

GROUND FISH ADVISORY SUBPANEL REPORT ON
VESSEL MONITORING PING RATE

Mr. Dayna Matthews presented the Groundfish Advisory Subpanel (GAP) with updated information regarding increasing the ping rate on vessel monitoring systems (VMS). NMFS Office of Law Enforcement (OLE) is requesting the Council start the process to approve four pings an hour on VMS in several fisheries. This whole issue came about because of a recent court decision (Docket No. SW1002974, F/V Risa Lynn).

The GAP has serious concerns with this:

- Upon hearing about the potential increase, fishermen in other fisheries have already said they planned to remove their VMS units and discard fish rather than bringing them ashore. This action could actually induce discards, resulting in a loss of landed revenue and loss of crucial data to the management system.
- There are questions of which units go into sleep mode. Some units do, some don't and OLE reports conflict with those of some fishermen who use the units. Regardless, if a fisherman is required to switch to another unit, he will have an increased cost in the thousands of dollars.
- The costs, which could more than triple in some instances, are not limited to just the VMS operating costs of an increased ping rate and transmission times. VMS units draw a lot of electricity and many fishermen would have to purchase bigger batteries in order to keep the VMS unit operating within regulatory requirements if, for example, the boat is moored offshore and does not have access to shore power.
- Increasing the ping rate would have a disproportionate effect on small boats.
- Compromise: The GAP discussed whether four pings an hour would solve the problems or whether two or three pings an hour would be sufficient. The NMFS OLE report under this agenda item says Judge Biro alluded to increasing the ping rate to four an hour, but the GAP can find nowhere in the opinion where that was mentioned. The only place in the opinion that some GAP members found *may* be construed as such is in a footnote on page 30 of the [opinion](#):

“At hearing, Respondents raised two issues which are not addressed above. These concern the ten-month delay between the date of the alleged violation and the Agency's contact with Respondents in regard thereto, and the *Agency's failure to increase the polling time to obtain more frequent VMS transmission reports on their vessel*, both arguably hampering Respondents' access to evidence in their defense. ... The Agency witnesses provided credible explanations in response to both issues at hearing, and thus the issues are not deemed of significance here.” (Emphasis added.)

The GAP believes alternative ping rates may achieve the same result.

- Long-term remedies: As the GAP mentioned in its [September 2013](#) statement, other alternatives are available, such as data loggers in conjunction with electronic logbooks, specific polygons in the RCA, automatic identification systems, and more.

The GAP discussed whether increasing the ping rate to four pings an hour without incurring additional cost would be an issue and the overwhelming response was no. This matter is strictly an issue of an increased financial burden for what is perceived as a retaliatory action. Further, other options are available that have not fully been considered for an environment in which the goal should be compliance, not conviction.

Therefore, the GAP recommends that if the Council decides to move ahead with a formal rulemaking, it be a low priority as there are several issues the GAP feels is of more importance to the fishery as a whole.

PFMC
03/10/14