

Take home questions from workshop

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1. Is dockside monitoring covered under Federal Employees' Compensation Act (FECA)? (RO - Kevin)
2. Does Magnuson-Stevens Act (MSA) requirements for data used to manage fisheries apply to At-Sea Monitoring (ASM)? (RO) (legal protection for providers to get paid)
3. If NMFS is funding Dockside Monitoring (DSM), how does this affect hourly rates? (RO - Kevin)
  - a. Does Davis-Bacon Act apply?
  - b. Service contract act, for no-cost contracts?
  - c. Fair Labor Standards Act (FLSA)
  - d. Dockside is grant, ASM will be contract
4. Is there a list of sites requiring Transportation Workers Identification Credential (TWIC)? (RO - Merrie)
  - a. Related to freight
  - b. Which processors require TWIC's
  - c. NMFS to work with Department of Homeland Security (DHS)
5. Reporting by Wednesday or Thursday? (RO - Mark)
  - a. weekly reporting required, but lag not specified in A16, need lead time for sector w/small Annual Catch Entitlements (ACE) needed
6. Definition of offload vs. landings (RO - Mark)
  - a. Clarify that DSM occurs at the time/point of offloading
7. Revisit 6 hour notification window requirement (RO/OLE)
8. Grounds for decertification of vendor, including individual DSM (RO W/FSC)
  - a. Within year, annual done through Ops Plan
9. Policy on whistle blowing (RO/NOAA-General Counsel - Mark)
  - a. potential for sector to fire highly attentive vendor and replace with less scrupulous vendor
  - b. related questions not on white board
    - i. If multiple vendors are approved in Operations Plan (OP), can a sector switch among them during the year (or must contract for full year)?
    - ii. How and when will NMFS be notified of which vendor a sector is using?
10. Interaction of vendor certification process and OP (RO)
  - a. Vendor may have different approaches to same sector coverage, sector may choose
  - b. Who owns sector specific components of OP
    - i. Sector -> contract w/ capable vendor, or
    - ii. Vendor -> proposes specific protocol
      1. constraints to industry
  - c. How specific in OP, vendor appendix
  - d. Flexibility / rigid requirement

NOAA/Fisheries Service/Northeast Center (FSC) and Region (RO)  
Provider Workshop  
August 5, 2009, Falmouth, MA

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11. Insurance for DSM: dealer liability, vessel liability (Vendor)
12. NEFOP substitute for minimum coverage under sectors (i.e. if NEFOP opportunistically gets assigned to a sector trip under the SBRM deployment scheme, and that particular trip also had an ASM assigned, the ASM would stand down and the NEFOP observer would take the trip. This NEFOP coverage would count towards the sector's achieved coverage rate)
  - a. YES
13. Can NEFOP train DSM now that coverage is 50%/20% (NEFSC)