

May 20, 2014

PFMC Meeting June 2014 Agenda Item F.2.c

Pacific Fisheries Management Council
7700 NE Ambassador Pl., Suite 101
Portland, Oregon 97220-1384

Madame Chair and Council,

This letter is regarding the “VMS enhancement” proposal by the Office of Law Enforcement to increase the VMS “ping rate” from once hourly four times an hour. This proposal is unacceptable because it fails to achieve the enforcement goals of the OLE and negatively impacts west coast commercial fishermen.

This action will not achieve the OLE’s goal of better monitoring GCAs. I agree that it is important that the OLE has all the tools necessary to monitor and enforce restricted fishing areas and I assert that they have more than adequate resources to do so. The OLE has NOAA research vessels, coast guard cutters, coast guard helicopters, CFW patrol boats, CFW spotter planes, drone aircrafts, and a real time GPS monitoring system (VMS) on every boat with the ability to transmit every couple minutes. The OLE already has the ability to increase the ping rate of any vessel at any time they choose.

I am knowledgeable about the details of the VMS situation because I was recently engaged in a court case with the OLE where VMS data was the entirety of the OLE’s case. The ALJ court ruled in my favor and stated that VMS data alone did not prove incursion and that additional investigation and documentation was required. It is apparent that this proposal is a retaliatory action for the loss they suffered in the ALJ court as well as an effort to continue using VMS as sole evidence instead of following the ruling of the Justice to employ additional verification procedures.

This proposal will negatively impact the west coast fishing fleet because the cost of the increased rate will be charged to the commercial fishermen, who will gain nothing and have done nothing to incur an additional expense. The notion that the price increase is small is a bogus justification when there are hundreds of “small costs” that add up to a very high overhead in the commercial fishing industry. An increased ping rate on the VMS will also increase a vessels battery usage, decreasing the life of the batteries and costing the fisherman even more.

It is important to recognize that even though the OLE claims that an increased ping rate is crucial for enforcement of the GCAs, they do not suggest extending the program to the recreational fishing sector. Recreational fishermen, who go about unmonitored with no tracking or catch data, land 80% of the rockfish in Southern California. This selective law enforcement criminalizes commercial fishermen, who have zero incentive to break fishing laws. It shows that GCAs are directed primarily toward commercial fishermen, who are the vast minority; this is either a huge oversight in fisheries management or clear discrimination. Either way, this proposed increase in the VMS ping rate for commercial fishing vessels is absurd. This proposal will not help the OLE protect closed areas and it hurts commercial fishermen. The only winner will be the VMS service provider who stands to increase profit by 400%. I respectfully suggest that this proposal be dismissed.

Sincerely,
Jason Robinson
Commercial Fisherman, Limited Entry Fixed Gear
Southern California Groundfish Association