

Report of the Ad Hoc Vessel Monitoring Committee

The Ad Hoc Vessel Monitoring System Committee met on October 7, in Portland, Oregon to discuss transiting requirements within the RCA for limited entry fixed gear vessels and expansion of the vessel monitoring program as directed by the Council at the September Seattle meeting. Additionally, the committee heard an update on the existing monitoring program from Ms. Becky Renko and had a discussion on the USCG Automated Identification System (AIS).

With the retirement of Mr. Steve Springer, the past committee chair, a new chair election was held prior to discussion of any agenda items. Mr. Don Hansen, was elected chair and Mr. Dayna Matthews was elected vice chair.

Update on VMS Implementation

As reported by Ms. Becky Renko the proposed VMS rule was published on May 22, 2003 with the comment period closing on July 21. Comments received were comprised of the Groundfish Advisory Subpanel (GAP) report submitted at the June, 2003 Council meeting and four letters from private individuals. The final rule was submitted on September 1, 2003 and forwarded to Department of Commerce on October 6. Effective date for the rule is January 1, 2004.

Transiting Requirements for Limited Entry Fixed Gear Vessels

At the September meeting, the Enforcement Consultants (EC) asked the Council to include a transiting only (non drifting) requirement in the 2004 groundfish specifications for fixed gear limited entry vessels when operating within the non-trawl Rockfish Conservation Area (RCA). This resulted from a public comment that there was a transiting requirement for limited entry trawl vessels but not fixed gear. The EC believes that the need for the transiting requirement mirrors the trawl requirement already in place. As a track line, drifting can not be distinguished from fishing, thus the integrity of the VMS can not be maintained and the utility of VMS as an enforcement tool will be undermined. Representatives from the GAP have safety concerns and believe that prohibitions on drifting for both trawl and fixed gear vessels will put them in harms way. These two positions were again stated and affirmed at the Ad Hoc VMS Committee meeting on October 7.

Discussion on the issue looked at alternatives including; observers, use of the phone declaration system to declare intent to drift in the RCA, and use of e-mail notification. Requiring observers on the vessels was rejected due to costs and limited accommodations on many of the fixed gear vessels. Cell phone technology has limited capability off shore and therefore was not viewed as reliable. When the VMS program was first being developed, the Council asked NOAA Fisheries to identify basic low cost units for use in this program. While reducing the costs of the program for individual

vessel owners, use of these low cost units minimizes two way communication options thus eliminating the alternative use of e-mail to address this issue.

Chair Don Hanson reported that in his discussions with those familiar with the VMS program in Hawaii, drifting could be distinguished from fishing. It was pointed out that the Hawaii program has 24/7 manned coverage, less than 150 vessels, and almost 10 years of experience in monitoring a "no incursion authorized" program. The program in Hawaii is quite different than the program here on the West Coast in the size of the area monitored, number of participating vessels, and incursion allowances. The West Coast program will not be manned 24/7, but will rely upon alerts programmed into the software which will notify a duty agent through a pager of a possible unlawful incursion into the RCA.

The committee failed to reach consensus on transiting requirements in the non-trawl RCA. GAP representatives want to be able to drift or anchor within the RCA to escape bad weather and/or to avoid ship traffic when not fishing, and recommend 24/7 monitoring and two way communication as alternatives to the transiting only requirement.

The EC representatives can not recommend to the Council at this time any alternative other than to include a transiting only requirement in the 2004 specifications for the fixed gear limited entry fleet when operating within the non-trawl RCA, based on budget, enforcement concerns, and program constraints.

Automated Identification System (AIS)

An interim rule on AIS went into effect on July 1, 2003, with a final rule going into effect on November 21, 2003. AIS is a high priority Homeland Security issue tied to the nationwide Vessel Tracking System and is seen as an important component for ensuring the security of the nations navigable waters and harbor.

The Coast Guard representatives on the committee could not answer questions on AIS due to the status of the rule making process. Subsequent to the VMS Committee meeting, the Coast Guard published a final rule exempting commercial fishing vessels from the initial AIS requirement. The Coast Guard is still considering a separate rule which could require fishing vessels to carry AIS units.

Expansion of the VMS Monitoring Program

In evaluating possible expansion of the VMS Program under the stated goal "to effectively monitoring the RCAs," the committee explored the universe of possible VMS participants beyond the limited entry fleet presently included in the program. The committee defined the universe as any vessel under the jurisdiction of NOAA Fisheries (operating within the West Coast EEZ) capable of taking groundfish, both commercial and recreational. This would exclude vessels operating exclusively in state waters. Within the category of commercial, the universe of potential VMS candidates was defined as the open access fleet, and then further defined as directed open access (vessels which target groundfish). The open access fleet size is estimated at approximately 2,900 vessels. [NOTE: this number is still being evaluated]

Discussions ensued which developed an analysis for maintaining the integrity of the RCA through VMS.

1) Groundfish directed vessels- if prohibited vessels fish inside RCA the integrity of the RCA cannot be maintained. **VMS will work in this situation and is a useful enforcement tool.**

2) Bycatch fisheries that are allowed to retain inside the RCA - Shrimp vessels are an example. The only enforcement benefit is VMS helps identify look-a-like vessels and allows enforcement to easily identify shrimp vessels so they can check for the excluders. **Shrimpers are required to declare under the declaration system. VMS does not maintain integrity of RCA.**

3) Bycatch fishery without retention allowance - if vessels retain groundfish catch inside the RCA, the integrity of the RCA cannot not maintained – VMS does not solve the problem entirely, but is useful in determining where fishing occurred. This information can be used in conjunction with fish ticket audits and subsequent investigation. **VMS will work in this situation and is a useful enforcement tool.**

4) Bycatch hybrid fisheries Salmon Troll is a hybrid between 2&3 bound by a lower limit, i.e. the canary rule. VMS tells you which limits the vessel is bound by and gives you an historic track line to determine if the vessel fished in the RCA with prohibited species on board. This information can be used in conjunction with a fish ticket audit and subsequent investigation. **VMS will not fully maintain the integrity of the RCA, but may have useful enforcement applications.**

Proposed Option for Expansion of VMS

Commercial fishing vessels operating in the EEZ at any time during the year that are capable of catching groundfish using the listed gear below, must carry and use VMS transceivers regardless of what fishery they are in during the remainder of the year.

- Pot (Groundfish, not Crab)
- Long Line
- All Trawl (excluding Shrimp)
- All Line Gear (excluding Salmon Troll)
- California Set Gill Net

Exceptions: Crab, Albacore (no groundfish retained)

Adoption of this proposal would expand the current VMS Program from approximately 400 vessels to more than 2,000 vessels. The current system employed by NOAA Fisheries Office for Law Enforcement in Sand Point, Washington has a capacity of up to 10,000 vessels.

The committee reached consensus on this proposal through the first three gear types, groundfish pot, long line, and trawl (excluding Shrimp). The committee was split on excluding salmon troll from the line gear category. The Council may want to evaluate impacts on groundfish by salmon troll vessels by reviewing landings in 2002 and 2003 before making a decision on including salmon trollers in the VMS Program. The committee did not feel it had the proper expertise to fairly evaluate California Set Gill Net but included the gear type as a place holder for further analysis.

Phased in Approach

As a final discussion point under the commercial category, the committee discussed continuing a “phased in approach” to VMS expansion and were unanimous in their opinion that the first priority for VMS expansion was the Open access Fixed Gear Long Line Fleet which is comprised of approximately 1,400 vessels. [NOTE: this number is still being evaluated]

Recreational

At present there is no application of VMS for monitoring a recreation fishing activity anywhere in the world. The NOAA Fisheries Office for Law Enforcement does not view VMS as an appropriate tool for monitoring private recreational fishing vessels, but is interested in evaluating application of VMS in the recreational charter fishing industry. GAP representatives on the VMS Committee did not entirely agree with NOAA on this issue.

Under this back drop the committee discussed application of VMS in the recreational charter fishing fleet. In discussion, the committee determined that under current regulations requiring VMS on recreational charter vessels would derive limited benefit. The committee believes any evaluation of VMS application in the recreational charter fishing fleet should be done on an area by area basis, but does not recommend requiring VMS on recreational charter fishing vessels at this time.