

ENFORCEMENT CONSULTANTS REPORT ON  
REGULATIONS FOR VESSEL MONITORING SYSTEM (VMS) DECLARATIONS

The Enforcement Consultants (EC) has reviewed the documents pertaining to Agenda Item J.1, Regulations for Vessel Monitoring System (VMS) Declarations and has the following comments.

Per the Pacific States Marine Fisheries Commission eligibility requirements for VMS purchase reimbursement, an individual must first purchase a type-approved unit, register that unit with the Office of Law Enforcement (OLE), and show proof of eligibility to participate in the west coast groundfish fisheries. Once the unit is registered with OLE, OLE begins receiving the track “pinging” hourly reporting.

The corresponding VMS declaration requirements found at 660.13(d) includes declaration requirements for Open Access. “Before the vessel leaves port on a trip in which the vessel is **used to take and retain or possess groundfish.**” But if the vessel operator never intends to take or retain groundfish, they do not trigger this reporting requirement.

We now have fourteen Highly Migratory Species tuna vessels, which have activated VMS units where reimbursement has been received, but have never declared because they have yet to make a groundfish trip. Their rationale for purchasing, registering, and receiving reimbursement for the purchased unit was for personal communication and safety rather than a regulatory requirement pertaining to their fishing activity. Without a declaration report, OLE has no idea of the fishing strategy being deployed by these vessels. 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.

To rectify this situation the EC recommends the declaration requirements be modified per the groundfish regulatory amendment approach as described in Agenda Item J.1.a, Attachment 2. “Vessels with VMS units that meet subsidy criteria by registering as a possible groundfish vessel must make a fishery declaration under the groundfish regulations.”

Recommendation: 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.

Going forward, the VMS regulations at 660.13 and 14 will serve as the base set of VMS regulations. If VMS requirements expand beyond the groundfish Fishery Management Plan, specific VMS requirements could be written into other FMPs, with a cross reference to the base regulations found at 660.13 and 14. The EC believes this is the best approach for addressing this immediate situation while accommodating future needs.