5 be done about it. We were losing vessels. People
6 were dying. But there was no way that these vessels
7 could be load lined and classed, due to their age.

8 So, the Alternative Compliance Safety
9 Agreement was born, the first version. And it was
10 a miracle to behold. Chris Woodley and some other
11 people in the Coast Guard were in teach-out at the
12 time, sat down with industry and said, essentially,
13 here's where you're losing vessels; here's where
14 people are dying, and here's why. You're beyond
15 the line. So, you either need to stop doing these
16 added-value things, like if you cut the head off
17 and take the guts out, it's okay, but if you cut
18 the tail off, it's processing. A silly way to draw
19 a safety line, but that's where the line was drawn.

20 So, over a series of meetings,
21 cooperating with the vessels and the industry that
22 was in this unique situation, we came to an

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1 agreement. And \$40 million or more were spent by
2 the vessel owners in that industry segment to
3 improve their vessels. Over 30 propeller shafts
4 were condemned in the first round of dry-dockings
5 of these vessels.

6 I had three vessels that were in the
7 program. I'd like to think my company is a very
8 good company. We wound up finding some things
9 through the process that we spent \$300,000 on.

10 That program was so successful, the
11 idea was spawned to replicate it around the country,
12 but in a voluntary basis. Essentially, the Coast
13 Guard kind of had us over a barrel or had a gun
14 to our heads in this first program, because we
15 either had to comply or we had to class and load
16 line the vessels to meet the law. And we couldn't
17 do it. So, we had to participate in this agreement
18 or stop what we were doing.

19 The beauty of the process, though,
20 wasn't the product that was created; it was the
21 process itself. In safety, we do job hazard
22 assessments, and it's not that you get a piece of

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1 paper at the end; it's stepping through your process
2 and finding the places where things can go wrong
3 and correcting them.

4 So, the Alternative Compliance Safety
5 Agreement -- the initials got all mixed up, and
6 something else was generated. And the original
7 concept was to have the Coast Guard people in the
8 different Districts sit and look at the data, sit
9 down with the leaders in their different fisheries
10 in their Regions and talk about the things that
11 were causing them to lose vessels or lose lives.

12 So, the problem for a freezer longliner
13 in the Bering Sea might be a vessel maintenance
14 issue. The problem for a lobsterman in Maine might
15 be an entanglement man overboard. Two different
16 issues, two different solutions.

17 So, to sit down locally, face-to-face
18 with the industry representatives, the initial idea
19 was to have those conversations, encourage that
20 networking and solution-building. But it wound
21 up morphing into, okay, we have this fabulous
22 product that we created for these two fisheries

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1 or these two fleets in the Bering Sea. Let's take
2 this menu and spread it out across the country.

3 And then, it got all confused and all
4 entangled with new vessel building, and, oh, my
5 God, how are we going to do this? And it died.
6 It really shouldn't die. It should go back to we
7 need to sit down District by District with the
8 leaders in our different fisheries and create a
9 discussion. And it may be that in the Gulf of
10 Mexico with shrimpers they need to be looking at
11 gear entanglement and they need to be looking at
12 man overboard. It may be in the New England
13 groundfish fishery that they need to be looking
14 at haul and maintenance issues. Look Region by
15 Region at the problem.

16 And then, the classification of new
17 builds is a separate issue. It's not part of ASSE
18 or ASCA, by whichever initials you change its label.

19 Thank you. Oh, and if you don't make
20 a motion, there's nothing that you can hold them
21 to.

22 (Laughter.)

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1 CHAIRMAN JACOBSEN: Thank you, Alan.
2 I appreciate those comments.

3 Mr. Paine?

4 MR. PAINE: Well, thank you very much.
5 I didn't know if you were waiting for public
6 testimony at a certain time period.

7 CHAIRMAN JACOBSEN: Well, I've been
8 pretty lax on that. I think it's valuable to have
9 public input. And since we have very few members
10 in the audience at this meeting, I thought it would
11 be appropriate.

12 MR. PAINE: Okay. Well, I'm Brent
13 Paine, and I'm the Director of United Catcher Boats.
14 I've worked for UCB for 27 years here in Seattle.
15 We have 72 catcher vessels that participate with
16 no large trawl here, primarily in the Bering Sea
17 pollock fishery and the West Coast whiting fishery.
18 We fish cod in the Bering Sea and some other species
19 in the Gulf of Alaska, small herring.

20 We were very instrumental in the
21 development of the language that was passed through
22 Congress on this issue of alternative compliance.

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1 And I appreciate Alan's comments, and I think he's
2 right on the mark.

3 When Chris Woodley and the Coast Guard
4 put together the Alternative Compliance Program
5 for the freezer longliners in Amendment 80, back
6 to trawlers, we took a look at that, we being the
7 people the policy would affect, and said, well,
8 this might work for us as well.

9 Al, you're exactly right; we have a
10 hodgepodge of all different kinds of vessels. A
11 lot of them were field supply vessels that were
12 built 30 years ago for fishing out of Louisiana
13 or hauling mud and stuff for the oil-filling guys
14 in the Gulf. We have a bunch of converted crab
15 boats that were in the built in the seventies for
16 The Bering Sea crab fishery. We have vessels from
17 New England that are fishing in the Bering Sea that
18 were original New England trawlers.

19 So, we don't have a standardized -- you
20 know, we look at the Norwegians and the Irish, and
21 they're building a lot trawl boats, and go, wow,
22 that's beautiful. Well, first of all, we don't

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1 have the money like they do. So, we have what we
2 have.

3 So, we said let's take a look at the
4 characteristics of our fleet. Can we develop a
5 program like Chris did with Amendment 80 and the
6 freezer longliners and try to figure out a way to
7 help the vessel owners develop a -- essentially,
8 it's a punchlist. When you take a boat and put
9 it in the shipyard, what have you got to do to make
10 that vessel safe?

11 And again, Ken Tippett, who worked for
12 Alaska Boat Company at the time, was the Chairman
13 of our Alternative Safety Compliance Committee.

14 And then, along came the House T&I
15 Committee, and they basically wanted to force some
16 sort of program for the whole nation on what was
17 based on original freezer longline and Amendment
18 80 Alternative Compliance Program in the Bering
19 Sea. And Doug Calfer (phonetic), we met with him
20 a couple of times in D.C. As he was retiring, he
21 wanted to create this safety program that's going
22 to save lives.

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1 And we said, okay, but we want two
2 things then. We want to have an alternative
3 compliance program that's based on the different
4 Regions and the different types of vessels because
5 one size doesn't fit all. And Al is right on.
6 I mean, you can't force an alternative compliance
7 program that fits a Gulf shrimper and a Bering Sea
8 crab boat. I mean, we fish in 30-degree or
9 27-degree water. You guys fish in 70-degree water.

10 If you've go overboard -- you can spend a day or
11 two in the water in the Gulf -- if you go overboard
12 in the Bering Sea, hyperthermia is going to kick
13 in 30-40, you know, less than 30 minutes, right?

14 A different type of deal, different types of seas.

15 So, that was one thing.

16 The other thing is, we asked that the
17 industry be able to work in cooperation with the
18 Coast Guard to develop alternative compliance
19 programs for the catcher vessels around the
20 country. And that language was in there. Well,
21 as you all know, the U.S. Coast Guard bill just
22 passed, the reauthorization bill, by the Senate

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1 a few days ago. And if you look at that language
2 in there, it's about as clear as mud, according
3 to what I can see. I don't read that kind of stuff
4 very often.

5 But we want to develop a program we can
6 call alternative or not, but we want to develop
7 a program that the fishing vessel owner can use
8 when he's dealing with maintenance on a vessel that
9 saves lives. But we want to work in conjunction
10 with the Coast Guard to develop this program.

11 We walked down this path two years ago.

12 We had an open-house meeting here. To tell you
13 the truth, it was a shit show. You know, the Coast
14 Guard -- can you actually imagine trying to roll
15 out a national alternative compliance program per
16 congressional direction? Do you have the manpower
17 to do that? No.

18 And so, here now, you've got new
19 definitions of timelines of when you've got to roll
20 this thing out. You've got a year, the Coast
21 Guard's got a year to develop the program, and I
22 think they've got three years to implement it,

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1 according to the new legislation.

2 So I think this --- Congress also
3 deleted the clause that said to work with the
4 industry on this. So, you don't have to work with
5 industry now, if you look at the letter of the law
6 from the Senate.

7 So, this Committee is really important,
8 I think. This Committee is the conduit of the
9 industry to work with the Coast Guard in developing
10 an alternative compliance program in the future
11 here.

12 And there's a mandate by Congress to
13 do this within a certain amount of time now. And
14 we want to try to see if we can get it and do it
15 right.

16 So, those are my comments on this issue.

17 It's been very frustrating. We originally looked
18 at what, like Al said and, Chris, if he gets up
19 and talks. The freezer longline and Amendment 80,
20 and the Alternative Compliance Program saved lives.

21 And if you looked at what they did here in Seattle
22 at the shipyards when they were inspecting these

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1 vessels and doing this program, and what they had
2 to do -- I've talked to numerous trawl owners and
3 catchers, you know, the freezer longline owners,
4 when they went through, they put their vessels
5 through the program. They were literally spending
6 millions of dollars to do it, but they had to.
7 And they had a program that worked for them because
8 they got to help develop it.

9 So, my recommendation is, don't forget
10 about the industry because we also want to do the
11 same sort of thing that the Coast Guard wants to
12 do here, but we want to work in collaboration
13 together to develop these sort of programs at a
14 regional level for the vessels from the different
15 Regions in cooperation and together.

16 CHAIRMAN JACOBSEN: Thanks, Brent. I
17 really appreciate your comments.

18 MR. DAMERON: Can I ask a question?

19 CHAIRMAN JACOBSEN: Mr. Dameron?

20 MR. DAMERON: Sir, so are you
21 suggesting that these compliance programs should
22 be regulatory? That there is no regulations?

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1 MR. PAINE: I don't know about that.

2 I mean, obviously, if you look at the Senate bill
3 that passed, I think it says that they have to be
4 regulatory. And we would prefer it not to be,
5 because I think we can do something very similar
6 to what's been done for the factory trawlers and
7 the freezer longliners here and just do it on a
8 voluntary basis. So, yes, that's --

9 MR. DAMERON: A follow-up question,
10 and I didn't get a chance to read what you read.

11 Did they mention the age of the vessels that this
12 was going to pertain to?

13 MR. PAINE: Well, yes, so this
14 gets -- yes. So, I've just looked through the bill.

15 If the House approves it, it's going to become
16 a law. And there's going to be two classes of
17 vessels. There's going to be new builds and, then,
18 there's going to be existing. And all this falls
19 into existing. There is a certain day of when that
20 new bill is going to be defined.

21 So, a new build has to be built to class
22 standards but doesn't have to be maintained to class

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1 standards. That's my understanding of how -- and
2 Hal knows more about this than I do. But everything
3 before a certain date will be classified as an
4 existing vessel and will have to fall underneath
5 the rules of this.

6 I agree, too, it shouldn't be called
7 alternative because there's nothing alternative
8 that it was an alternative to. It should be, we
9 look at it as a punchlist basically. You know,
10 when we haul a boat out, what have we got to do
11 and how often does it have to happen, and what do
12 we have to do when we do that kind of stuff? So,
13 it's really just a vessel maintenance list of
14 responsibilities and the integrity to haul the
15 vessel and the superstructure.

16 CHAIRMAN JACOBSEN: Okay. Thanks,
17 Brent.

18 Any other questions/comments on this?

19 All right, Mr. Kampnich, can you voice
20 any concerns about your area of the world in Craig,
21 Alaska?

22 MR. KAMPNICH: Michael Kampnich.

1 This is my first time to attend the
2 meeting. It's been great to listen to the various
3 concerns from the different regions. You learn
4 a lot. You know, we all face different challenges,
5 different issues. Our primary focus I know is
6 safety.

7 I've been involved in the industry
8 between crewing, harbor mastering, and owning a
9 vessel, and fishing myself for about 30 years.

10 I would say that relates to some of what
11 we've just heard. Commercial fishing, by and
12 large, at least from my perspective in the
13 Southeast, has evolved from a, you know, kind of
14 a "go, boy" fishery, which there was a lot of just
15 go out there and do it, and not a lot of concern
16 given to safety. That way, it caused problems.

17 I think today commercial fishing for
18 the most part is looked upon as a professional
19 business and people are very serious about it.
20 I think the trends in safety in less lives lost,
21 less casualties, and things like that, speak to
22 that. I think there's a number of reasons why that

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1 has come about.

2 Coast Guard guidance and regulations
3 help. I think the professionalism and the
4 evolution of the fleet has certainly been a big
5 part of that. I've seen that locally for sure.
6 Safety today is much more of a concern than it was
7 30 years ago.

8 On a local level, I have a small boat,
9 37 feet, and Alaska has a lot of small vessels
10 throughout the whole area of the State. If I had
11 one concern, I think that when regulations and
12 guidelines are developed, as we've heard here, you
13 really have to be careful on how you develop them,
14 because what may fit one area may be really
15 challenging for another.

16 The issues with Alaska for many of the
17 rural communities is we don't have good access to
18 get in and out. We don't have shipyards, real
19 professional shipyards, and a lot of the things
20 that you might take for granted in many of the other
21 regions of the United States. We may not have as
22 easy of an access or it may be much more costly

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1 to do some of these things.

2 I think these regional concerns and
3 looking at things to try to address the problems
4 and the issues and challenges from a regional basis
5 is well worth looking at and considering. I think
6 that's very important.

7 One of the things that I think is great
8 with the Coast Guard is, you know, we heard from
9 the different District Compliance Officers that
10 manage the inspections and stuff. Alaska has a
11 really good compliance rate. I know that the
12 officers that do the vessel inspections, they make
13 great effort of getting out to the rural and remote
14 communities and providing the service. It's an
15 important factor for most of the fleet and certainly
16 in the area that I -- I fish out of Craig and the
17 west coast or Prince of Wales Island. We
18 appreciate the work the Coast Guard does, and doing
19 that in a challenging environment, remote, it takes
20 extra effort to travel and do that.

21 So, it's been enjoyable. I appreciate
22 what I've learned here and hearing from everybody

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1 else. Thank you.

2 CHAIRMAN JACOBSEN: Yes, thank you
3 very much.

4 Mr. Boehmer?

5 MR. BOEHMER: I think I want to try to
6 make a motion, but I need some help. I'm going
7 to tell you what I'm thinking, and then, the body
8 can help me out here.

9 CHAIRMAN JACOBSEN: Well, we can get
10 to some motions later, too, if you want some time
11 to wordsmith it and talk with other people.

12 MR. BOEHMER: Got it.

13 CHAIRMAN JACOBSEN: Yes. So, this
14 isn't like your last opportunity.

15 MR. BOEHMER: Thank you.

16 CHAIRMAN JACOBSEN: And I think in
17 Alaska it's been a real change of culture as far
18 as safety goes. A lot of it is the responsibility
19 of Mr. Woodley, because a long time ago he came
20 to me as a representative of the crab fleet and
21 he said, "Can we speak at your meeting?" Because
22 we were having a meeting about prices for crab.

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1 And that initial meeting led to other meetings that
2 led to really the fleets embracing of safety
3 inspections before we go fishing. And it was a
4 major factor in making our fishery, the Alaskan
5 crab fishery, no longer the deadliest catch, but
6 one of the safest fisheries in the country.

7 So, it's that interaction between
8 industry and the Coast Guard that was really
9 critical in a cultural change. I think that's
10 evidenced now in the fact that this Committee voted
11 for two-year mandatory fishing vessel
12 examinations. The current law is five years. We
13 wanted two years, because we understand how
14 important it is, and how important it is to have
15 somebody else come on the boat and look at our
16 operations. Sometimes we get a little
17 shortsighted. So, it's that interaction between
18 the Coast Guard and industry I think is critical
19 in the development of any programs going forward.
20 That's why I think this Committee is so important.

21 So, sorry to give a little speech.

22 Mr. Derie?

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1 MR. DERIE: Thank you. Joe Derie.

2 Obviously, we're concerned about how
3 the enhanced oversight program is going to turn
4 out and how it's going to be applied, both as marine
5 engineers, naval architects, and surveyors, how
6 that's going to work out.

7 I did have a question with regards to
8 the audit of third parties. You know, we had one
9 in charge of NAMS's fishing vessel program, and
10 we had an audit a couple of years ago and a couple
11 of years before that. When is the schedule for
12 another audit, Joe? Have you worked on that?

13 MR. MYERS: Now I was not -- I'm
14 scrolling back because you asked that question.

15 Joe Myers speaking here.

16 I believe the last time we went out was
17 2017.

18 MR. DERIE: Yeah, you visited NAMS in
19 September, and I think SAMS was in August or
20 sometime.

21 MR. MYERS: So, in 2017, my office, we
22 went out and did audits or we visited the TPOs,

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1 third-party organizations, that do fishing vessel
2 exams. And so, we are due to do that, I am
3 anticipating we'll do that again this year because
4 it's been a year.

5 And I believe -- and I'm shooting from
6 the hip right now, but I would have to look at the
7 periodicity schedules that we've had in the
8 past -- I believe it's about every year, year and
9 a half. So, we're due.

10 MR. DERIE: Now it's been about two
11 years. Every two years is when we keep doing it.

12 MR. MYERS: Okay. So, I would say
13 we're coming up on another cycle within a year.

14 MR. DERIE: And you're going to do that
15 out of your office? I know the local offices are
16 doing --

17 MR. MYERS: Our office spearheads it.

18 MR. DERIE: Good.

19 MR. MYERS: Yes. Mr. David Belliveau,
20 he's our tech for that, yes.

21 MR. DERIE: That's all I had. Thank
22 you.

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1 CHAIRMAN JACOBSEN: Thank you, Joe.

2 Mr. Rosvold, can you comment on your
3 area?

4 MR. ROSVOLD: Mr. Chairman, I had a
5 question on that same sheet Al was talking about,
6 the Tasks and Recommendations. It's one that's
7 labeled "2016" and November, which is achieving
8 parity between state-licensed and
9 federally-documented commercial fishing vessels.
10 I'm curious as to what stage that is in, if it's
11 something that's moving forward or not.

12 CHAIRMAN JACOBSEN: Yeah, that parity
13 issue is certainly an important one.

14 Mr. Myers, do you have any perspective
15 on that?

16 MR. MYERS: Yes. This is Joe Myers
17 speaking.

18 I believe the topic of parity was a
19 recommendation, line item, for the Task Statement
20 0117 that was made this past spring from the
21 Committee. And the status of that is right now
22 we have taken the recommendation and it has been

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1 routed up for official comment. And so, that is
2 the status. It's been literally two -- we just
3 have not received comment coming back down. We
4 routed it up to FACA and the Coast Guard. So, I
5 can't formally comment on that topic because we
6 just routed that package up this past spring. And
7 that's my response.

8 MR. ROSVOLD: Thank you.

9 MR. MYERS: But I'd like to add, if I
10 could, as I said, we anticipate with the next
11 meeting. We hope to have a response back by then,
12 but it's just been a quick summary. And a lot of
13 times, things don't come back our way as quick as
14 we would like sometimes.

15 MR. ROSVOLD: So, we still have
16 commercial fishing vessels that are every bit as
17 capable as my documented vessel that don't have
18 to perform to the same safety standards currently.

19 MR. MYERS: As stated in your comments
20 from the last recommendations.

21 MR. ROSVOLD: Thank you.

22 CHAIRMAN JACOBSEN: Anything further,

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1 Mr. Rosvold? Okay.

2 Mr. Hewlett?

3 MR. HEWLETT: I think the problems that
4 we're having down here is a lot of people in the
5 fishery was compliant, the life raft for everybody
6 and everything, and the inspections. But the ones
7 that's been doing it for the last five years and
8 kept doing it, a lot of them are taking their life
9 rafts off their boats and putting rings back on.
10 And a lot of them are getting a little upset that
11 they're compliant, and the most important thing
12 in our eyes is the inspections, and the boats that
13 aren't compliant, nothing's being done to them.
14 So, I lot of people are getting feelings that the
15 Coast Guard isn't stopping them and nothing's going
16 to happen. So, why should they comply with the
17 regulations? That's the biggest thing that the
18 fishermen are bringing to me right now, the ones
19 that are complying with all the regulations.

20 So, I don't know what can be done or
21 what's going to be done. I think they're trying
22 to get done, but I think you're at a standstill

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1 right now until enforcement happens. And that's
2 concerning because I really believe there's a lot
3 of boats out there that don't even have hot water
4 working. There's boats running around in the leave
5 zone and stuff like that. So, that's pretty
6 serious in my book.

7 Thank you.

8 CHAIRMAN JACOBSEN: Yes, thanks,
9 Butch.

10 Mr. Dennehy?

11 MR. DENNEHY: Thank you, Mr. Chairman.

12 Ed Dennehy here, representing the training
13 community.

14 My concern evolves around the whole
15 issue of the operator competencies and compliance
16 program and the lack of regulations to actually
17 implement that. We got this wonderful opportunity
18 with the grants, the training grant program, but
19 there's no way to force fishermen to actually go
20 to training, which is one of the issues we deal
21 with right now.

22 It seems, if we want to maximize the

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1 value of that grant, there has to be some way to
2 make fishermen go to the training that we hope to
3 use the grant to develop. I understand the
4 two-out/one-in thing, and where you guys are, but
5 I'm curious as to where are you right now as far
6 as actually developing the process for creating
7 a regulation that implements that competencies
8 program.

9 CAPT. EDWARDS So, where we are with
10 regulations in general is, I would just say, that
11 twice a year, semiannually -- this is Captain
12 Edwards speaking -- the Unified Agenda for ongoing
13 regulations are posted, and we can send a link out
14 for that. It says, what is the status of each of
15 the regulatory programs that the Coast Guard is
16 working on? Those that are longer than 12 months
17 out are kind of put on the long-term side in the
18 list. So, you can see what we're working on and
19 the updates to it. Short of that, that's all that
20 we can discuss on any ongoing regulatory work.

21 MR. DENNEHY: So, is there any ongoing
22 regulatory work as it pertains to this

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1 particular --

2 CAPT. EDWARDS: So, that is not on the
3 Unified Agenda at this time.

4 MR. DENNEHY: So, you can't answer the
5 question? Is that what you're saying?

6 CAPT. EDWARDS: Right. Right. It's
7 not a regulation that's on the Unified Agenda.
8 So, it's not being worked at this time.

9 CHAIRMAN JACOBSEN: So, Mr. Dennehy,
10 you might want to craft a motion over lunch or
11 something else that would inform the Coast Guard
12 as to your concerns. Thank you.

13 Anything else?

14 MR. DENNEHY: No, that's all I have.
15 Thank you.

16 CHAIRMAN JACOBSEN: Thank you very
17 much.

18 All right. Mr. Dameron?

19 MR. DAMERON: So, I have a question on
20 that last point, and then, I have a new issue.

21 So, my question is on the Unified
22 Agenda, as people on this Committee understand,

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1 it was, I believe, maybe October two years ago that
2 the public comment period ended. The Coast Guard
3 had all the information they needed from both this
4 Committee and the public comment, and Congress has
5 passed the laws that said that these regulations
6 need to be written. Now, understanding that it's
7 not on the agenda, it's something that's currently
8 being worked on? Did I hear that right?

9 CAPT. EDWARDS Correct. If it's not
10 on our list, it's not currently an active regulatory
11 project for the Coast Guard.

12 MR. DAMERON: Okay. Thank you.

13 MR. MYERS: What I would like to do,
14 if I can add to that -- this is Joe Myers
15 speaking -- I'd like to bring up our website again.

16 And, Rob, if you can help us maybe bring it up?

17 I'm like you, I'm trying to keep the
18 pulse on this. But we've heard the term "Unified
19 Agenda" a lot not just today. But if we don't know
20 where to go, we don't have the pulse on it.

21 And what Rob is going to do is he's going
22 to bring up our DCO website, our Fishing Vessel

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1 Division site. We have created a hyperlink to that
2 Unified Agenda page. And so, any day of the week
3 you can click on that and see the status of, for
4 example, a fishing vessel rule, of how it's getting
5 traction, moving forward, you know, what the latest
6 and greatest is.

7 So, before we click on that, Rob, okay,
8 so he's going to go to "Fishing Vessel Rule Making".

9 He's going to click that. And he is going to
10 go -- let's go back one second.

11 Okay. So, he would have the rule,
12 announced it. We've created a link and it says,
13 "Implementation of 2010 and 2012 Legislation".
14 He clicks on that. And again, this is going to
15 give us the pulse of the rulemaking. There's other
16 hyperlinks you can click on further details.

17 These are the dates, Notice of Proposed
18 Rulemaking. This is where it extended. But the
19 final rule, that's the key thing we're talking about
20 right now. For example, with the fishing vessel
21 rule, it says, "To be determined". So, that means,
22 right now --

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1 CAPT. EDWARDS Captain Edwards here.

2 The other piece that you can note up
3 there is it will say the agenda stage of rulemaking,
4 and this has been moved to long-term actions. So,
5 essentially, other regulatory projects have moved
6 ahead of this one or are being worked ahead of this.

7 And part of this stems from -- you know,
8 we read through some of the Executive Orders
9 yesterday -- we've been directed to undergo as much
10 deregulation as we can. And so, every time we
11 deregulate or we remove a regulation, it's the same
12 process as when we establish a regulation. That
13 means that there has to be a Notice of Proposed
14 Rulemaking established and economic analysis done,
15 public comment opened, and then, we go forward from
16 there. So, right now, the push within the Coast
17 Guard regulatory front is in the deregulatory
18 nature, more so than on adding regulations.

19 CHAIRMAN JACOBSEN: Mr. Dameron?

20 MR. DAMERON: Thank you very much for
21 the clarification.

22 Now, if I would, Mr. Chairman, I would

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1 like to make a motion that the U.S. Coast Guard
2 ask this Committee to look at the requirement to
3 continue to remain in class for fishing vessels
4 that were required to be built to class, but would
5 no longer be required to build to class under
6 subsequent U.S. Code or regulations.

7 And if I could explain that --

8 CHAIRMAN JACOBSEN: Well, is there a
9 second to it?

10 MR. DAMERON: Oh, I'm sorry.

11 MR. HOCKEMA: Second.

12 CHAIRMAN JACOBSEN: The motion has
13 been seconded by Mr. Hockema.

14 You may speak to the motion.

15 MR. DAMERON: So, this Committee, when
16 the classing requirements came out of Congress,
17 this Committee advised the Coast Guard to advise
18 Congress that we did not vote on support for the
19 classification for fishing vessels over 50 feet.

20 Subsequently, the regulations were changed so that
21 vessels between 50 feet and 79 feet did not have
22 to be built to class. There may have been vessels

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1 that were built during that time that were built
2 to class that, if they were built today, they would
3 not have to be built to class.

4 It seems like, through the regulatory
5 process, they are in the process of increasing that
6 length limit again, so that vessels under a higher
7 length than 79 foot would not have to be built to
8 class. And the way the regulations read now, if
9 you're built to class initially, you would have
10 to stay in class. And this will be a very big
11 financial disadvantage to those vessels that did
12 what they were supposed to, let's say two years
13 ago, and they were built to class. And then, if
14 the regulation changes, another vessel built to
15 the exact same class standards will be financially
16 disadvantaged.

17 CAPT. EDWARDS Mr. Chair, if I may?

18 CHAIRMAN JACOBSEN: Go ahead.

19 CAPT. EDWARDS Unless I'm mistaken,
20 those are under law, not regulation. And so, the
21 challenge behind that is law is what is set by
22 Congress and gives the Department, gives the Agency

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1 direction on which to act. Regulations are the
2 Agency's interpretation of that action. So, if
3 it's written in law, that is the direction that
4 we have to go.

5 CHAIRMAN JACOBSEN: Mr. Dameron?

6 MR. DAMERON: So, am I understanding
7 that you would not be able to task this Committee
8 to look at that?

9 CAPT. EDWARDS Yes, it's Captain
10 Edwards.

11 Correct. That's something that is in
12 law. We understand the concern that the Committee
13 has. The Coast Guard has within one of our means
14 that we work is we do proposed legislative change
15 proposals, and we work with Congress to provide
16 feedback on law, but it is only advice. Again,
17 that's direction from Congress on what we're
18 supposed to do.

19 CHAIRMAN JACOBSEN: Mr. Dameron?

20 MR. DAMERON: Mr. Chairman, I would
21 like to withdraw my motion, and I will do some
22 wordsmithing over lunch and come back.

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1 CHAIRMAN JACOBSEN: Is the second okay
2 with that?

3 MR. HOCKEMA: Yes, Mr. Chairman, I'm
4 good with that.

5 CHAIRMAN JACOBSEN: Thank you. The
6 motion is withdrawn.

7 CAPT. EDWARDS This is Captain
8 Edwards. I just wanted to make a clarification
9 on motions, and I know there's a couple that you're
10 working on.

11 Keep in mind that we can have these
12 discussions throughout the year. This is not like
13 a deadline where, if it's not done by the
14 adjournment of this Committee meeting, that it
15 can't be opened. And so, I would propose perhaps
16 to the Committee that some of these may require
17 a little bit of research behind the scenes. And
18 rushing to try to get a motion in that would, then,
19 spin off kind of work, it may not be as productive.

20 But what we can gladly do is to set up another
21 teleconference of small administrative matters at
22 that point. This isn't something that needs to

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1 be -- we can check with our rule people, but it
2 doesn't have to be put in The Federal Register so
3 many days ahead of time.

4 So, I just wanted to make sure that,
5 don't feel like you're rushed to try to get
6 something on paper today. We can supply you with
7 additional information that we have and kind of
8 craft it that way. In the end, the whole purpose
9 behind that is for us to determine whether there's
10 tasking back to this Committee on projects going
11 forward. So, I'm not saying you can't, but just,
12 you know, kind of keep that in mind.

13 CHAIRMAN JACOBSEN: Okay. Thank you,
14 Captain.

15 All right. So, let's go to the New
16 Construction Option Update, and then, we'll -- how
17 long do you think that will last?

18 MR. DENNEHY: Mr. Chairman, if I could,
19 I just wanted to get some clarification.

20 Without regulations that implement the
21 training program specified in the Authorization
22 Act, are there other ways to put the fishermen in

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1 a position where they feel like they have to attend
2 the training? I mean, I'm asking. I don't know.

3 Just like what kind of incentives might there be,
4 official incentives might there be to encourage
5 fishermen to attend training which addresses those
6 particular competencies?

7 CHAIRMAN JACOBSEN: Yes, I would look
8 to Captain Edwards.

9 CAPT. EDWARDS This is Captain
10 Edwards.

11 Yes, actually, that was kind of one of
12 my little note things. We have to take it back
13 and format it a little bit more. But one idea of
14 a potential task to this Committee is, from a bigger
15 perspective, what are those non-regulatory items
16 or levers that we can pull to promote compliance?

17 Regulations is one way to do it, right. That's
18 a "you shall do this," and that sometimes is not
19 effective.

20 So, are there suggestions that the
21 Committee or the industry has on what can the Coast
22 Guard do to incentivize people following voluntary

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1 regulations? Whether they're vessel build and
2 maintenance or whether they're crew training, what
3 can we do?

4 I know there's money out there for
5 programs that reduces the cost to the mariner.
6 But what are ideas from industry that the Coast
7 Guard can play a part in assisting with it?

8 MR. DENNEHY: I guess what immediately
9 comes to mind for me is, if a person goes through
10 a drill conductor course -- and that's certainly
11 one of the requirements that's going to come out
12 in the new regs, if they ever happen -- to say that,
13 if you've been trained as a drill conductor, and
14 it was two years ago, and now we finally have regs,
15 but what you did two years still is going to meet
16 that new requirement.

17 So, you can say, hey, you need to go
18 to this course because a couple of years from now
19 this is going to be an absolute requirement, and
20 the Coast Guard is thinking about making sure that,
21 if you do it today, that would meet the requirement
22 because it would be within that five-year window

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1 kind of thing.

2 Am I making sense there? I'm not sure
3 that I am.

4 CHAIRMAN JACOBSEN: Yes. Well, I
5 think, yes, the threat of future action sometimes
6 is effective.

7 CAPT. EDWARDS Right. So, this is
8 Captain Edwards again.

9 I think, again, you all are experts in
10 your field. So, perhaps something to start to
11 think about is, what are incentives that are out
12 there that we can pull people along and convince
13 them this is the right thing to do? And what can
14 the Coast Guard do to help?

15 So, I'll just give you an example. On
16 the inspected vessel fleet, what we're trying to
17 do to promote safety management systems onboard
18 vessels is we've changed our Coast Guard 835 form,
19 which is the Report of Vessel Discrepancies, to
20 allow a block where a vessel can self-report items.

21 And the idea behind that is we want vessels owners
22 on inspected vessels to have an active safety

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1 management system where they are proactively
2 finding problems on the vessel, reporting it to
3 the Coast Guard. We need to collect that
4 information from the data. But, as we move towards
5 a more risk-based approach for vessel inspections,
6 those deficiencies on the vessels won't count
7 against them. In fact, in some cases, we are
8 crediting the owner, or that we will credit the
9 vessel, with points because they're proactively
10 taking care of it.

11 So, that's just an example. That's a
12 non-regulatory way that we're trying to promote
13 the adoption and following safety management
14 systems.

15 So, I think we need, from the fishing
16 vessel community, what are some things, what are
17 either programs or what are those carrots that we
18 can offer to promote compliance?

19 CHAIRMAN JACOBSEN: Mr. Hewlett?

20 MR. HEWLETT: Mr. Chairman, this is Mr.
21 Hewlett.

22 I was under the impression that the

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1 drill conductor class, in order to get your sticker
2 for your boat, you have to do drills once a month,
3 and a drill conductor has to do it, whether you
4 go through the class or you hire somebody to come
5 do drills on your boats.

6 So, basically, the law doesn't state
7 yet that you have to have a crew member or at least
8 a crew member on the boat that's certified, but
9 you still have to have somebody that comes and does
10 the drills and signs off on them once a month.
11 Is that correct?

12 CAPT. EDWARDS Yes.

13 CHAIRMAN JACOBSEN: So, I think at this
14 time let's take a break. It's 10 o'clock. And
15 when we come back, we'll look at the New
16 Construction Option Update. And then, there will
17 be an opportunity after lunch for additional
18 comments and motions and discussion. And so, we'll
19 proceed from there.

20 So, come back at 10:15. Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 10:03 a.m. and resumed at

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1 10:21 a.m.)

2 CHAIRMAN JACOBSEN: Okay. So the new
3 construction update, we've talked about this a
4 little bit already but I asked Mr. Myers to go over
5 it again. So Mr. Myers.

6 MR. MYERS: Thank you, Mr. Chair. And
7 if I could, just so, if I could put a little plug
8 for the signup sheet in the back before we get
9 started, if -- because I know, I think we did a
10 pretty good job of capturing names of folks here
11 yesterday. If you wouldn't mind please doing the
12 same today then we can get the, kind of a tracker
13 on both days and who showed up and numbers and all
14 that. It's always good to reflect the
15 participation.

16 CHAIRMAN JACOBSEN: Also on
17 housekeeping, I know there's some coffee and donuts
18 back there. Do we need to reimburse somebody for
19 that?

20 MS. CONRAD: No.

21 MR. MYERS: Thank you, Ms. Conrad.

22 CHAIRMAN JACOBSEN: Thank you very

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1 much.

2 MR. MYERS: We appreciate that. Now
3 I had a prepared, or I have a prepared statement
4 and this is, I know a lot of us here are very versed
5 of the construction standards and this is, this
6 is put together to highlight what stemmed from the
7 Coast Guard Authorization Act of 2012, or '10 and
8 '12 and even '15.

9 And so for folks that may not be privy
10 of all the details, this is one to re-highlight
11 this. As we said, we're going to touch base on
12 a lot of the conversation we had over the past hour.

13 But at the same time, I've been thinking
14 about maybe a long and short-range solution and
15 again, just ideas and thoughts that I wanted to
16 comment on at the tail end of this. And when we
17 talk about, hey, what do we do about this.

18 Is there a problem and what do we do
19 about it, if any. And so I have a couple of personal
20 thoughts on that and I'll save that until the tail
21 end. So I'm going to start off.

22 And by the way, the reason we feel the

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1 need to talk about construction today is because
2 CBC3, my office at Coast Guard's current
3 headquarters, we received I'll say a half-a-dozen
4 phone calls over the past six to eight months on
5 this topic.

6 And there's concerns and sometimes
7 maybe some naval architect that may not quite know
8 what to do or they know what to do but they want
9 to get our take on it. So again, that's why we
10 felt the need to at least bring it to the table
11 today.

12 So on December 20, 2012, the President
13 signed the Coast Guard Maritime Transportation Act
14 of 2012, the CGMTA. This law made significant
15 changes to the Coast Guard Authorization Act of
16 2010, which had previously established safety and
17 equipment requirements for commercial fishing
18 vessels, which is captured in Chapters 45 and 51
19 of Title 46, in U.S. Code.

20 The requirements in both laws built
21 upon the standards established in the Commercial
22 Fishing Industry Vessel Safety Act of 1988. On

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1 February 8 of 2016, the Coast Guard and Marine
2 Transportation Act of 2015 was signed into law and
3 made a few additions to Chapter 45 of U.S. Code,
4 specifically to Section USC 4503.

5 The changes required new commercial
6 fishing vessels built after January 1 of 2010 that
7 are less than 50 feet overall in length to be
8 constructed in a manner that provides a level of
9 safety equivalent to the minimum standards
10 established for recreational vessels.

11 Required new commercial fishing
12 vessels built after 1 July of '13 that are 79 feet
13 or greater in length to be assigned a load line.

14 Require new commercial fishing vessels built after
15 1 July of '13 that are at least 50 feet overall
16 in length and will operate beyond three nautical
17 miles past the demarcation line to meet survey and
18 classification requirements.

19 Commercial fishing vessels built to
20 class requirements before 1 July '13 must remain
21 in class. The 2015 Coast Guard Authorization Act
22 inserted new verbiage into 46 U.S. Code 4503(e).

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1 It allows for commercial fishing
2 vessels between 50 feet and 79 feet overall in
3 length built after 2015, the 2015 Authorization
4 Act was enacted, which was 8 February '16 that
5 operate beyond three nautical miles to be designed
6 by an individual license by a state as a naval
7 architect or marine engineer.

8 The design is required to incorporate
9 standards equivalent to those prescribed by a
10 classification society. It is also addressed --
11 it also addresses construction oversight and other
12 post-construction requirements.

13 If a vessel is built adhering to these
14 requirements, it doesn't not have to be classed
15 or carry a class certificate. Okay. So comments.

16 With regards to the commercial fishing vessels
17 in size lengths 50 to 79 feet.

18 And again that applicability date, 8
19 February '16, in the past year the Office of
20 Commercial Vessel Compliance Fishing Vessel
21 Division has fielded numerous questions on
22 interpretation of this construction requirement

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1 as conveyed in U.S. Code 4503(e).

2 The Coast Guard recognizes that there
3 are few if any finalized classification society
4 rules that address commercial fishing vessels in
5 the size range 50 to 79 feet. However, there are
6 rules for vessels other than commercial fishing
7 vessels and voluntary guidance for design,
8 construction equipment.

9 And these are available to vessel
10 designers, such as I think we commented on this
11 earlier, you have NVIC 7-68, which is guidance on
12 construction welding standards that encourages ABS
13 rules.

14 That's not just for uninspected vessels
15 but for the inspected vessel communities or the
16 different subchapters. And so that's one example.

17 And again, we have ABS rules and ASME underwrite
18 our laboratory standards, et cetera, so there's
19 a lot of information out there for other vessels
20 than necessarily commercial fishing vessels.

21 That being said, because the Coast
22 Guard has not issued regulations or policy guidance

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1 concerning the alternative classification
2 approach, it is inappropriate for the Coast Guard
3 to provide approval or acceptance for approvals.

4 And that is a statement issued out by
5 the Marine Safety Center -- Coast Guard Marine
6 Safety Center. But as written in 46 U.S. Code
7 4503(e)(1), it does not require the Coast Guard
8 to approve the design or determine the equivalency
9 to class standards.

10 The law allows for a properly licensed
11 naval architect or marine engineer to design the
12 vessel and then requires that the marine surveyor
13 certify the vessel was built in accordance with
14 those plans.

15 The intent of this provision is for the
16 design agent to have flexibility in determining
17 how to incorporate standards equivalent to those
18 prescribed by a classification society to which
19 the Secretary has delegated authority or other
20 qualified organizations.

21 While vessels should incorporate
22 design standards equivalent to those comparable

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1 to the class vessel, the law does not indicate that
2 the vessel be designed or built to class standards,
3 emphasizing the intent of this provision is for
4 the design agent to have flexibility -- offering
5 flexibility.

6 In each new construction project there
7 are numerous stakeholders and vessel owners,
8 builders, shipyards, naval architects, marine
9 engineers, the Coast Guard, local OCMI, district
10 commanders.

11 The Coast Guard encourages all involved
12 parties, all of these to communicate and carefully
13 document the process. And with that being said,
14 we've just had a lot of discussion on this topic.

15 And if you bear with me for one second,
16 I'd like to -- I don't have many notes but I have
17 a couple notes, but I think stemming from this
18 discussion we all recognize or it seems like we
19 do that there's some difficulties.

20 And some are, if we are going to create
21 a final rule policy, you know, a new policy, and
22 new documents, sometimes we have to, we have to

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1 meet certain expectations of the current
2 administration and what hurdles those may present
3 us.

4 On the other hand, I think we need to
5 consider other options, I believe as Captain
6 Edwards said and some of the panel are is there
7 a way of accomplishing this goal without writing
8 a policy and, you know, again accomplish that
9 mission.

10 The first thing when I hear we have
11 tools out there, again, we've said that several
12 times. But along with that, those standards out
13 there -- of which there are many of them, some of
14 them international standards -- we also have the
15 problem with the concerns of industry and the
16 committee.

17 And we recognize and appreciate all of
18 those concerns because, you know, we have those
19 same concerns. But one of the things that pops
20 into my head is, okay, where is the flaw in the
21 system?

22 And a lot of times when we have things

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1 come across our table, the bean counters up at Coast
2 Guard headquarters or whoever the person is or
3 entity is that's making a decision, we say, well,
4 where's the problem? Where's the data?

5 Are our vessels sinking because water
6 protect doors are not sealing properly or hulls
7 are failing? And, you know, maybe, maybe not.
8 You know, we don't know. We're trying to, you know,
9 data tells a lot.

10 But a lot of times we also recognize
11 that not everything is in the data. There's a
12 common sense approach, and sometimes because it's
13 good marine practice, we may have to take a
14 reactionary stance and do something about it,
15 whatever "it" is.

16 And so my thoughts personally is on,
17 as a past marine inspector myself, I was in the
18 field doing marine inspections for at least 18 years
19 steady. And doing other inspections along with
20 commercial fishing vessel industry exams.

21 I do have experience with T-boats and
22 H-boats and I-boats and one of the tools we had

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1 out there were 840 books. And if you don't know
2 what an 840 book is, for example, we may have to
3 do a dry dock on a vessel, and it may detail the
4 process within that 840 book, and along with that
5 you may have little, on the right-hand corner a
6 little area that says, in accordance with this
7 standard.

8 It appears to me that part of the
9 concern, maybe not the only concern, but part of
10 the concern is we need a checklist, or a checklist
11 would help. Along with that checklist, you know,
12 this EOP is good, but it's not everything.

13 But a 840 book type checklist may offer
14 up a good recommended best practice on how to use
15 dry docks and, you know, maybe it's gauging. Maybe
16 we're not going to mandate gauging on fishing
17 industry vessels but we encourage it because and
18 then we say, okay, where does it say that?

19 Well we may bridge that gap and show
20 a reference and say, okay, NVIC 7-68. It's our
21 guidance. It's been around for 50 years. A lot
22 of years.

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1 And it's, and the, and there's no
2 indicator that the process in that NVIC is broken
3 right now because what it does is it tells us hey,
4 adopt ABS standards because a lot, because a lot
5 of models are out there.

6 And we can have the scenarios with
7 electrical or other areas, but again that's one
8 way to think about it. And so I think there's a
9 door that can be creeped open on this that industry
10 or the committee or both can partner and say, hey,
11 let's look at comparable model 840 books for example
12 for a type of vessel like a tug or a T-boat.

13 And let's see what it says about that.

14 And are these things we can incorporate for
15 commercial fishing industry vessels, or are there
16 other things? And so I guess that's my thought
17 on it.

18 And that's to, you know, we understand
19 that we have regs in place or we have guidance,
20 I should say in place and moving forward with this,
21 this may be something to consider.

22 And that could be, that could be as

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1 simple as meeting as a group face-to-face, or you
2 know, by way of phone. There's many ways of
3 accomplishing things that set the stage and then
4 having workgroups established.

5 And I offer that to you, Mr. Chairman.

6 That's all I have.

7 CHAIRMAN JACOBSEN: Thank you, Mr.
8 Myers. Any questions or comments? Mr. Hockema?

9 MR. HOCKEMA: Mr. Chairman, thank you,
10 Mr. Myers. Moving back at the beginning of your
11 discussion on your comments that you made
12 initially, I would propose that those comments
13 largely would satisfy us as designers in some sort
14 of guidance statement from the Coast Guard
15 mentioning that equivalent to class doesn't mean
16 necessarily classification requirements.

17 It can mean -- it can mean other
18 accepted standards. And so that group of comments
19 you had initially is quite adequate on my part to
20 have some guidance for the industry, maybe adjusted
21 a bit, but it doesn't need to specify which accepted
22 standards.

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1 But as long as you reinforce that other
2 accepted standards are acceptable, then that's
3 really good enough. And so it gives the design
4 community kind of a baseline to go from.

5 And of course, us engineers are a little
6 more in tune with statutes like the law than maybe
7 some other industries are just because we deal with
8 laws and regulations all the time.

9 But when I have to sell my services to
10 a fisherman who is not in the room, I have to
11 convince him or her that my services, they are going
12 to cost more for this kind of situation than what
13 they have in the past.

14 I have to convince them that there that
15 the regulations or law where the Coast Guard has
16 given guidance on, here's the deal. And so my
17 services are going to cost a lot more than what
18 they have in the past.

19 But I don't, if I only have the law to
20 go by, inevitably some of them are going to say,
21 well, Charlie over here did this other thing. And
22 I can say, well, Charlie's new architect, if he

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1 had one, I think they might be in trouble.

2 Anyway, that's, I think that's, what
3 I'm looking for in a minimum baseline guidance for
4 the fact that alternative accepted standards are
5 okay. And again, my profession regulated by the
6 state usually requires that by each state.

7 But it's not out front even in those
8 standards. I know other professional engineers
9 that are not as vigilant about their own ethics,
10 so to speak than what I am. I'm scared to death
11 of being, having an unfortunate accident against
12 me, from me to the Coast Guard or my state PE board,
13 Professional Engineer board.

14 So as you can imagine if you're
15 disciplined in a profession like mine, you can lose
16 your license. That's what makes your living and
17 so it's very important then. I think most of my
18 clients understand that.

19 We make it pretty clear, but other
20 engineers and naval architect may not be as much
21 so. And there's in every industry we know that
22 there's some bottom dwellers. Most people are

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1 doing the right thing and there's a few that aren't
2 and engineering is no exception.

3 It's in the fishing industry. It's in
4 the engineering industry and these kind of things.

5 And all of these things that we're talking about,
6 we want to, we want to bring that bar off the
7 baseline just a little bit so that we ensure that
8 everybody in the industry understands what the
9 minimum bar is.

10 And that minimum bar in your case as
11 in your comment, is really just alternate accepted
12 standards. Thank you.

13 MR. MYERS: And Mr. Chair, can I
14 comment on that?

15 MR. CHAIR: Yes, Mr. Myers.

16 MR. MYERS: I appreciate your comments
17 on that. And I think there could be a way of
18 offering further clarity because that's what you're
19 asking for, and I think as we move forward maybe
20 we can partner offline.

21 I don't think this constitutes policy
22 but, you know, we may be able to do a work

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1 instruction or something, and I don't think it will
2 take 20 pages but maybe something short, concise,
3 and something that we could also not just for the,
4 for you and your area, but obviously for all
5 stakeholders across the board.

6 And I think we, again working offline
7 on this, maybe we could kind of bridge that gap,
8 because I know it's a concern and we appreciate
9 that. And so I think this is doable to the comments
10 that you made.

11 CHAIRMAN JACOBSEN: Thank you very
12 much. Any other comments? Mr. Derie?

13 MR. DERIE: Yeah, Joe Derie. I just
14 wanted to comment that it's one thing to design
15 and build a boat to standards, but you need to have
16 somebody in the shipyard to be sure it's built to
17 those standards.

18 And this is especially true if it's a
19 standard, the boatyards never built boat to such
20 as if they're going to build something, say 45 feet
21 to Navy OIC standard or whatever. And you
22 mentioned international standards.

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1 Find a boatyard that knows how to build
2 to those standards. So you've got to have the
3 proper oversight, and it shouldn't probably just
4 be the owner should probably hire somebody that
5 knows those standards to keep an eye on the
6 boatyard.

7 CHAIRMAN JACOBSEN: All right.
8 Anything else? Okay. Are we ready to go to fish
9 pingers? Oh a comment in the back? Oh, it's Mr.
10 Rudolph. I don't have my glasses.

11 MR. RUDOLPH: Thank you, Mr. Chairman.
12 Mike Rudolph from MSC Portland. Mr. Myers asked
13 me to share with everybody our experience with a
14 new construction of a vessel that just happened
15 down in the Coos Bay area of the southern Oregon
16 coast.

17 It's 78-foot trawler, fishing vessel
18 that's going to be operating in Alaska. It's keel
19 was laid in December of 2016. So this is one of
20 the vessels that falls into that kind of a
21 interesting little group of the new construction
22 that Mr. Myers explained when he was reading the

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1 parameters of the law.

2 And so with that, we had to assure that
3 the vessel is being designed first by a licensed
4 naval architect and marine engineer. And so on
5 the front end of this, I think you caught wind of
6 this new construction while we were here at the
7 Fish Expo that year.

8 And we met with the shipyard, the people
9 doing the work and kind of made our presence known
10 that this was going to have to go through a little
11 bit different process. And so we engaged with the
12 naval architect. We got his, we understood,
13 verified his credentials, engaged with him.

14 We then looked at the plans that he had
15 designed. He had already designed them to a number
16 of different standards because of ABS rules for
17 the steel, the hull construction.

18 And as far as the systems go, he hadn't
19 quite identified the standards for the different
20 systems such as electrical, some of the other
21 systems. So we worked with him extensively on,
22 okay, identify those standards, which ones do you

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1 want to use?

2 And we had this back and forth between
3 headquarters and MSC and us and the naval architect
4 on, okay, what does that mean? And then we got
5 it narrowed down to what Mr. Myers explained is
6 that, you know, it's just an accepted standard.

7 You know, it could be a class standard,
8 a Coast Guard inspection standard, ABYC, you know,
9 some sort of a standard. Basically it's not drawn
10 out on a paper napkin and say, oh yeah, let's build
11 a fishing boat.

12 We then had to identify a marine
13 surveyor to oversee the construction to make sure
14 that kind of a third-party was overseeing it and
15 making sure it was built as per the standard.

16 And we identified what would be an owner
17 vessel in the shipyard, identified as a local
18 surveyor that we vetted through their credentials,
19 and the OCMI determined that he was adequate to
20 oversee that construction.

21 So this -- the construction of this
22 vessel took 18 months. And we would just

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1 periodically visit the shipyard to check on
2 progress. We were engaged with the shipyard
3 themselves.

4 They would call with questions on
5 different things. And it was actually a really
6 good working relationship we had with them. As
7 the vessels, the construction near the end, we then
8 reengaged with the naval architect to discuss
9 stability.

10 Because the vessel, even though it's
11 less than 79 feet, it's still going to need to have
12 a stability test done and have stability
13 instructions. And one other provision in the law
14 they identified was it had to have a loading mark,
15 assign to the side of the hull.

16 And most, the architect kind of pushed
17 back on that a little bit. And I'm not sure why,
18 but, you know, this is a trawler and he felt that
19 the loading mark wouldn't serve much purpose to
20 the people onboard, and we had this kind of a back
21 and forth on that.

22 And I think we got that resolved. But

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1 the boat, I'm pretty sure the built boat has a
2 loading mark now because it went to Kodiak before
3 we ever saw it. And then for the life of the vessel,
4 it's going to need to have an out of the water survey
5 done.

6 It's going to have to have further
7 engagement with a marine surveyor and any
8 modifications to the vessel are going to have to
9 go through a similar process where its
10 modifications are done per standard and those
11 modifications are overseen by a marine surveyor.

12 And so this was a kind of a difficult
13 process to go through from the beginning because
14 we lacked, in my mind, on the field we lacked kind
15 of a guidance, you know, a policy document or
16 something.

17 When I worked at headquarters for those
18 few weeks, I worked on the new construction NVIC.

19 So I kind of had a little bit of a background on
20 kind of what, on kind the program, where they wanted
21 to go with this.

22 That NVIC is still in draft form and

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1 I don't know where it is, desk it's sitting at or
2 in process at this point. But outside of that NVIC
3 that is really not in effect, we had to go back
4 to the law, basically the black and white of what
5 the law said and that's really all we had to go
6 on.

7 And it was hard for us. It was hard
8 for the owner of the vessel. It was hard for the
9 shipyard. But we got through it. And I think
10 moving forward now, we all kind of understand
11 exactly what the expectation is.

12 And I made a, kind of a quick checklist.
13 I'm kind of a checklist and job aid person, so
14 I made an easy way for myself or any other examiner
15 or any Coast Guard person or even a person who's
16 considering building a vessel, kind of what to
17 follow.

18 So I wanted to share that experience
19 with everybody, and I know that there's probably
20 other vessels that are being built throughout the
21 country or even people are considering building
22 them, and who may not understand what that process

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1 would look like.

2 In some of our other ports in Oregon,
3 there are other designers and other vessel owners
4 that have been wanting to, they wanted to build
5 a new vessel, but because of the new rules they
6 shy away from it. They weren't sure how that was
7 going to go.

8 They heard rumors it's going to cost
9 a lot of money. They don't have that class. All
10 this stuff. So what they did, what a lot of them
11 are doing is taking existing vessels that they have,
12 stripping them down to the keel, and then rebuilding
13 essentially a new vessel around it to kind of get
14 out from the keel laid date is the effective build
15 date.

16 And they're finding, we have quite a
17 few, at least on the Oregon coast, that are being
18 done that way. And there's nothing against the
19 rules to do that. I mean the law, the way it was
20 written is, those vessels would have to enter into
21 an alternate compliance safety program immediately
22 when it's in effect.

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1 But it's obviously not in effect yet.

2 That's all I have.

3 CHAIRMAN JACOBSEN: Thanks, Mike.
4 Appreciate it. Mr. Boehmer.

5 MR. BOEHMER: Kris Boehmer, thanks.
6 What, this boatyard was building this boat in
7 December of 2016, they were unaware of what had
8 to be done?

9 MR. RUDOLPH: They had heard rumors.
10 They did know exactly needed to be done.

11 MR. BOEHMER: Had they already
12 employed an architect and a surveyor, or did that
13 come after your review?

14 MR. RUDOLPH: No, they had already, the
15 vessel had already been designed by a naval
16 architect.

17 MR. BOEHMER: So he presumably knew,
18 right?

19 MR. RUDOLPH: Yes, he did. He knew but
20 he didn't, it wasn't quite on his radar yet because
21 the vessel --

22 MR. BOEHMER: So this points to Hal's

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1 issue of having a standard that we need to go to
2 that we all know what we're dealing with. And one
3 of the standards that we could possibly use is the
4 American Bureau of Yacht Council, ABYC, whatever.

5 But how well does that actually apply
6 to fishing vessels? I mean it, that, some of your
7 yacht would think it's got to be wrong. But I'm
8 not sure, so more of a comment, not a question but
9 this is of concern to me.

10 We're seeing a lot of boats in the Gulf
11 and the East Coast where they're taking keels that
12 are trucking it out on flat beds because they're
13 afraid of what's going to be required for a new
14 vessel.

15 And I think that's the last thing our
16 committee really wants is to create a bunch of new
17 old boats. Somehow we want to move this boulder
18 so it's cost effective to upgrade our fishery with
19 new vessels.

20 CHAIRMAN JACOBSEN: Yeah, thanks Kris.

21 I think Mr. Derie has an answer to your question.

22 MR. DERIE: Yeah. I think this

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1 customer can boat and yacht on council standards,
2 but I agree with you and hear a fishing boat is
3 not a yacht and why are we using this standard or
4 these standards.

5 I'd like to point out that new
6 subchapter M refers to these standards, and you
7 can build towing vessels now to these standards.

8 They -- I'm very familiar with ABYC. I've got
9 all their accreditations.

10 And some do not apply to fishing
11 vessels, but most will. Basically it's for a boat
12 itself and they just use the yacht for whatever
13 reasons. That's how they got started. But
14 they're good standards and they do apply.

15 MR. BOEHMER: That's encouraging.
16 Thank you.

17 CHAIRMAN JACOBSEN: All right, thanks.
18 Mr. Dameron?

19 MR. DAMERON: Thank you, Mr. Chairman.
20 Thomas Dameron. We just actually got started with
21 a new build under 79 foot and in our contract with
22 the naval architect, it, you know, simply states

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1 that it's to be designed to classification
2 standards.

3 And in our contract with an approved
4 surveyor, approved by the Coast Guard that he is
5 to oversee the construction to those design
6 standards, but I'd love to have a look at your list.

7 So that we can make sure that because
8 it is new to both the naval architect, the surveyor
9 and the shipyard that we're doing this through a
10 process so that at the end we can get that
11 certification that it was designed and built to
12 those standards.

13 MR. RUDOLPH: Yes, and this is Mike
14 Rudolph. I can make that available to you or to
15 anybody who needs that. And I want to preface it
16 is a Portland checklist. It's not nationally
17 endorsed. It's something I threw together, if it
18 helps, you know.

19 CHAIRMAN JACOBSEN: All right. Thanks.
20 Any other questions? Okay. Moving on. Fish
21 pingers?

22 PARTICIPANT: Find where I can start.

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1 Good morning. I just went right from a U.S. Coast
2 Guard headquarters, the Office of Navigation
3 Equipment and Navigation of Standards.

4 And I'm here on the agenda to talk about
5 fish pingers and to talk about those requirements.

6 So those are the two things that I need to check
7 off. But there's also the AIS expert in the Office
8 of the Coast Guard of the United States.

9 If you have anything involved in the
10 AIS, I was probably involved in it. I've been
11 involved with AIS since 1999. I participated in
12 all the international bodies that deal with the
13 AIS, and so I'm looking forward to this opportunity
14 to address any AIS issues with you, besides the
15 two that are on the agenda.

16 And walk us through some stuff that we
17 have on the slides to give you some places to go
18 for resources to get further information on that.

19 Let me tackle the first one right off the bat,
20 which is the GMTSS requirement, which in an FCC
21 requirement, not a Coast Guard requirement.

22 So if you have interests with that, I

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1 would relay them to the FCC, but it's not really
2 one of ours so go ahead counter.

3 And what is currently going on and what
4 we see and you probably have packets of is that
5 all of those vessels that were granted a waiver
6 of their GMTSS requirements, Global Maritime
7 Transportation System Service.

8 And requirements for VHF radios
9 particularly and NF radios that were granted back
10 in 1998 that were granted an exemption and until
11 such time that the United States Coast Guard can
12 clear up what is known as A1 and A2 for doing the
13 assessment, which what you did about three years
14 ago.

15 So therefore those exemptions
16 according to their regulations would go ahead cease
17 if you have registered. Anyone who has an
18 exemption waiver should have got the letter right
19 now telling them that, that is the case and that
20 their exemption will no longer be valid January
21 1st -- excuse me, January 31st, 2021.

22 So that's the issue with the GMTSS.

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1 So are there any questions on that so that I can
2 run through other lists? Okay. All right. So
3 now as if we run to the AIS and particularly, how
4 do I get to the -- all right.

5 Well for those of you who do not know
6 AIS is, AIS is automatic identification system.
7 It is an international requirement and U.S.
8 requirement pretty much to have onboard all
9 commercial vessels over 65 feet, 27 feet, eight
10 meters if you're a towing vessel.

11 That's been in place and
12 internationally since 2002 for all vessels over
13 300 gross tons and passenger vessels. It's made
14 a very successful ruling even of to date, but it's
15 not good.

16 PARTICIPANT: Oh yeah, something got
17 to be standing out to here.

18 PARTICIPANT: I saw it in 2016, they
19 extended that requirement to all commercial vessels
20 over 65 feet in U.S. common waters. We currently
21 check about 100 fishing vessels a day on the 13,000
22 a vessels that we track a day, it would be close

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1 to 110,000 vessels that we've tracked since 2004.

2 Unfortunately, not all our users meet
3 the requirements and don't broadcast correct
4 information authority that I was referring to.

5 Also as we've seen with gas technology
6 is the great digital technology is that people and
7 particularly manufacturers have taken advantage
8 of that technology to bring in new services, new
9 equipment into those particular channels.

10 Unfortunately they're doing so without
11 any supervision and without maintaining consistent
12 standards, which brings us to the infamous fish
13 pinger, which we have an example here.

14 And so what we're seeing with these fish
15 pingers, number one, they have not been FCC type
16 certified, which does mean that their use, purchase
17 and marketing is illegal in the United States.

18 They have not been test complied, so
19 they have not tested by any test laboratory to
20 ensure that they meet with the United Standard,
21 which is a major, major issue, and why we have some
22 major concerns about them.

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1 And from what we've been hearing have
2 the ability of why we need to make sure we get these
3 off the water as soon as best that we can. For
4 those who are not intimately familiar with AIS,
5 what makes AIS very, very unique, it operates with
6 a constant that's one of the self-organized
7 time-division multiple access protocol.

8 Which really means that it kind of
9 operates just like your cell phone does, particular
10 first generation cell phones, but instead of having
11 a cell tower that we're connected to for our cell
12 phones, your ship is the cell tower.

13 And as it moves, it self-organizes
14 itself amongst all the other users there are in
15 the waterway to ensure that all transmission are
16 being brought forth are covered.

17 So what happens when you come in and
18 your gas box is turned on, it listens for two
19 minutes, goes hey, who's out there. And then it
20 finds out who's out there and where they're
21 broadcasting.

22 And then it tells the world that, hey,

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1 I want to come in and I'm going to be broadcasting
2 in this spot. And by the way, I'm going to be using
3 the subsequent slot for the next eight minutes.
4 So don't use that slot.

5 So what's critical and what makes AIS
6 so successful is that this self-organizing is
7 happening all the time, unbeknownst to you and
8 ensures that your transmission will always go out
9 because everybody knows who you are and that you're
10 using that slot and you're moving forward.

11 So what's happening with these fish
12 pingers is that these fish pingers aren't listening
13 to anybody and they're going, hey, I'm here. Pop,
14 pop, pop. So they start using these consoles.

15 And so as they these consoles, you kind
16 of go, oh, you're using my slot. But if they're
17 using a slot that you were using to tell the rest
18 of the world that I'm using again, well then the
19 rest of the world doesn't know to not use that slot
20 because you had reserved it.

21 Because they did not hear that
22 transmission because this pinger stepped on it.

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1 So now you have the whole discombobulation of the
2 network where this little pinger was sniffing in
3 the cold to go ahead and tell you where your net's
4 at and now affecting all the other users here.
5 And tapping on our, are in our range and your
6 possibility for receiving other units. We can't
7 have that.

8 So we are very, very vehemently opposed
9 to these devices and we're working to the FCC to
10 do our best to get them shut down. Unfortunately,
11 they're widely available on Amazon and eBay.

12 We're working those two institutions
13 to stop the sale of those particular items.
14 Hopefully that will happen here relatively soon,
15 and we'll start having marketing education campaign
16 to tell everybody to not go ahead and purchase
17 these.

18 So kind of that's where we're at with
19 the fish pingers. And it's not only us. This is
20 all the time. Half of those dots that you see on
21 there are fish pingers. It pretty much makes your
22 AIS useless because you can't distinguish what

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1 these are.

2 And then unfortunately the other thing
3 about these pingers is that they're identifying
4 themselves with a message that's allocated for a
5 vessel. So when you see it, you think it's a vessel
6 just like any other vessel.

7 You don't know it's a pinger for a fish
8 van, except for maybe possibly hopefully they have
9 the word "net" in the name of the device. But other
10 than that it kind of looks at your AIS.

11 It appears to you just like any other
12 vessel would appear to you, which makes things very,
13 very disconcerting and very, very difficult
14 ascertain what your situational awareness is when
15 you're confronted with all these pingers out here
16 that are pinging at you.

17 So I said, this is all China. So it's
18 not a situation that's unique to us. It's a
19 situation that is being addressed right now as we
20 speak internationally.

21 And we're, the international community
22 is calling these now is autonomous marine radio

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1 devices, which is a kind of catch-all for all these
2 devices that operate autonomously that have not
3 been tested or certified to operate on our
4 particular frequency or our particular protocol
5 that we currently have published.

6 And so we're capturing all those,
7 looking at how we can go ahead and regulate them,
8 because we do see that there is some value to having
9 some fish markers out there to help the fishermen
10 be able to relocate this industry to know where
11 those guys are at.

12 Depending on where you're operating
13 then, that we see some validity to that type of
14 functionality all around there, but it needs to
15 be done and regulated and particularly in a manner
16 that abides by standards so we know how they
17 operate.

18 And so we know, you all know how they
19 operate so we can make digital and decision making
20 as to when you come upon it. So the international
21 technical communication unit which is the body
22 international UN body that controls everything

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1 regarding radio, has this on their agenda.

2 We've been working on the site now for
3 about two-and-a-half years. It hopefully will get
4 finalized into law next year in 2019 at the World
5 Radio Council that will meet in the fall, which
6 is the major body that decide on how all radios
7 operate, at what frequencies, et cetera, et cetera.

8 That trickles down, everything else
9 that we'll go into. Right. So hopefully by next
10 year we will have a decision made on that to
11 determine what these devices are, how these devices
12 should be regulated and then by 2021, we can start
13 working on policy standards for them and moving
14 forward with that.

15 So that's kind of where we're at with
16 the pingers. Any questions on the pingers?

17 PARTICIPANT: This is Parrot Roosevelt
18 (phonetic). Currently it's not against the law
19 to use an AIS movement tracker. Correct?

20 PARTICIPANT: Excuse me?

21 PARTICIPANT: It's not against the law
22 to use an AIS device to track the movement.

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1 PARTICIPANT: That's correct. An AIS
2 AtoN station and you go ahead and use, which is
3 designed to do that purpose as AtoN.

4 PARTICIPANT: But we do --

5 PARTICIPANT: And we don't currently
6 have, we don't currently have any provision, any
7 prohibitions on using an AIS AtoN to track a network
8 and for that matter, I was at risk classes that
9 we have to ask for cover as a navigation permit
10 from us to be able to go to duty.

11 PARTICIPANT: So it's not just that
12 it's FCC approved?

13 PARTICIPANT: No. That much so the
14 results have to be industry approved.

15 PARTICIPANT: So if not FCC approved,
16 who would regulate it?

17 PARTICIPANT: The movement tracker is
18 not FCC approved in that current, in that current
19 software design. Okay? This is a SR 22. So
20 there's the company, the parent company makes this
21 less, this is our two, the UK at England.

22 Their primary provider for 50 percent

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1 of the AIS market is out there. That next one's
2 in three forms. There's an AIS A-type of poly cover
3 that is not approved, that we have not approved
4 that you can't buy in the United States. That was
5 a tall version.

6 Then there's another one they call the
7 SRT identifier, which is also used as a pinger type
8 of thing, and there's the Apple vendor marketing
9 as a move tracker, which it appears that it allows
10 you do some customization with your vessel and how
11 it's programmed.

12 That particular format and version of
13 it is now illegally sold in the U.S.

14 PARTICIPANT: Even though it says FCC
15 approval and they have a whole nice accessory for
16 it?

17 PARTICIPANT: That's right.

18 MR. DERIE: Are you through?

19 PARTICIPANT: Yeah.

20 MR. DERIE: Yeah, I had a question.

21 PARTICIPANT: You're next, and then
22 this fellow.

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1 PARTICIPANT: We're working with them
2 to get it approved.

3 PARTICIPANT: So even though the
4 information's available that says FCC approval --

5 PARTICIPANT: And it's not hard to
6 believe. It isn't hard to believe.

7 PARTICIPANT: Even with the little
8 piece of paper that comes from the FCC, it's still
9 not?

10 PARTICIPANT: Right. And it has to be
11 because it's not the paper. So and we'll go through
12 this, too, is that the FCC ID number, okay, so it
13 gives you some semi-assurances that it's been
14 tested, fine.

15 But when you go to look at the FCC ID
16 number, it will point you to an AIC comm unit, and
17 there's no letter adding this unit to that
18 certification process.

19 MR. DERIE: Yeah. You said you were
20 approving these as private AtoNs. Is that under
21 33 C.F.R. 66 or --

22 PARTICIPANT: That's true, yes.

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1 MR. DERIE: These are on the high seas,
2 aren't they?

3 PARTICIPANT: I recently had to go,
4 okay what happens with this one is that because
5 that's not broadcasted on the official maritime
6 mobile safety identity telephone number for your
7 AIS, it's custom programming if you needed it, which
8 just means that it's an illegal call sign and so
9 to your regular computer, you have to have a dial
10 a legal call sign for the operation, which you have
11 to get from the FCC and the FCC is now delegating
12 that to us to provide that number as well. So that's
13 the extra security.

14 MR. DERIE: And then you approve them
15 under 33 C.F.R. 62?

16 PARTICIPANT: Yes.

17 MR. DERIE: Even though they're on the
18 high seas?

19 PARTICIPANT: Well I'm not. I'm
20 programming it.

21 MR. DERIE: Because I thought 33 CFR
22 66 only applied to the U.S. waters.

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1 PARTICIPANT: That's correct.

2 MR. DERIE: Okay.

3 PARTICIPANT: What's next? It's a
4 Catch 22. Yes. The FCC though denies you're
5 official on the spot unless you have that number
6 and not just an official. I would not issue a
7 letter of non-deterrence to Coast Guard unless I
8 know where the authority comes from to request AtoN
9 approval.

10 So we have addressed that in that
11 approval. Or did we answer that?

12 MR. DERIE: Yes, thank you.

13 PARTICIPANT: Any other questions?
14 All right. So now I'm going to talk to you about
15 compliance and things that hopefully will convince
16 you to improve compliance on your fleets.

17 Here's the numbers. These are numbers
18 from last month to give you a general idea. About
19 40 percent of all of us that's out there are
20 transmitting from AIS have some type of static data
21 error to them regarding their MSI number or IO
22 number call sign, a name plus a length.

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1 And Jack mentions that I put here.
2 Fishing vessels are on top of the list as our number
3 one offenders. To kind of give you a general
4 breakdown, MSIs are a big issue and particularly
5 a big issue for fishing in our boating community.

6 Because FCC wants us to go ahead and
7 do that. That will cost you about 150 bucks so
8 they warned you not to go ahead and do that and
9 call me whatever number they want you to be locked.

10 And so therefore either we've lost or
11 are testing a non-official and sign number so that's
12 kind of where we see that percentage there, too.

13 Also some of you have expired licenses. You know,
14 most of them aren't really aware of places.

15 You know, so kind of interesting that
16 we have, we're trying to do it from. Okay. We
17 did some concerted enforcement action or really
18 an education effort. If you're going out there,
19 you're going to do this.

20 We were in the double-digits for most
21 of these about three months ago. We had another
22 that was similar to this where on that 85 percent

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1 of error rate for the -- all around the United
2 States.

3 And now we're down to the 40, so we think
4 our education campaign is kind of working out pretty
5 good. And we've done that, and we're expanding
6 upon that.

7 Now the one that has serious safety
8 concerns with, for myself and the office, which
9 is, you know, the primary purpose of the AIS is
10 for commercial voyages, it's for vessels out there
11 to have a better situational awareness of other
12 vessels that are out there.

13 Being able to ID a target on your radar,
14 you know who they are, you know what they are and
15 you know what they're doing so you can make a
16 decision making, how do you pass a rig with those
17 pre-load vessel.

18 We have a pretty high rate of vessels
19 out there that are broadcasting the serial numbers,
20 which kind of defeats the whole purpose of having
21 the AIS. So the fishing, that kind of concern is
22 not the big vessels for the Coast Guard.

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1 And that totally messes out there,
2 they're pushing 1,000 feet of barges ahead of them,
3 and now telling the world that, hey, I'm not here.

4 I'm really over here 1,000 feet in front of you.

5 You know, so when you come upon me,
6 around the bend, they would prefer to be able to
7 see you rather than figure out that you're back
8 here when your partners are approaching the bend.

9 So that's a major safety issue that
10 we're working on trying to get this number down
11 to zero, and that's kind of where we're at on that
12 whole thing right now. We have not had any active
13 penalty action on anybody.

14 We're kind of just doing this for
15 informing you, educating you and trying to get you
16 up to speed. But I can assure that you we hope
17 to see some further improvements on these numbers.

18 Now to assist you in doing and assuring
19 that your device is probably coded -- just a second.

20 (Pause.)

21 PARTICIPANT: All right. So now this
22 is our frequently asked questions page at the

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1 Navigation Center website. I'm going to walk you
2 through some things that I hope will be helpful
3 to you, and some materials that you can go ahead
4 and download to go ahead and help you with complying
5 with regulations.

6 Pretty much if you Google AIS FAQ, this
7 will be the first thing that pops up in that Google
8 search. You can go ahead and find these things.

9 If you go to that, our second question about MSI
10 registering and things of that nature.

11 We have a link to our encoding guide,
12 which walks you through how to go ahead and program
13 every single parameter of your AIS device and it
14 tells you what we want to see in your overview.

15 And it tells you what vessel type code
16 you're supposed to use for your particular vessel.

17 For everybody here, Code 30 is dedicated for
18 fishing vessels. We have appropriated all fishing
19 industry vessels under that same code name.

20 So if you're a catcher, a tender or
21 processor, we would like you to go ahead and use
22 this same code name for our purposes.

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1 Unfortunately these devices weren't designed
2 around our policies.

3 So it's supposedly tagging going toward
4 cargo ships, not necessarily vessels, certainly
5 we have for fishing vessels. So until we actually
6 make a revision to this we're just asking you to
7 go ahead and use that same type could be for all
8 your fishing industry vessels, go ahead and do that.

9 One of the other things under the
10 regulations is recognizing the impact on small
11 entities of these regulations. When we wrote up
12 the regulations, we allowed the use of AIS Class
13 B devices instead of Class A devices for fishing
14 vessels and passenger vessels appearing under less
15 than 150 passengers.

16 These devices are 50 percent cheaper
17 in cost. They last in functionality, which we'll
18 go ahead and talk about later in a bit to kind of
19 give you a general idea of, you know, what you want
20 to see in each of them.

21 We have a comparison chart that you may
22 also download on the website, and it goes through

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1 them individually and tells you what's going on.

2 A major big difference between the As and the Bs
3 are the output power.

4 Twelve-and-a-half watts for Class A.

5 Two watts for the two various on the Class B, and
6 the reporting rate. The reporting rate for the
7 Class A varies by speed and course changes, it does
8 so organizing.

9 And so it operates any time it has to,
10 the most cheapest Class B device out there is known
11 as CarrierSense. And what they --- that's a thing
12 like it listens to see if anyone's broadcasting.

13 And if it doesn't find a slot that's
14 being broadcasted on a broadcast, but it doesn't
15 ever since.

16 So it's very slow, pinging at the same
17 rate as a Class A would do. So that's major
18 difference, or major difference between the two
19 devices is that there's more interfacing and output
20 ports for the Class A device as the Class B physical
21 card.

22 If you have any of those so you can,

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1 almost all of them kind of do have ports so you
2 can go ahead and output the information on to a
3 slide so you can see this information to do that.

4 And so that's a major cost savings between them.

5 And then the whole issue about being
6 able to output it onto a display is one of the other
7 things that I also talked to you about today to
8 kind of give you a general idea of where we're headed
9 with AIS.

10 So since 2014 the Coast Guard has been
11 using our nationwide AIS network to broadcast ace
12 and navigation reports, the same as the ace
13 navigation station to provide you a different aid
14 to navigation to automate our existing physical
15 network for navigation.

16 So under the AIS AtoN nomenclature
17 there's three variants of AIS AtoN, that's known
18 as a physical, synthetic and virtual.

19 A physical AIS AtoN is an actual station
20 that's code dated on the aid itself, so it's on
21 the buoy, or it's on the A board, or it's on the
22 beacon and broadcasting from that location, and

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1 gives new information from that particular aid and
2 able to report to you when the heading is off
3 position and give you the other pertinent
4 information about the status of that particular
5 aid.

6 We've got the two areas of AIS AtoN
7 station are broadcast from some external location
8 to give you information about an aid that exists
9 in that physical location, which would be a
10 synthetic.

11 Or to go ahead and give you an
12 electronic warning for an aid that does not exist,
13 that you would not visually see with your eyes,
14 but then you will be able to visually see on your
15 radar to guide and assist you with your navigation.

16 So those are the three variants.

17 The big difference among them that are
18 regular physical aids is this ability to be able
19 to see them in navigation systems before your radar
20 systems. So this is the Oakland Bay Bridge. We
21 constantly saw them. The motion happened a few years
22 back. At time only one of those Raycons was in

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1 the operation. Well as you can see right there,
2 that Raycon was in operation.

3 The other three Raycons were not. That
4 was not on the ocean at all at the time or the vessel.

5 And so that caused some confusion on the
6 situational awareness of those having to go through
7 based on that mark.

8 As you can see from our Raycon, the rate
9 time is a transponder. It needs to be pinged on
10 the radar and then responds back to that ping.
11 So you had to be within range to be able to ping
12 that.

13 And then it puts out an electronic
14 coding from that transmission. It's some type of
15 Morse coding that will go ahead and occupy real
16 points on your radar as you can see here.

17 And at the same time, as you see the
18 blue diamonds inside of the Raycon circles, all
19 those are AtoN, control AtoN station broadcasts
20 that are being made from a panel shoreside to denote
21 the abutments on a bridge.

22 And so that's, as you can see there that

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1 one's intrusive. It gives a general valid position
2 for the abutments that you want to go ahead and
3 avoid, as it appears to the Raycon, which makes
4 it kind of a little bit harder to determine exactly
5 what it is that you're trying to go ahead and avoid.

6 And we have being doing this since from
7 2014. As of last week, I think we probably have
8 600 that we'll broadcasting. A vast percentage
9 of those are being broadcast just on bridges.

10 If you go ahead and look at the
11 information on bridges, we work very closely with
12 the local authorities and entities involved with
13 many of the pilots. And we worked with the
14 companies in the rivers for them to come to us to
15 tell us what they want.

16 That's really what we put in these
17 anywhere that's wet. They come to us. We use the
18 validation. We run through the process with them.

19 We keep them broadcasted, and we've been very,
20 very successful with this.

21 And so the economy of a Class A to be
22 able to manage this is a process I'll now show you.

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1 But we had this for -- so not only are we doing
2 that with the AtoNs, the ability to look at the
3 AtoNs can also do is broadcast additional
4 information from that particular station to give
5 you further information about other recent
6 information and activity as far as the weather.

7 So we, this is a project that we've been
8 working on with the NOAA reports, that this was
9 an oceanographic Grifton system that NOAA operates.

10 These are providing few that has ATON station that
11 measure a live weather information for the south
12 Chesapeake Bay that we're using.

13 We've also have got these from other
14 locations. We have one location that we've done
15 excessive testing and now we're going to go ahead
16 and go operational with is work that we have done
17 in conjunction with Alaska, we're working that
18 closely.

19 We had a cooperative research
20 development agreement within the last three years
21 or four years?

22 PARTICIPANT: Five years.

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1 PARTICIPANT: Five years. Okay. For
2 the last five years testing at through there. We
3 have an extensive AIS network out in Alaska which
4 was primarily a receive network.

5 And that they were moving toward a
6 translator network. And so we've also been doing
7 a weather broadcast for a weather station that they
8 have with their particular sites to go ahead and
9 broadcast that information and that we told to go
10 ahead and do so for all their weather site locations
11 here starting hopefully next month to go ahead and
12 do that.

13 So we're very game on that whole process
14 to be able to provide more real time weather where
15 we have it available.

16 The Army Corps of Engineers has also
17 deployed AIS comm stations at all their locks and
18 the inlet rivers they have 118 and they're also
19 starting. They're getting it from the National
20 Weather Service.

21 We'll be getting sensors from Alaska,
22 go ahead and do that. So those are all things that

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1 we're moving forward. I explained the whole use
2 of AIS provides you more real time with safety
3 information through that system. That's kind of
4 where we're at. Yes, sir?

5 MR. DERIE: Are you the office that put
6 out that, what is it a letter last summer that said,
7 50 percent of all towing vessels, their AIS didn't
8 work properly or were reporting properly?

9 PARTICIPANT: No.

10 MR. DERIE: Okay. You not that, you
11 aren't the office that put that out?

12 PARTICIPANT: Yes.

13 CHAIRMAN JACOBSEN: So we're going to
14 break for lunch at 11:30, which is in a few minutes.

15 So Mr. Arroyo, would you be available to answer
16 question afterwards?

17 MR. ARROYO: Sure.

18 CHAIRMAN JACOBSEN: Okay. We'll take
19 what we can until then, but the cafeteria has
20 requested that we break 11:30 so they can do their
21 calculating.

22 PARTICIPANT: And I'll just take one

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1 more minute here though. So I guess one of the
2 officers will be brought up to assist you in
3 applying, what did I ask requirements is that we
4 have this announcements that's called best
5 information for case of service.

6 So where you can go ahead and search
7 for your vessel and we'll tell you whether or not
8 it's in compliance or not. Does anybody want to
9 volunteer one of their vessels as is?

10 MR. LONDRIE: Adamant, A-D-A-M-A-N-T.

11 PARTICIPANT: What?

12 MR. LONDRIE: The Adamant,
13 A-D-A-M-A-N-T. A-N-T.

14 PARTICIPANT: Adamant?

15 MR. LONDRIE: At the top one.

16 PARTICIPANT: Having two messengers.

17 And yours?

18 MR. LONDRIE: The bottom one is mine.

19 PARTICIPANT: You're good.

20 MR. LONDRIE: Yeah.

21 PARTICIPANT: The only legal --

22 PARTICIPANT: Some folks don't show

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1 up. I couldn't quite figure that out.

2 PARTICIPANT: We only had those listed
3 that we had.

4 PARTICIPANT: Yeah. Well it's in
5 Alaska. Same as the Intangible doesn't show up
6 but --

7 PARTICIPANT: No?

8 PARTICIPANT: No.

9 PARTICIPANT: Is it in here?

10 PARTICIPANT: Yes. Well try
11 Intangible.

12 PARTICIPANT: This is cool.

13 PARTICIPANT: It was up there in the
14 last three. The other one.

15 PARTICIPANT: Ible -- I-B-L-E.
16 A-N-G-I-B-L-E. I-B-L-E.

17 PARTICIPANT: Right.

18 PARTICIPANT: Yeah, go ahead.

19 PARTICIPANT: A-N-G-I-B-L-E.
20 I-B-L-E.

21 PARTICIPANT: Sorry. Big fingers.

22 PARTICIPANT: Is that an E or an A on

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1 --

2 PARTICIPANT: I-N-T -- that's correct.

3 PARTICIPANT: Yes.

4 PARTICIPANT: I'm not saying but it
5 looks like an E.

6 PARTICIPANT: Let me just see. No
7 results.

8 PARTICIPANT: And I'm pretty sure this

9 --

10 PARTICIPANT: It's not on the list
11 here.

12 PARTICIPANT: Really?

13 PARTICIPANT: Yeah.

14 PARTICIPANT: Did he say that I-N-T?

15 PARTICIPANT: Yeah.

16 PARTICIPANT: No. I looked the other
17 day and I couldn't find it.

18 PARTICIPANT: We won't list there for
19 a second.

20 PARTICIPANT: So hopefully this is not
21 anyone's, but just to give you some idea what we
22 will show you.

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1 PARTICIPANT: If I'm correct, then
2 most of these AISs have to be set up by the vendor.

3 PARTICIPANT: You must use
4 assessments.

5 PARTICIPANT: Pardon me?

6 PARTICIPANT: Class A is what you want
7 to do.

8 PARTICIPANT: Class A, which is a five
9 watt?

10 PARTICIPANT: No, they're 12 watts.

11 PARTICIPANT: Oh, Class A is the big
12 one. Class B is the small one?

13 PARTICIPANT: Yeah. Class As have to
14 be, cannot be used in --

15 PARTICIPANT: I think what tripped a
16 lot of people up was not knowing that it needed
17 to be in meters and it wouldn't feed it. So that
18 kicked a lot of boats into the warning class.

19 PARTICIPANT: Yeah, that's an easy go.

20 PARTICIPANT: Pardon?

21 PARTICIPANT: That's an easy go.

22 PARTICIPANT: Well a lot of them, in

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1 Petersburg they got the \$20,000 fine warning letter
2 for a fee.

3 PARTICIPANT: It's not good.

4 PARTICIPANT: Pardon me?

5 PARTICIPANT: \$37,000.

6 PARTICIPANT: Well the Coast Guard
7 sent the letter out last year.

8 PARTICIPANT: He's giving you a
9 discount.

10 (Simultaneous speaking)

11 CHAIRMAN JACOBSEN: Well let's break
12 for lunch and then we'll come back and entertain
13 any additional questions.

14 (Whereupon, the above-entitled matter
15 went off the record at 11:29 a.m. and resumed at
16 12:31 p.m.)

17 CHAIRMAN JACOBSEN: Okay, so we'll
18 start off with any questions or comments you have
19 for him and then we have another presentation after
20 that that we skipped over. Let me put my glasses
21 on. Chris, did you have -

22 MR. BENNING: Thank you, Chairman and

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1 members of the Committee. I'm Bill Benning with
2 the Marine Exchange of Alaska. I just had a few
3 comments about the use of the buoy pingers or buoy
4 beacons that you're talking about. We see a
5 proliferation of these in Alaska. We see the
6 day-to-day effect of these devices that are being
7 used.

8 We want to go on record as saying the
9 Marine Exchange of Alaska does support the
10 development and use of AIS buoy beacons and the
11 use of identified deployed commercial fishing gear,
12 not fishing gear on the back of somebody's boat,
13 but deployed fishing gear for enhanced safety and
14 ID'ing hazards to navigation to other vessels, and
15 for aiding the efficiency in retrieving of deployed
16 gear.

17 It's important. You know, we want to
18 emphasize deployed fishing gear, not fishing gear
19 on the pier or fishing gear on the back of a vessel.
20 It's got to be deployed.

21 Some of the issues we see every day are
22 the illegal beacons flooding the market as Jorge

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1 had mentioned. We see - you know, we run the
2 largest private AIS network in the world within
3 Alaska.

4 We have over 130 AIS receiving
5 stations, and combine that with our satellite
6 partners, we see everything from the Panama Canal
7 to the North Pole.

8 These beacons, because of the way they
9 operate, and Jorge talked about the slots where
10 each one, you know, an AIS unit transmits, they
11 saturate the VHF datalink that these things use,
12 so they are taking up time slots for legitimate
13 vessels in the aids to navigation and for collision
14 avoidance.

15 The other thing we see is the improper
16 use of the MMSIs, a nine-digit phone number. These
17 are uncontrolled. We've seen duplicates. So
18 we'll see these beacons show up in two or three
19 different locations at one time seconds apart from
20 each other.

21 Can you imagine if you're a vessel
22 operator and these things are transmitting out and

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1 identifying themselves as a vessel, but you see
2 the same vessel move locations quickly in the course
3 of a five-minute period?

4 The other problem we see is not shutting
5 the gear down when it's not in the water. If you
6 were to look at Homer Harbor right now, you would
7 see that there are about 35 AIS-V vessels on the
8 back of another fishing vessel right now.

9 Well, the problem is these things don't
10 have a very stable GPS receiver inside, so they're
11 moving around the harbor. So if you were to look
12 at an AIS screen, you would see 35 vessels moving
13 around Homer Harbor right now.

14 And what it does is now these tankers,
15 these pilot vessels that come into Homer to exchange
16 pilots, they interfere with the operation of those
17 vessels.

18 We've got some recommendations and one
19 of them is the U.S. government has to have a clear
20 use policy and a clear enforcement policy. I think
21 Jorge stated it, that there's a fine for the
22 improper use of AIS equipment. Everybody needs

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1 to know this. It's \$37,500 per incident, \$37,500
2 per incident. The industry needs to know that.

3 There needs to be an education program,
4 and this coming weekend, the Pacific Marine Expo
5 is probably a great forum to have some kind of an
6 educational program on the proper use of these
7 devices.

8 There are legal devices to be used, and
9 this is for a recommendation for the commercial
10 industry, use the approved devices, not the
11 unapproved devices, and that's all I've got to say
12 about that. Does anybody have any questions of
13 me?

14 CHAIRMAN JACOBSEN: All right, thank
15 you. Any questions? I have a question. Oh, go
16 ahead, Tom.

17 MR. DAMERON: So my question is what
18 is defined as an incident? Is it that somebody
19 leaves it on or somebody turns it off? What's an
20 incident?

21 MR. BENNING: Those are all incidents.

22 MR. DAMERON: Okay.

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1 MR. BENNING: Any violation is an
2 incident.

3 CHAIRMAN JACOBSEN: Any violation, you
4 could be charged.

5 MR. BENNING: And \$37,500 is the max.

6 CHAIRMAN JACOBSEN: The max, okay.
7 All right, Tom, do you still have -

8 MR. BENNING: And so far we find an
9 estimate of us since 2003, I think we've fined one
10 vessel.

11 MR. DAMERON: Thank you, Mr. Chairman.
12 Thank you for your presentation. So do you feel
13 that the Coast Guard does not have a clear use and
14 education and enforcement policy for AIS devices?

15 MR. BENNING: Is that directed to me?
16 Right now, to find out, especially for these buoy
17 beacons, it's very difficult to find out which are
18 authorized and which are not.

19 You have to drill down through a lot
20 of information, through the Coast Guard NavCen
21 website, and that refers you to an FCC site, which
22 you have to go through an FCC website to figure

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1 out which device may or may not be approved.

2 In the case of the one we have right
3 here, the manufacturer stipulates that it's FCC
4 type approved. You've got to go through the
5 documentation to find out that that's one of three
6 different types. This particular one is not.

7 It's not very easy for the average Joe
8 to figure out which is approved for use and which
9 is not. And I've been doing this for 17 years and
10 I still have difficulty figuring out which device,
11 which devices are authorized for use.

12 But NavCen does a good job of putting
13 information out, but this is a changing technology
14 and this is one we've seen over the last two years.

15
16 A lot of commercial fishing vessels are
17 now buying these off of Amazon or Alibaba and
18 they're attaching them. They're useful, but they
19 cause all kinds of problems because they're not
20 managed correctly.

21 CHAIRMAN JACOBSEN: Thank you. Mr.
22 Boehmer?

1 MR. BOEHMER: I'm Kris Boehmer. I
2 guess looking at Eric's issue, and Bill said
3 something that I didn't know if it exists. Is it
4 possible or is there a list already of approved
5 ones that you guys can, that an owner can look at
6 real quickly without having to go through all of
7 those things and look and see if the listing says
8 it's FCC only to find out now that it's not?

9 MR. ARROYO: Mr. Arroyo, yes, there is
10 a listing and there's also unfortunately two issues
11 here, right?

12 So those devices that are required for
13 you to have for the Coast Guard, Class Bs and Class
14 AAs, will not only have an FCC number on it, but
15 they'll have a Coast Guard type approval number
16 on it which will start out with 165,155XXXXX, which
17 in that comparison chart that I showed you about
18 As and Bs, the numbers are down there. So you'll
19 see on the label itself that it has to have a Coast
20 Guard approval number for it to be Coast Guard care
21 assurance.

22 Now, when we get into this world, this

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1 is another unique nuance of that world in that these
2 are not required devices, so they're not Coast Guard
3 required, so therefore there's no Coast Guard type
4 approval number for it, but because they are a
5 radiating device, all radiating devices, i.e.,
6 radios in the United States have to have an FCC
7 approval number.

8 And then I fully agree with Bill in
9 that, well, you can have an FCC approval number,
10 but what is it that you're approved for?

11 Well, you have to be a little bit more
12 nuanced to kind of understand what that is, and
13 then even more nuanced with this particular buoy
14 tracker product in the sense that that product,
15 that same product harbor-wise has been approved
16 as an ATON by the U.S. Coast Guard and by the FCC.

17
18 However, once they did manipulations
19 to the software of that original approval, well,
20 that violates the approval for the original device,
21 so it's a catch-22.

22 I fully get it, particularly for the

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1 vendor that's purchasing it and God forbid for
2 somebody who's just trying to buy them off of Amazon
3 rebate, and we're very empathetic about that, and
4 so that's why we're not going hard on anybody, but
5 so this is our first volley to start that education
6 process.

7 The FCC who really owns that particular
8 issue because it's a violation of FCC rules, because
9 to me, that is not an AIS legally. Although it
10 transmits as an AIS, it's not an AIS legally to
11 me because I don't recognize that device as being
12 an AIS. So it's an FCC rule or regulation, so then
13 you've got the morass of bureaucracy like, "Well,
14 whose rules are we violating?"

15 Now, it puts out, that particular unit
16 puts out an AIS aids to navigation report which
17 then is part of our requirements, and for you to
18 be able to put out that report, you'd need a proper
19 MMSI and an approval as an ATON to go ahead and
20 operate.

21 So now you're in a catch-22 that you're
22 violating my rules as an ATON and you're violating

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1 the FCC rules as not being properly marked, and
2 so how do we educate that to the common user?

3 First of all, we're going to hopefully
4 shut down the purchasing vehicle at Amazon and eBay,
5 so to get them off the market so a person can't
6 just buy this. We pretty much have to shut down
7 any retailer in the United States that's trying
8 to sell them and we've been very cooperative.
9 They've been very cooperative with us.

10 So we're going to shut the flow of the
11 devices and now it's a matter of educating the users
12 to understand, you know, what these devices are
13 doing, particularly the detrimental ones. That
14 was a pretty legitimate device and we can work
15 something out, and we hope to work it out in
16 combination to somehow permit their use as we move
17 forward.

18 But it is a challenge for us on how do
19 you get the word out? And you heard me. I had
20 to tell you a convoluted story. How do I tell that
21 convoluted story to somebody who doesn't even
22 understand what the hell we're talking about?

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1 PARTICIPANT: Well, is it feasible for
2 somebody like yourself to back up and distribute
3 a public service announcement that could be put
4 up to the Coast Guard websites and -

5 MR. ARROYO: Yes, and we'll do that,
6 and I have. It has a number of 18 that tells you
7 that you can't use these devices, but the deal is
8 that nobody really knows that I have the device,
9 right? I bought it on Amazon. What's wrong with
10 that?

11 I mean, I get it. You know, so that's
12 a challenge. We have a challenge, but, yes, noted.

13 We look forward to any recommendation that comes
14 out of this Committee that we will take back and
15 to be further evidence for the FCC to put out some
16 more joint education information on it.

17 And then we'll also work with our
18 commercial vessel inspectors and examiners at the
19 districts who are also getting smarter and I hope
20 to get them more materials so when they do their
21 safety aid inspections, they can inform their
22 fishermen of what's going on here.

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1 Like I said, this has now become a real
2 big issue for us in the United States. So just
3 about six months ago, I had not seen quite a few
4 of them, but then just in the last year, we saw
5 400 pop up, so now we're actively engaged.

6 But noted, and we look forward to any
7 resolution that comes out of this meeting to
8 continue moving this ball forward as we move
9 forward. Thank you.

10 CHAIRMAN JACOBSEN: Can you be
11 specific on what you're looking for from this
12 Committee?

13 MR. ARROYO: That the Coast Guard
14 should do a better job of educating the users of
15 this.

16 PARTICIPANT: Marine safety alert?

17 MR. ARROYO: Yeah, that we're working
18 on, but, yes.

19 CHAIRMAN JACOBSEN: All right, thank
20 you. Mr. Dameron?

21 MR. DAMERON: Yes, thank you, Mr.
22 Chairman. Captain Edwards, would this be a subject

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1 that would be appropriate for a NAVIC to be put
2 out?

3 CAPT. EDWARDS No.

4 MR. DAMERON: No?

5 CAPT. EDWARDS So if you're - for
6 outreach, a safety alert, or a marine safety
7 information bulletin are probably the two best
8 means to get that out, but again, those are still
9 relying on someone getting it, like physically
10 reaching out.

11 I guess one avenue we can explore, and
12 we encourage people to subscribe is our maritime
13 comments blog. So if you don't already subscribe
14 to that, I'll do a little public service
15 announcement here.

16 That has become kind of one of the
17 primary means of which the prevention world, marine
18 safety world uses to put outreach out and it's
19 across a wide variety of issues from waterways,
20 inspections.

21 And so probably what we'll do is we can
22 look to team up with folks with the AIS and put

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1 out a maritime comments blog that then may link
2 to a marine safety information bulletin or
3 something of that manner, but those are the two
4 primary means we would work with this.

5 MR. ARROYO: This is Mr. Arroyo again.

6 And we already have those in the works, and we're
7 ready to go with a maritime comments blog entry
8 and a safety alert now in MSIB that we're going
9 to go ahead and do.

10 But we're waiting for the FCC to put
11 out their public notice so we can point to it to
12 tell you that it's illegal because right now you're
13 not violating Coast Guard regulations, right, so
14 I need to point to the FCC notice to go ahead and
15 get the ball rolling to close the loop. Thank you.

16 CHAIRMAN JACOBSEN: All right, thank
17 you. I put out a daily newsletter and I put all
18 of the safety alerts that are linked on the fishing
19 vessels in my group, which was several hundred
20 people, and I know Richard also has a pretty good
21 network for disseminating information, so there
22 is a safety alert we can - there are avenues whereby

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1 industry perpetuates those. Mr. Woodley?

2 MR. WOODLEY: Good afternoon, Mr.
3 Chairman. I'm Chris Woodley of the Groundfish
4 Forum. I just wanted to talk and follow up on some
5 of the comments that were made regarding the AIS
6 transponders as to mark fishing gear and the GMDSS
7 issue.

8 With regards to the AIS transponders,
9 as Mr. Benning said, there's been a proliferation
10 of this use, particularly in Gulf of Alaska
11 fisheries. A lot of that is being driven by fishery
12 management changes right now which are starting
13 to create gear conflicts on the ground.

14 You're starting to have a lot more use
15 of pot gear intermixed with long line gear for
16 sablefish fisheries, and as a result, there's been
17 a desire to better mark their gear, so that these
18 guys are trying to do the right thing.

19 And so I feel like the Coast Guard's
20 focus on this should not be to make it an enforcement
21 issue, but to figure out ways, as Mr. Benning said,
22 figure out a way to make this, you know, use this

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1 technology legally so that they can address their
2 fishery management concerns, avoid gear conflicts,
3 and not cause the side board problems that are being
4 associated with, you know, improper use of the
5 equipment at this time.

6 On the issue of the GMDSS exemptions,
7 back in September of 2017, a large section of the
8 fishing industries submitted comments to the public
9 docket regarding the regulatory forums that, you
10 know, that the Coast Guard had requested
11 information on.

12 It was docket number USCG 2017-0480 and
13 there was a laundry list of things from the fishing
14 industry about where we wanted to see regulatory
15 reform.

16 And one of those was the issue of the
17 GMDSS and specifically the policy change that we
18 requested was that it was the fishing industry's
19 contention that GMDSS technology continues to be
20 more obsolete while remaining extremely expensive,
21 and given that there are more cost effective and
22 reliable emergency communication options, that the

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1 exemptions that the FCC was giving, you know, be
2 allowed to continue, and the Coast Guard just
3 continue to enforce NAVIC 399 as a requirement for
4 fishing vessels.

5 I don't know. I'm not a tech person.

6 I don't know a lot about the technology, but my
7 understanding is it is old technology. It's 1990s
8 technology, and I know for a fact it's very, very
9 expensive.

10 I think it's questionable as to whether
11 or not having that equipment onboard improves
12 safety, quite frankly. If you look at the vessels
13 that it's going to apply to, they are boats that
14 are over 300 gross ton, which are primarily the
15 larger catcher vessels and fish processing vessels.

16

17 Those boats are all electronic marvels.

18 There is so much electronic information and
19 communication onboard those vessels that I don't
20 see why it's not possible to come up with an
21 alternative way to duplicate what GMDSS can already
22 do within the fishing fleet.

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1 Quite frankly, because so many of the
2 boats in the Bering Sea, the fishing vessels, which
3 are the other users that are out there are less
4 than 300 gross tons, those boats are not going to
5 receive a GMDSS callout.

6 So you're going to have 20 percent of
7 the boats that have the capability, 80 percent of
8 the boats that don't, and that's not, you know,
9 that's not optimal in terms of safety. If you're
10 trying to get emergency information out
11 immediately, only hitting 20 percent of your
12 desired target isn't very good.

13 Again, I'm not an electronics wizard,
14 but I am quite certain that there are ways that,
15 using the existing technology that's on these boats
16 and in all of those wheelhouses, to come up with
17 something that would duplicate what GMDSS currently
18 does, but it does so at a much lesser or lower cost.

19
20 So those are my comments. Thank you.

21 CHAIRMAN JACOBSEN: Yes, thank you,
22 Chris, appreciate it. Any comments? All right,

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1 Mr. Garcia?

2 LCDR GARCIA: Good afternoon, Mr.
3 Chairman. I'm Lieutenant Commander Garcia with
4 PACAREA. I just wanted to provide the Committee
5 a brief.

6 My office in PACAREA, we're responsible
7 for inputting a third-party survey of exams into
8 MISLE, and that's per Coast Guard policy letter
9 04-07, so just an update.

10 So far we have data over the past three
11 years and we've inputted over 150 vessels into
12 MISLE, and then these are completed vessel exams
13 conducted by third-party surveyors.

14 Some of the challenges that we're
15 seeing right now is that the reports that we receive
16 are coming in late. Per the policy letter, they're
17 supposed to be submitted within 10 business days.

18 We've usually been seeing them coming in three
19 months later after the fact, six months, sometimes
20 a year.

21 Another challenge is that we had to
22 remind surveyors that when they ask for the decals,

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1 they have to go through headquarters and not through
2 the local sector office.

3 And one other thing too is that when
4 we receive the exams, we usually receive, we receive
5 exams that's completed. We don't have a history
6 of any deficiencies.

7 So we're trying to reach out to the
8 surveyors that, you know, if you have to visit the
9 vessel more than once or there were deficiencies
10 that had to be corrected, please put that on the
11 exam so that way we can provide or show a little
12 bit of the vessel's history in MISLE.

13 Again, our role is more of an
14 administrative role. That's what our office was
15 assigned to do. I can only speak on behalf of
16 PACAREA. I, unfortunately, can't speak on behalf
17 of LANTAREA, and versus serving or helping the
18 vessels within our four districts, D11, D13, D14,
19 and D17, and that's all I have to pass.

20 CHAIRMAN JACOBSEN: Thank you very
21 much. Any questions for the Commander? Thank you
22 very much, appreciate it.

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1 Okay, that concludes the presentations
2 that we have. The time - is there something else?

3 Yeah, the time is now yours as Committee members
4 to advance any questions, or concerns, or topics,
5 motions. Now is your last chance to do so, so Mr.
6 Dameron?

7 MR. DAMERON: So with the Senate
8 passing a bill that will move the classification
9 of new built from 79-foot to 180-foot, I'm worried
10 that vessels that complied with the regulations
11 as they were written and built fishing vessels to
12 class, the current regulations state that they will
13 have to stay in class, and I feel that this is an
14 unnecessary disadvantage to these boats.

15 If Congress said that, "Hey, we've
16 required you to build to class over 79-foot," but
17 five years later, they put that back, they obviously
18 are admitting that that may have been a mistake.

19
20 So I would like to propose the motion
21 that the Coast Guard advises the United States House
22 Subcommittee on Coast Guard and Maritime

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1 Transportation and the United States Senate
2 Subcommittee on Oceans, Atmosphere, and Fisheries
3 that the Commercial Fishing Safety Advisory
4 Committee does not favor the requirement to
5 continue to remain in class for fishing vessels
6 that were required to be built to class, but would
7 no longer be required to be built to class under
8 subsequent U.S. Code.

9 CHAIRMAN JACOBSEN: Is there a second?

10 MR. HOCKEMA: Second.

11 CHAIRMAN JACOBSEN: Mr. Hockema is the
12 second. All right, would you like to speak to your
13 motion, Mr. Dameron, or you just did?

14 MR. DAMERON: Yeah, I think that's
15 pretty self-explanatory. If there's any questions
16 for me, I'd be more than happy to answer.

17 CHAIRMAN JACOBSEN: Yes, Mr. Woodley?

18 MR. WOODLEY: Yes, Mr. Chairman, I
19 apologize. I forgot to talk with Mr. Dameron about
20 this. I understand his intent behind it. My
21 concern would be when you're talking about vessels
22 being built to class. You know, fish processing

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1 vessels have been required to be built to class
2 since the early 1990s.

3 Mr. Davis' fleet, a large number of my
4 vessels, and a number of freezer long liners, fish
5 processing vessels were all built to class. The
6 owners have invested tens of millions of dollars
7 in the construction of those boats.

8 So I believe what Mr. Dameron is getting
9 at are more the smaller vessels that were built
10 to class in the last couple of years as a result
11 of the changes in the Authorization Act post 2010.

12 And I think you have to figure out a
13 way to thread the needle so you're not throwing
14 fish processing vessels into that broader group
15 of vessels because that's, again, fish processing
16 vessels have a much higher risk. They have a large
17 group of members that operate in remote areas, and
18 those vessels all warrant the standards of
19 classification.

20 CHAIRMAN JACOBSEN: Yeah, thanks,
21 Chris. I think Tom was referring to probably three
22 or four vessels. Mr. Dameron?

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1 MR. DAMERON: So, yeah, thank you very
2 much, Chris. So if I could address that, so the
3 last part of the motion says that, "but would no
4 longer be required to be built to class under
5 subsequent U.S. Code," so if they change the code,
6 and I'm sure they're not going to change the code
7 for these large fish processors.

8 They're just - the ones that they do
9 change the code for, those are the ones that we're
10 asking that they consider this.

11 CHAIRMAN JACOBSEN: Mr. Boehmer?

12 MR. BOEHMER: I think what we were
13 hoping is that if this motion passes, that there
14 still be some sort of existing requirement to
15 maintain these guys to a certain level of standard
16 or compliance.

17 But maybe we should amend that motion
18 a little bit, Tom, to say that boats under the -
19 the new boats that were built to these new
20 regulations only, that now won't be required to
21 be classed, so it doesn't affect the ones that are
22 out there. We were just talking about these ones

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1 that have happened since 2013.

2 CHAIRMAN JACOBSEN: Yes, I think that
3 was the intent, yeah, thank you. Just a minute,
4 Joe. This will be a very heavy lift because you're
5 asking the Coast Guard to go to these Congressional
6 committees and ask them to do something about a
7 law that doesn't exist or exists in a different
8 form really.

9 So it will be a heavy lift anyway, but
10 I'm not saying that it can't be done, but the
11 recommendation, there should also be in conjunction
12 with this recommendation an effort to establish
13 a new law about these vessels. Joe, did you have
14 a comment?

15 MR. DERIE: Yeah, I'm curious how many
16 vessels are we talking about and what are their
17 sizes? Do we have a real feel for this problem?

18 MR. DAMERON: So I have a real feel for
19 it as far more as a member of the surf clam and
20 ocean quahog industry that built a 160-foot new
21 clam vessel and he built that to class at a
22 substantially increased cost over a neighbor that

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1 did a major conversion and built a similar vessel.

2

3 He was disadvantaged in the building
4 stages where I'm hesitant to say how much more it
5 cost him, but it cost him a lot more, and he is
6 going to have the ongoing expenses of keeping this
7 vessel in class, where if Congress no longer
8 requires that that size vessel is built to class,
9 I don't see the reason why he should have to have
10 the expense of keeping it in class.

11 MR. DERIE: Yeah, I'm sorry. I didn't
12 make myself clear. I understand your concerns.
13 What I'm wondering is how many vessels are we
14 talking about and how big are they? You've
15 mentioned one, a 160-foot. How many more do we
16 have?

17 I mean, the way to go about that if it's
18 just that vessel is get your Congressman to pass
19 a public law exempting it. If we're only talking
20 a couple of vessels here, that's the best way to
21 handle it.

22 If we're talking 40 or 50, this may be

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1 the best way to handle it, but I note that we're
2 going back to Congress for something, so that's
3 what I meant by do we have a handle on the problem.

4 How many vessels are we talking about and how big
5 are they?

6 CHAIRMAN JACOBSEN: Yeah, thanks, Joe,
7 and that's what I was suggesting is that there needs
8 to be some lawmaking activity in conjunction with
9 this and that could be a Congressman slipping
10 something into a bill exempting the vessel.

11 So that could be done in conjunction
12 with this, but it needs other activity besides the
13 recommendation from this Committee which I don't
14 think would go very far. Tom?

15 MR. DAMERON: And the purpose of the
16 recommendation was just to let these two
17 subcommittees know that, "Hey, if you're no longer
18 going to require a classification on these fishing
19 vessels, there's a group of fishing vessels that
20 did comply with this law when you added an effect
21 and that this Commercial Fishing Safety Advisory
22 Committee does not support the requirement to keep

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1 them in class."

2 It was just the Coast Guard notifying
3 these two committees that say, "Hey, we had this
4 subcommittee on fishing vessel safety and they
5 don't agree that this handful of vessels should
6 be required to remain in class."

7 CHAIRMAN JACOBSEN: Thanks, Tom. Any
8 other questions or comments? Mr. Hockema?

9 MR. HOCKEMA: Mr. Hockema. Just to
10 further what Mr. Dameron was saying, I think our
11 motive here is just to give the Coast Guard a tool
12 for when they are in committee hearing.

13 It's common in these hearings for Congressmen
14 to ask the Coast Guard what their current concerns
15 are and these kind of things, and it's just to bring
16 up a concern. We understand that the Coast Guard
17 cannot change legislation.

18 We also understand that another avenue,
19 I consider it another avenue, probably the most
20 effective is what Mr. Derie was saying, or just
21 approach your Congressman and ask them. Write a
22 letter and ask them to rescind this part of the

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1 law.

2 Rescinding the law is a little more
3 complicated than what Mr. Dameron's motion is.
4 It wasn't intended to hit every, dot every I and
5 cross every T there.

6 But in any case, it's just a matter of
7 we realize the Coast Guard is periodically in
8 Congressional hearing meetings with committees,
9 and if it's within the scope of the Committee, we'd
10 like to arm them with an opinion from the Committee
11 for those hearings. If it's not, then we don't
12 have that capability, but I think we do.

13 One other thing though is I noticed
14 something here and it was brought up in Mr.
15 Woodley's comments. If we pass this motion, I
16 think it should state "fishing vessels and fish
17 tender vessels." It specifically excludes fish
18 processors. They're not in there.

19 But the three types of vessels we have
20 in the fishing industry are fishing vessels, fish
21 tender vessels, and fish processing vessels. So
22 we're not asking this of fish processing vessels

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1 at all, but fishing vessels and fish tender vessels
2 would probably be appropriate. Thank you.

3 CHAIRMAN JACOBSEN: Okay, Tom, do you
4 want to revise your motion?

5 MR. DAMERON: I would revise my motion
6 to read, "fishing vessels and fish tender vessels."

7 CHAIRMAN JACOBSEN: Okay, would you
8 like to read the restated motion?

9 MR. DAMERON: The motion, that the U.S.
10 Coast Guard advises the United States House
11 Subcommittee on Coast Guard and Maritime
12 Transportation and the United States Senate
13 Subcommittee on Oceans, Atmosphere, and Fisheries
14 that the Commercial Fishing Safety Advisory
15 Committee does not favor the requirement to
16 continue to remain in class for fishing vessels
17 and fish tender vessels that were required to be
18 built to class, but would no longer be required
19 to be built to class under subsequent U.S. Code.

20 CHAIRMAN JACOBSEN: Mr. Hockema is the
21 second. Are you okay with that language?

22 MR. HOCKEMA: I second.

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1 CHAIRMAN JACOBSEN: Any other comments
2 or questions? Okay, all in favor, raise your hand.
3 Any opposed? I'm sorry, I didn't give Karen
4 enough time. Okay, any opposed? All right, the
5 motion passes. Is there anything else? Mr.
6 Boehmer?

7 MR. BOEHMER: Okay, I'm a man of many
8 motions. Kris Boehmer. All right, I'd like to
9 make a motion. The Coast Guard fishing vessels,
10 Fishing Safety Advisory Committee would ask the
11 U.S. Coast Guard to look back at the core concepts
12 of the original ASCP program and renew their efforts
13 to look at the data region by region, fishery by
14 fishery.

15 Fishing vessel safety coordinators
16 from each region then should meet with the industry
17 leaders from the various fisheries to review this
18 data with the goal of creating best practices that
19 are specific to the needs of their regions,
20 fisheries, and gear types.

21 The goal is to work locally to the best
22 practice agreements that can be used as the guides

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1 to specifics in their areas.

2 CHAIRMAN JACOBSEN: Okay, is there a
3 second?

4 MR. DAMERON: Second.

5 CHAIRMAN JACOBSEN: Mr. Dameron has
6 seconded. Would you like to speak to the motion?

7 MR. BOEHMER: I just think that we've
8 put a lot of work into creating these, into the
9 old boats currently built with no classification
10 or standards in mind, and we put a lot of time into
11 identifying a lot of areas, and we made the mistake
12 of labeling that an alternate compliance program,
13 and I'd like to kind of go back to that.

14 Pull it back and get it back on the table
15 with the idea that we can use some logical
16 approaches to make this industry a lot safer.

17 CHAIRMAN JACOBSEN: Okay, thank you.
18 Any questions or comments? Mr. Dameron?

19 MR. DAMERON: I have a question for the
20 Coast Guard. How did this specific - how did this
21 kind of disappear? I mean, we worked on it for
22 a while.

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1 It seemed like that they were starting
2 to work with individual regions. It was supposed
3 to be region-wide, and then all of a sudden, it
4 turned into just a suggested checklist and it went
5 away.

6 How did that go away, the alternative
7 safety compliance program that was supposed to be
8 regional in nature? It was supposed to address
9 specific regional safety issues.

10 CHAIRMAN JACOBSEN: So I guess in
11 fairness to both Mr. Myers and Captain Edwards,
12 they are fairly new to the process and might not
13 be familiar with what transpired.

14 MR. MYERS: Yeah, Mr. Chair, thank you.
15 Well, I would say I think to give a fair response,
16 I personally would have to look back at what
17 transpired back in 2016, that there's a little bit
18 of a spread.

19 And so, again, I can't formally respond
20 to your question right here and now. That's not
21 to say that we can't get some background history
22 and then do a follow-up. That's all I have on that.

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1 CHAIRMAN JACOBSEN: Captain, any
2 additional comments?

3 CAPT. EDWARDS: I mean, I think the
4 comment that I'd provide is we've kind of gone
5 public, and I can pull up our statement on why we
6 went with the alternative, the enhanced oversight
7 program.

8 I mean, that's - I can pull that up for
9 you. I wasn't here when it was made, the statement
10 was made, but I think the Coast Guard has gone on
11 record as to why and we'd be more than happy to
12 supply that to you.

13 CHAIRMAN JACOBSEN: Mr. Hockema?

14 MR. HOCKEMA: Thank you, Mr. Chairman.

15 As I've mentioned in private conversations here,
16 and it's been discussed, I think the reason we are
17 where we are at on this is the word "alternate,"
18 and the Coast Guard's legal department has
19 determined that the alternate safety compliance
20 program, there wasn't really a program to start
21 with to be an alternate to.

22 And my opinion is that wasn't the intent

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1 of Congress when they passed this law, but they
2 misnamed the section in the law, and so here we
3 stand with a situation where the intent was to
4 develop standards for, regional standards for
5 existing fishing vessels which Mr. Dameron and Mr.
6 Boehmer had mentioned, but we're at a standstill
7 because of this word "alternate," and of course
8 it's an issue of statute.

9 And so I personally will be writing a
10 letter to my Congressman about maybe modifying
11 that, and the committees that Mr. Dameron mentioned
12 in our motion earlier.

13 It's frustrating to see this, to put
14 so much emphasis on the title of a section of the
15 code when the content is really what the intent
16 is. The title is one line. The content is several
17 paragraphs, but the title seems to have
18 disqualified the content of the statute, and I don't
19 understand that, but I'm not an attorney, so thank
20 you.

21 CHAIRMAN JACOBSEN: All right, thank
22 you. Any other comments or questions? Yes?

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1 LT. DUFFETT: Lieutenant Jonathan
2 Duffett. I would just, in response to Mr.
3 Dameron's question, refer you back to the marine
4 safety information bulletin 11-16 which gives some
5 of the background as to why the alternate safety
6 compliance program development was suspended in
7 lieu of the enhanced oversight program. I have
8 a copy if anyone wants to look at it.

9 CHAIRMAN JACOBSEN: Thank you,
10 Lieutenant. Okay, any objection to voting? Kris,
11 could you read your motion again?

12 MR. BOEHMER: The Commercial Fishing
13 Safety Advisory Committee would ask that the U.S.
14 Coast Guard look back at the core concepts of the
15 original ASCP program and renew their efforts to
16 look at the data region by region, fishery by
17 fishery.

18 The fishing vessel safety coordinators
19 from each region should then meet with the industry
20 leaders in the various fisheries to review this
21 data with a goal of creating best practices that
22 are specific to the needs of the regions, fisheries,

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1 and gear types.

2 The goal is to work locally towards best
3 practice agreements that can be used as guides to
4 specific, guides specific to their area.

5 CHAIRMAN JACOBSEN: Thank you. All in
6 favor by raise of hand? Any opposed? The voting
7 appears unanimous. Thank you.

8 MR. BOEHMER: I have one more.

9 CHAIRMAN JACOBSEN: Go ahead.

10 MR. BOEHMER: I would like to make a
11 motion to move to have the U.S. Coast Guard issue
12 a marine safety information bulletin regarding the
13 use of unregistered and/or unapproved AIS devices
14 that we then can distribute to our fleets.

15 CHAIRMAN JACOBSEN: Is there a second?

16 PARTICIPANT: Second.

17 CHAIRMAN JACOBSEN: Who was that? So
18 would you like to address your motion?

19 MR. BOEHMER: I think it's reasonably
20 self-explanatory. It sounds to me like there's
21 a lot of people that, for good reason, thought that
22 they may be in violation and create safety concerns,

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1 and I think the sooner we can get that out there
2 to clarify that, the better our industry will be
3 served.

4 CHAIRMAN JACOBSEN: I think they would
5 be uncomfortable knowing that the use of the device
6 could lead them to a \$37,500 fine. Any comments,
7 questions? Okay, by raise of hands, all in favor?

8 PARTICIPANT: I appreciate hands.

9 CHAIRMAN JACOBSEN: Any opposed? The
10 voting is unanimous. Thank you.

11 MR. BOEHMER: My last one, okay, I
12 think. I'm not promising, but I'm thinking. All
13 right, I move to have the Coast Guard work with
14 the FCC and others to create a viable process and
15 guide to proper AIS use, use and registration for
16 gear marking so that we can use this technology
17 as a navigational aid on operating a failure point
18 for the proper operation of the AIS system.

19 CHAIRMAN JACOBSEN: Is there a second?

20 MR. DENNEHY: Second.

21 CHAIRMAN JACOBSEN: Mr. Dennehy.
22 Would you like to speak to the motion?

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1 MR. BOEHMER: The same idea as before.

2 It seems like there's some good technology out
3 there. It's being used improperly it sounds like
4 or we've got some of the wrong product out there,
5 but we want to, I think, have people use this, but
6 in the right way so it does not create unintended
7 consequences.

8 CHAIRMAN JACOBSEN: Thank you. Any
9 discussion or questions? All in favor, please
10 indicate by the raising of your hand. Any opposed?
11 The voting is unanimous.

12 MR. BOEHMER: I just want to say I had
13 two-word motions. I had somebody help pretty it
14 up. Thank you.

15 CHAIRMAN JACOBSEN: All right,
16 anything else? Captain, it looks like we've
17 reached the conclusion.

18 PARTICIPANT: Do we want to --

19 CHAIRMAN JACOBSEN: If it's okay with
20 the Captain, that's fine. Any comments from the
21 public, last chance. Mr. Woodley? Thank you.

22 MR. WOODLEY: Mr. Chairman, thank you,

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1 just one parting thought on this or on the advisory
2 committee. Once every three years isn't enough
3 for this group to meet in person. It's been - the
4 last time that this group met in person was
5 September of 2016. That was three fiscal years
6 ago.

7 Other advisory committees within the
8 Coast Guard meet on a much regular basis, and so
9 I was hoping that the advisory committee could again
10 make a recommendation to the Coast Guard that this
11 body meet at a minimum of two times a year in person
12 and consistent with other advisory committee
13 meetings, and further, that the Committee request
14 that the Coast Guard adjust the budget to support
15 meeting twice a year. That's all I have.

16 CHAIRMAN JACOBSEN: Thank you, Mr.
17 Woodley. Mr. Boehmer?

18 MR. BOEHMER: I forgot I had an extra
19 motion. I actually talked about this with somebody
20 else. I'd like to make a motion that we have at
21 least quarterly meetings via teleconference and
22 more meetings, at least one face-to-face meeting.

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1 CHAIRMAN JACOBSEN: Okay, thanks.
2 Yeah, we're kind of getting into the last thing
3 in the agenda about next meeting plans and suggested
4 locations, and I'll turn it over to -

5 MR. BOEHMER: So we don't need a motion
6 to have quarterly meetings?

7 CHAIRMAN JACOBSEN: We can do that,
8 yeah. So is there a second?

9 MR. DAMERON: Second.

10 CHAIRMAN JACOBSEN: Mr. Dameron has
11 seconded. Would you like to speak to your motion?

12 MR. BOEHMER: I just think as Mr.
13 Woodley clearly pointed out, we need to keep this
14 ball rolling. I think at least a quarterly
15 teleconference is a cost-effective way of talking
16 about issues and moving the ball forward, and, you
17 know, we've got important work to do.

18 CHAIRMAN JACOBSEN: Thank you. Mr.
19 Davis, do you have a comment?

20 MR. DAVIS: Yes, please. Alan Davis.
21 I have an echo for what Mr. Woodley just said.
22 Having served on other federal advisory committees

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1 that are able to meet more often, and knowing that
2 the Coast Guard has advisory committees that meet
3 more often, I believe that the work that this
4 Committee does is important and I've seen that we
5 lose our synergy.

6 We lose our energy. We lose our
7 forward motion if we are not meeting on a frequent,
8 regular basis. So I would recommend quarterly
9 phone calls as was just voted on, and meeting twice
10 a year face-to-face because that is how you keep
11 things going.

12 Another thing that I would like
13 everybody to think about, while classification of
14 vessels and new construction is something that's
15 very scary and freaked a lot of people out, perhaps
16 understandably, I think this is one of those
17 situations where the baby is getting thrown out
18 with the bath water because of the economic
19 concerns, but losing sight of the safety concerns.

20 In my area, if I build a 10 by 20 toolshed
21 in my backyard, I have to have permitting. I have
22 to have inspections. I have to have somebody

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1 coming and looking at it to make sure that I'm
2 putting it together right.

3 But in some ways, in some of our areas,
4 it's been reported to me that people can go out
5 in their backyard basically and build a fishing
6 boat, and push it down into the water and go fishing
7 with it.

8 So I would challenge the Committee and
9 the Coast Guard to try and make sure that what may
10 be political machinations in the 2018 Coast Guard
11 Authorization Bills doesn't throw the baby out with
12 the bath water, and we make sure that classification
13 or maintaining construction standards, and
14 maintaining a vessel as it was originally designed
15 and constructed remain vitally important.

16 When we did the alternative compliance
17 safety agreement, one of the things that they found
18 were people are doing something. They're making
19 a modification. They need to run a conveyor from
20 here to there.

21 Get out the torch, cut a two-foot by
22 two-foot hole, shove the conveyor through a

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1 watertight bulkhead, run new wires, drill holes
2 in a watertight bulkhead, and don't do the proper
3 procedures.

4 Those are the things that
5 classification or some similar system helps a
6 vessel owner maintain, and I would encourage the
7 Committee, the Coast Guard, and the industry to
8 all try to find a way that we can attain those
9 objectives economically and safely. Thank you.

10 CHAIRMAN JACOBSEN: Thank you, Mr.
11 Davis. Mr. Hockema?

12 MR. HOCKEMA: Thank you, Mr. Chairman,
13 and thank you, Mr. Davis. I'd like to echo Mr.
14 Davis' comments verbatim. He was spot-on on
15 everything he said. In addition, we know that
16 standards save money in the long run. Everywhere
17 around us, we have standards. They save money in
18 the long run.

19 And so right now, our fishing industry
20 with a lack of standards is building to different
21 - it may be a builder's standard in Coos Bay, Oregon
22 or in Bayou La Batre, Alabama that are wildly

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1 different, but they may have a similar customer
2 base.

3 And it's confusing to, when you go back
4 to repair these vessels, aside from safety, it's
5 confusing to work on some older vessels that have
6 been built to no standard really, just someone
7 else's preference at the time. Standards save
8 money in the long run. It's not just a safety
9 issue. It is an economic issue too.

10 Your home that you live in, if you have
11 a home that's built in the last 30 years, it's highly
12 regulated, and aside from that, we know that real
13 estate costs in general in this country are very
14 high, but the home itself, it enables builders to
15 build to a standard and they don't have to reinvent
16 the wheel every time they build a new home.

17 So I just want to say, you know,
18 standards do save money and standards can be
19 reasonable if well thought out. Thanks.

20 CHAIRMAN JACOBSEN: Thank you. Mr.
21 Boehmer, could you read your motion again?

22 MR. BOEHMER: For the Commercial

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1 Fishing Safety Advisory Committee to have quarterly
2 teleconference meetings and at least one
3 face-to-face meeting per year each year.

4 CHAIRMAN JACOBSEN: Okay, thank you.

5 Any other comments or questions on the motion?

6 PARTICIPANT: I think we should meet
7 at least twice a year.

8 MR. BOEHMER: I wouldn't have a
9 problem. I'll change it to that if it's - am I
10 able to change that?

11 CHAIRMAN JACOBSEN: You can change it
12 as long as it's okay with the second.

13 PARTICIPANT: Then it will echo a 2016
14 motion.

15 MR. BOEHMER: Okay, all right, so I
16 will change once a year to twice a year, so I'll
17 read it again, for the Fishing Vessel Safety
18 Advisory Committee to have quarterly
19 teleconference meetings and to meet at least twice
20 a year face-to-face.

21 CHAIRMAN JACOBSEN: All right, is that
22 okay with the second?

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1 PARTICIPANT: Yeah, I don't know who
2 seconded.

3 MR. DAMERON: I think I seconded.

4 CHAIRMAN JACOBSEN: Did you second it,
5 Tom?

6 MR. DAMERON: Yes.

7 CHAIRMAN JACOBSEN: Okay, is that okay
8 with you?

9 MR. DAMERON: It is okay.

10 CHAIRMAN JACOBSEN: All right, okay,
11 we vote then if there is no other comments or
12 questions. All in favor, please raise your hand.
13 Any opposed? It looks like it's unanimous.
14 Thank you very much.

15 And sometimes these things, even though
16 it was voted on before and passed and has been talked
17 about, I'm reminded of the fact that we voted for
18 many years every year on the classing issue, and
19 so, you know, sometimes we just have to be patient
20 and persistent, and we'll see where it goes.

21 All right, any other comments or
22 questions from the Committee or the public? Yes,

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1 please state your name.

2 MR. ARCENEUX: My name is Stewart
3 Joseph Arceneaux. I represent the National
4 Observer Program and Safety Advisory Committee,
5 and I really just wanted to present a thanks to
6 the whole Committee here for the opportunity to
7 attend this meeting.

8 I come from a slightly different world
9 in some ways, but then, you know, my observer
10 background, you know, in a way, we're all kind of
11 working on the boats, and we look forward to this
12 meeting as a way to see kind of what some of the
13 big issues are that might intersect with our world
14 so we can be kind of pre-prepared to develop some
15 of our policies and things like that.

16 So anyway, thanks a lot. I've learned
17 a lot and I hope to attend the next meeting whenever
18 that is.

19 CHAIRMAN JACOBSEN: Thank you very
20 much. Closing remarks?

21 CAPT. EDWARDS So I'd just like to say
22 a few things. First, thanks to the Chair and the

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1 Vice Chair for leading the meeting, and thanks for
2 all the Committee members and the public at large
3 for the comments that you made.

4 We'll take those back. I think there's
5 definitely some items here that we can turn around
6 and provide some past statements to the Committee
7 to start to work on, and then set up some sort of
8 a more regular phone call schedule or virtual
9 meeting so that we can keep the pace on those.

10 I think collectively, we'll need to -
11 we have finite resources in terms of money and the
12 people that we have available to work on a project,
13 so these are some items that we'll collectively
14 have to prioritize, you know, what are some of the
15 ones that are good to work on now and what are some
16 of the ones that we can chip away or do incremental
17 improvement on? So I look forward to working with
18 that.

19 Like I said in the beginning, I thank
20 you for your work that you did today and I'm going
21 to go ahead and thank you for the work that you're
22 going to do in the future. Like I say, we'll take

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1 these minutes back and review them and go from
2 there.

3 So with that, I'm going to hand it back
4 over to you as the Chair to close it out.

5 CHAIRMAN JACOBSEN: All right, thank
6 you very much. Yes, Mr. Kampnich?

7 MR. KAMPNICH: Yes, Michael Kampnich.
8 I'm curious on the terms. My term, I think, will
9 be up in June, and I'm not real familiar with what
10 will be the process for reconsideration?

11 CHAIRMAN JACOBSEN: There will be - oh,
12 go ahead, Mr. Myers.

13 MR. MYERS: Thank you, Mr. Chair. We
14 will begin - we are actually currently working on
15 packaging up an announcement because we do
16 recognize that there will be six, I believe,
17 vacancies that come up in June.

18 And we will be putting out an
19 announcement by way of the Federal Register, and
20 we'll let you know when that's about to come out,
21 and that is going to detail the application process
22 for those who wish to reapply and for anyone else

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1 who wishes to reapply.

2 CHAIRMAN JACOBSEN: Thank you very
3 much. All right, well, I really appreciate
4 everybody's attendance here, your contributions.

5 I'm a little bit disappointed that we didn't have
6 any tasks to work on here as you are, and hopefully
7 that will change in the future and this Committee
8 will continue to make a lot of progress. So with
9 that, save travels and it's good to see everybody,
10 and I hope to see you again very soon, so thank
11 you.

12 (Whereupon, the above-entitled matter
13 went off the record at 1:28 p.m.)