

GROUNDFISH ADVISORY SUBPANEL STATEMENT ON EXPANSION OF VMS

The Groundfish Advisory Subpanel (GAP) met with the Enforcement Consultants (EC) to consider alternatives for expansion of the vessel monitoring system (VMS) to the open access fleet. The GAP appreciates the EC's willingness to work with us on this complex subject.

The GAP has identified two additional alternatives for consideration by the Council, which we have labeled Alternative 6 and Alternative 7. Please note that Alternative 6 is supported by the majority of the GAP, while Alternative 7 is a minority alternative. We recommend that the Council adopt our alternatives for public review, along with the alternatives shown on Agendum C.10.b, Attachment 1 - Draft environmental impact statement (EIS) on VMS Expansion, Table 2.01 on page 7.

GAP Alternative 6 - Majority View

Any vessel engaged in a commercial fishery to which a Rockfish Conservation Area (RCA) restriction applies must carry a VMS unit.

The GAP believes that this is a simple and straight-forward way of maintaining the integrity of the RCA, which is the primary reason for requiring VMS units. Under this alternative, crab, salmon, and shrimp vessels would be excluded and would continue to operate under the existing declaration system unless those vessels are also used to take groundfish. Once they are employed as groundfish vessels, and are thus restricted by an RCA requirement, they will have to carry an operable VMS unit.

GAP Alternative 7 - Minority View

Any vessel engaged in a commercial fishery to which an RCA restriction applies must carry a VMS unit, with the following exceptions:

- (1) Vessels less than 12 feet in overall length.
- (2) Vessels which fish only in state waters.

A minority of the GAP believes these exceptions will prevent a cost burden being imposed on small vessels and on vessels that only fish near shore.

The majority of the GAP expressed the concern that some RCA boundaries extend into state waters and that if we want to maintain the integrity of the RCA, there should be no exceptions of this nature.

Permit requirements

The GAP reviewed a draft proposal from the EC that would impose a permit requirement on open access vessels. While the GAP agrees that open access permitting should be explored, it should be done so in the comprehensive context of the Open Access Permit Committee, which has been working on this issue and all of its complexities for some time. Trying to tag a permit requirement onto a VMS regulation would be a huge workload chore, which could delay expansion of the VMS requirement. It could also lead to speculative permit buying and confuse the issue of maintaining RCA integrity. The application forms for VMS units will provide the enforcement authorities with the identification data needed to track VMS ownership. While the GAP understands the EC's desire to be able to use permit sanctions as an enforcement tool, we believe this can best be accomplished in the more focused open access permit development process.

Other Issues

Implementation date - the GAP suggests that final implementation of an open access VMS requirement be delayed until June 1, 2005. This will provide sufficient time to educate the open access fleet about their legal requirements and avoid imposing additional costs on small boats during the very beginning of the fishing season.

Payment of VMS costs - while the GAP is aware that acquiring funding to pay for VMS units is outside the jurisdiction of the Council, such cost recovery was a key point in the Council's initial acceptance of VMS. The GAP urges the Council during any contact it has with NMFS or Congress, to continue pursuing funds for cost recovery of VMS unit purchase by both those vessels that will have a new installation requirement and those vessels that have already purchased VMS units.

Vessel safety - some of the original presentations on VMS by NMFS touted their usefulness as a vessel safety tool. However, VMS monitoring occurs only during normal business hours, Monday to Friday. Since vessel accidents don't always occur during those times, the GAP urges that full monitoring (24 hours per day, 7 days per week) of VMS is essential in order to fulfill the promise made by NMFS that having a unit would enhance vessel safety.

Drifting - the GAP continues to believe that drifting in the RCA should be allowed for safety reasons. This is even more urgent as we extend the VMS requirement to smaller vessels, some of which fish seaward of the RCA. NMFS should reconsider its opposition to a drifting allowance.

PFMC

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