

GROUND FISH ADVISORY SUBPANEL STATEMENT ON VESSEL MONITORING SYSTEM

The Groundfish Advisory Subpanel (GAP) met jointly with the Enforcement Consultants to discuss the proposed rule on a Vessel Monitoring System (VMS). Unfortunately, the proposed rule has not yet been published, so the comments here are based on the report from the Ad Hoc VMS Committee, an old draft of the proposed rule, and the current thinking of enforcement personnel on how VMS would operate.

According to the schedule provided by NMFS, the proposed rule will be published in April and will have a 30-day comment period; the final rule will be published in June with a 60-day cooling off period, making the VMS requirement go into effect on September 1, 2003. The GAP strongly recommends the Council request NMFS to modify this schedule by extending the comment period to 60 days. This would allow the GAP, other advisory bodies, the Council, and the public to have the proposed rule in order to provide comments at the June meeting. It would also provide for an additional education effort at the September meeting, which is usually well attended by those who will be required to install VMS units. The GAP recommends that NMFS use the additional time to test and certify additional VMS unit types for use in the groundfish fishery.

The GAP identified a number of issues which need to be resolved and which are related here in no order of priority:

Cost and payment: The GAP's initial support for VMS was conditioned on the costs of the system - including VMS units and transmission costs - being borne by NMFS. The Council also endorsed having the system funded by the federal government; yet, at this point, no funds have been identified to cover those costs. The GAP is troubled by the fact that some of the wealthier fisheries, such as those in Alaska, have their VMS systems paid for, while the Pacific groundfish fishery will have to pay for its system themselves.

Drifting: As presently contemplated, a vessel which is not fishing or actively transiting the Rockfish Conservation Area (RCA) would be considered a violator. Members of the GAP and the public expressed concerns as to how this will affect vessels which are retrieving gear moved into the RCA by currents; vessels which suffer a temporary breakdown; and vessels which utilize the RCA for safety purposes to avoid commercial vessel traffic. The GAP believes that some accommodation should be made for nonfishing presence in the RCA.

Requiring an operable VMS unit when not engaged in the groundfish fishery: Many limited entry vessels also hold permits for, or engage in fishing in, nongroundfish fisheries including crab, shrimp, albacore, and salmon. Current proposals would establish a declaration system if those vessels are legally fishing in the RCA, yet would require those vessels to keep their VMS units operating and transmitting location information. The GAP believes this is discriminatory and a waste of resources, as it allows nongroundfish vessels engaged in identical activity to operate without a VMS unit, while limited entry vessels must maintain one.

The VMS system was recommended as a method for tracking vessels actively engaged in the groundfish fishery. Many view it as having devolved to a system designed to engage in electronic monitoring of certain vessels no matter what they are doing. Legitimate enforcement to monitor closed areas is one thing; Orwellian electronic surveillance is quite another, especially when the industry has to pay for the dubious privilege of being surveyed.