

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

<b>MEXICAN GULF FISHING COMPANY, <i>et al.</i></b>	:	Civil Action No. 2:20-cv-2312
	:	
	:	Section “E” (1)
	:	
<i>Plaintiffs,</i>	:	Judge Suzie Morgan
	:	
v.	:	Magistrate Judge Janis Van Meerveld
	:	
<b>U.S. DEPARTMENT OF COMMERCE, <i>et al.</i></b>	:	
	:	
	:	
	:	
<i>Defendants.</i>	:	

**DECLARATION OF ANDREW J. STRELCHECK**

I, Andrew J. Strelcheck, declare as follows:

1. I am the Regional Administrator for the Southeast Regional Office of the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA). I have held this position since 2021 and previously served as the Deputy Regional Administrator. My responsibilities include overseeing all of NMFS Sustainable Fisheries Division’s work in the southeast region from Texas to North Carolina and the U.S. Caribbean, including Puerto Rico and the U.S. Virgin Islands. I also serve as NMFS’s representative on the Gulf of Mexico Fishery Management Council (Council).
2. On October 4, 2021, Plaintiffs’ petitioned NMFS pursuant to the Administrative Procedure Act (APA), 5 U.S.C. § 553(e), to amend and delay the effective date of the Vessel Monitoring System (VMS) requirements published in a Final Rule on July 21,

2020, for 90 days from December 13, 2021, to March 14, 2022.<sup>1</sup> 85 Fed. Reg. 44005 (July 21, 2020); 86 Fed. Reg. 51014, 51015 (Sept. 14, 2021).

3. In response to Plaintiffs' APA petition, NMFS published a Final Rule on November 2, 2021, delaying the effective date of the VMS requirements until March 1, 2022. 86 Fed. Reg. 60374 (Nov. 2, 2021). Among the reasons NMFS decided it was appropriate to delay the effective date until March 1, 2022, was to allow time for NMFS to finish testing a third cellular VMS unit, which would provide more options to permit holders to comply with the requirement.
4. Since that time, NMFS has completed testing a third cellular VMS unit and there are now three cellular VMS units, in addition to the satellite VMS units that are approved by NMFS for the Gulf of Mexico For-Hire Fisheries. See <https://www.fisheries.noaa.gov/southeast/rules-and-regulations/approved-vessel-monitoring-system-vms-units-reporting-southeast-hire-integrated>. The cost of the NMFS-approved cellular VMS units range from less than \$600 to \$2,600. NMFS has a program to reimburse permit holders that install approved VMS units purchased to comply with the new regulations.
5. Another reason that NMFS delayed the effective date of the VMS requirement to March 1, 2022, instead of March 14, 2022 as requested by Plaintiffs' petition, was to ensure that vessels are equipped with VMS units before the start of the 2022 spring break season. 86 Fed. Reg. 60374. Gulf for-hire trips generally increase by more than double during the spring break season and increase even more during the summer months.

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<sup>1</sup> Plaintiff's petition requested March 14, 2022, as the effective date. The final rule delaying the effective date until March 1, 2022, inadvertently refers to March 22, 2022, as the date requested by the petition.

6. Before NMFS can use the data obtained from the new reporting requirements for management decisions, the Marine Recreational Information Program must certify the new collection method, and a transition plan must be approved and implemented. *See* <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-survey-design-certification>. Delaying the effective date of the VMS requirement will delay the process for certifying the program and developing the transition plan.
7. The Council and NMFS have determined that the VMS requirement is critical to validate the trips reported through the logbook requirement already in effect. Implementing the VMS requirement by March 1, 2022, therefore is important to further the interests of the Council and the participants in the fishery, who requested that the Council develop a more robust reporting program.
8. If the VMS requirement is delayed beyond March 1, 2022, NMFS will be irreparably harmed because it will be unable to timely proceed with certification of the program and a transition plan to allow the data from the program to be available for management decisions.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

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Andrew J. Strelcheck

Executed in St. Petersburg, Florida, this 7th day of February, 2022.