

ENFORCEMENT CONSULTANTS (EC) REPORT ON VESSEL MONITORING SYSTEM (VMS) AND DECLARATION REGULATIONS

The EC has reviewed the documents pertaining to Agenda Item E.1: “Vessel Monitoring System (VMS) and Declaration Regulations” and has the following comments.

We continue to support our comments and recommendations found in our April EC Statement, “Agenda Item J.1 Regulations for Vessel Monitoring System (VMS) Declarations:”

“Modify 660.13 and 14 as appropriate to make it clear that upon registering a VMS unit with the NMFS Office of Law Enforcement, an initial declaration of gear type or sector is required. Subsequent changes to gear type or sector would require a declaration change as is the current requirement for all limited entry permitted, non-groundfish trawl, and open access vessels.”

Per the Council request, we have evaluated the current declaration list with an eye towards clarity of vessel intent and possible expansion. The current declaration list has 26 possible declarations covering all FMPs, some significant state managed fisheries, (i.e. Dungeness crab, non-groundfish trawl, California gill net, etc.), and Tribal trawl. Inclusive in this list is the declaration “other gear.”

When an individual calls the 1 (800) number to declare a gear type, the technician interviews the individual to ascertain the proper gear type declaration. This is also done when the message is received after hours. If more clarity is needed regarding the proposed fishing activity, the technician makes a follow up call to the declaring party to ascertain specifics and thus confirm the proper declaration. In all cases, the declaring party receives a confirmation number referencing the declaration.

In the case of an “other gear” declaration, the technician files information in the comments section regarding specifics determined during the interview. Since inception of the VMS program there have been 1,914 “other gear” declarations. In 2012 there were 3,859 declarations with 384 being “other gear.” The dominant fishing activities that technicians have posted under the “other gear” declaration’s comments section are Charter Party Fishing Vessel (CPFV)/Charter/Sport, Hagfish, and Scientific Research Permits. The CPFV/Charter/Sport component is primarily CPFV/Charter and Commercial HMS vessels declaring sport trips as well as a few sablefish line vessels declaring sport.

To give you a sense of the potential frequency of occurrence under this notation, we queried state records and confirmed that in 2012 California had 15 CPFVs landing commercial groundfish and 29 vessels landing Hagfish. For Oregon, 2 charter vessels landed commercial groundfish and 15 vessels landed Hagfish. And in Washington, three charter vessels landed commercial groundfish and 15 vessels landed Hagfish.

In our discussion, we determined the current declaration list inclusive of “other gear” coupled with technician notations in the comments section, has worked well for National Marine

Fisheries Service (NMFS) Office of Law Enforcement (OLE) and agencies making direct inquiries to OLE. We also determined that the “other gear” category comments were not available to USCG coast watch offices and as such required further inquiry by these offices.

To rectify this situation, the US Coast Guard (USCG) requirements have been forwarded to the VMS analysts at OLE Headquarters and a presentation on the issue has been made to the OLE information technology project manager. A declaration report that the USCG can access from within the VMS system will require some programming which has been requested through the NMFS IT work order system. Until the work order is completed, the USCG can request vessel declaration information by calling the VMS declaration number or by sending a request via email to the VMS Program Manager of the VMS Technicians.

Recommendation:

Option (1): Maintain the status quo declaration list and associated comments.

Option (2): Expand the declaration list, to include three potential additions:

- (1) Hagfish/Slime Eels
- (2) Scientific Research Permit
- (3) CPFV/Charter/Sport