

ENFORCEMENT CONSULTANTS REPORT ON VESSEL MONITORING SYSTEM

The Enforcement Consultants (EC) met jointly with the Groundfish Advisory Subpanel to discuss the current status of the Vessel Monitoring System (VMS) program and implementing regulations. A number of issues were discussed that need to be addressed in writing by the EC.

The EC reviewed the letter from the Newport Dory Fleet. They expressed concerns regarding the need for small, durable VMS units, mobility and storage of the dory fleet while not fishing, and the cost and maintenance of the VMS units. NOAA Fisheries Enforcement reported that it recognizes and understands the unique equipment requirements of the dory fleet and believes it has identified a VMS unit which will fulfill these unique requirements. They are in the process of purchasing several units and look forward to working with the dory fleet on a test/demonstration project.

The GAP identified several issues which, if seriously considered and implemented by the Council, would virtually eliminate the ability of VMS and enforcement programs to act in concert to protect the integrity of the mainstay of the West Coast groundfish conservation – the Rockfish Conservation Areas (RCAs). The first issue involves identifying numerous activities which would involve vessels operating inside the conservation area with gear in the water due to currents, wind, breakdowns and safety, or drifting in areas at night at speeds that, due to wind and currents, would appear to VMS program officials to resemble fishing patterns and signatures. The EC recalls that in November the Council directed NOAA Fisheries and the Ad Hoc VMS Committee to draft a rule which would prohibit incursions into the RCA by vessels carrying trawl gear with one exception– to allow transiting the RCA in order to access the outer fishing areas lying west of the RCA. The proposed rule as currently drafted satisfies this requirement, and the EC does not wish to see additional exceptions considered regarding prohibitions on incursions into the RCA with trawl gear on board.

The second issue raised by the GAP suggests that limited entry vessels, currently required to have VMS units operate continuously, should be able to turn units on and off while fishing in the conservation areas, depending on the fishery. The EC believes that requiring VMS equipped vessels to keep their VMS units operational while engaged in West Coast fisheries maximizes the efficiency of the equipment and provides the best opportunity to prove that depth-based management is enforceable by demonstrating the whereabouts of vessels engaged in West Coast fisheries. We anticipate the VMS program will expand in future years. Implementing strategies that expand VMS and strive to minimize the need to send enforcement resources to sea are needed now. Suggestions that promote the ability of the West Coast fishing fleet to operate inside Conservation Areas while turning VMS units on and off on a large-scale adds more complexity to an already overly complex regulatory scheme making enforcement nearly impossible. Therefore, the EC does not support the GAP's position that requiring VMS equipped vessels to maintain their units in an "on" status while engaged in West Coast fisheries is a waste of resources. To the contrary, the EC believes requiring VMS units to remain "on" maximizes the benefits and enforcement efficiencies gained from the VMS program by minimizing the number of at-sea responses to suspected unauthorized incursions into the RCA.

A final issue involves extending the public comment period on the proposed regulations from 30 to 60 days. When depth-based management measures were being considered in 2002, the Council noted the importance of implementing VMS as early as possible in 2003. At the time, NOAA Fisheries reviewed the regulatory timelines and estimated a VMS system could be in place as early as June of 2003. The current estimate for final regulations and the required cooling off period puts full implementation of VMS off to early September. Extending the comment period another 30 days delays the program to October.

Acting on reports of information of unlawful fishing inside the Conservation Area under the cover of darkness, NOAA Fisheries and the U.S. Coast Guard put together an operation using a Jayhawk Helicopter with special night time surveillance equipment. The first flight proved our sources were correct -- the integrity of these closed areas is being compromised. This situation can only be addressed by implementing VMS as soon as possible.