

## REGULATIONS FOR VESSEL MONITORING SYSTEM (VMS) DECLARATIONS

Vessel monitoring system (VMS) units provide satellite information on vessel locations and movements. Such units are required for vessels to participate in the commercial groundfish fishery. As part of the implementation of this requirement, purchase subsidies were made available to the fleet through a VMS Enhanced Mobile Transmitter Unit (E-MTU) Reimbursement Program administered by the Pacific States Marine Fisheries Commission (Agenda Item J.1.a, Attachment 1). As part of the conditions for receiving the subsidy, the purchasers of the units were required to contact the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) Help Desk and register their units. When that registration is provided, satellite service providers then begin transmitting location information to enforcement.

In order to participate in the groundfish fishery, a vessel must declare the segment of the groundfish fishery in which it is participating. This declaration then allows enforcement to determine the area closures with which the vessel is required to comply and whether or not it is in compliance with area closures, based on the locational tracks transmitted from the VMS units. Once the first declaration is made, a vessel will always have an active declaration associated with its VMS unit, whether it is participating in the groundfish fishery or some other fishery. Some vessels purchased VMS units, registered with the OLE, and received subsidies, but have yet to enter into the commercial groundfish fishery, and have therefore not made any declarations. As such, OLE and their monitoring partners have no information on the fishing strategy being deployed by the corresponding vessel track. When such a vessel crosses into a closed area, in some cases, enforcement resources have been dispatched to determine the nature of its activities. Such deployment of enforcement resources is costly and detracts from other enforcement and monitoring duties. A diagram of this process is provided as Agenda Item J.1.b, Attachment 2. At present, most, if not all of the vessels with no fishery declarations have been contacted by enforcement, and their status has been determined. Under this agenda item, the Council is being asked to consider ways in which this situation might be resolved for the long term.

Because the vessels in question are not participants in the commercial groundfish fishery, an amendment to the groundfish regulations might or might not be sufficient to resolve this situation. A possible solution relying just on the groundfish regulations might use the reimbursement program through which the VMS units were issued as the nexus providing authority. That program requires vessels applying for a reimbursement to “have validated their compliance with the applicable regulations through OLE.” It may be possible that the groundfish regulations could be modified to require vessels receiving such units for potential use in the groundfish fishery to make a declaration report under 660.13, regardless of whether they have commenced fishing in the groundfish fishery. 660.13 provides options for declaring participation in non-groundfish fisheries. It is uncertain how a new requirement might be applied retroactively for vessels already having received their reimbursement that have not entered the groundfish fishery.

Alternatively, it might be that an omnibus regulatory amendment applicable to all the Council fishery management plans are needed. One approach for such regulations might be to mandate under the regulations for each FMP that:

Any vessel with a VMS unit registered through NMFS OLE and operating on the West Coast must make a declaration that is in compliance with Section 660.13(d)(5)(iv) of the groundfish regulations. The current list of declarations provided in 660.13(d)(5)(iv) is as follows

- (1) Limited entry fixed gear, not including shorebased IFQ,
- (2) Limited entry groundfish nontrawl, shorebased IFQ,
- (3) Limited entry midwater trawl, non-whiting shorebased IFQ,
- (4) Limited entry midwater trawl, Pacific whiting shorebased IFQ,
- (5) Limited entry mid water trawl, Pacific whiting catcher/processor sector,
- (6) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership),
- (7) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl,
- (8) Limited entry demersal trawl, shorebased IFQ,
- (9) Non-groundfish trawl gear for pink shrimp,
- (10) Non-groundfish trawl gear for ridgeback prawn,
- (11) Non-groundfish trawl gear for California halibut,
- (12) Non-groundfish trawl gear for sea cucumber,
- (13) Open access longline gear for groundfish,
- (14) Open access Pacific halibut longline gear,
- (15) Open access groundfish trap or pot gear,
- (16) Open access Dungeness crab trap or pot gear,
- (17) Open access prawn trap or pot gear,
- (18) Open access sheephead trap or pot gear,
- (19) Open access line gear for groundfish,
- (20) Open access HMS line gear,
- (21) Open access salmon troll gear,
- (22) Open access California Halibut line gear,
- (23) Open access Coastal Pelagic Species net gear,
- (24) Other gear,
- (25) Tribal trawl,
- (26) Open access California gillnet complex gear.

There may be other approaches for achieving the desired regulatory effect, which may surface as this issue is discussed.

Lastly, the Council should consider the need for a regulation applicable to Highly Migratory Species (HMS) requiring VMS on tuna-fishing vessels over 24 meters, as per the Council discussion at the March, 2013 Council meeting under Agenda Item I.1, NMFS Report, See Agenda Item J.1.a, Attachment 3).

At this meeting, the Council should decide on the process to be followed for any VMS regulatory amendments to be made in response to these matters. If it is possible to identify a range of alternatives at this meeting, final action might be taken at the June Council meeting.

**Council Action:**

1. **Decide on a process for considering a resolution to the problem created by the absence of a fishery declaration for vessels with VMS registered with NMFS OLE and identify alternatives, as appropriate.**
2. **Decide on a process for considering a VMS regulation for HMS vessels.**

Reference Materials:

1. Agenda Item J.1.a, Attachment 1: Vessel Monitoring Program: Revisions of the Enhanced Mobile Transmitter Unit (E-MTU) Reimbursement Program.
2. Agenda Item J.1.a, Attachment 2: Vessel Monitoring System (VMS) Situation and Possible Solutions.
3. 3. Agenda Item J.1.a, Attachment 3: NMFS HMS Report for the March 2013 Council Meeting - Excerpt.

Agenda Order:

- a. Agenda Item Overview
  - b. Reports and Comments of Advisory Bodies and Management Entities
  - c. Public Comment
  - d. **Council Action:** Consider Policy Process for Advancing VMS Declaration Regulations and Select Alternatives, as Appropriate
- Jim Seger

PFMC  
03/26/13