

GROUND FISH ADVISORY SUBPANEL REPORT ON REVIEW OF IMPLEMENTING
REGULATIONS FOR THE VESSEL MONITORING SYSTEM

The Groundfish Advisory Subpanel (GAP) received a report from Mr. Dayna Matthews in regards to incursions and violations in Rockfish Conservation Areas. The GAP highlighted several major concerns and also discussed potential solutions. The GAP notes that seemingly egregious fines have been imposed for what could be termed as minor violations.

The GAP is also concerned with the timeliness of notifications for violations. Anecdotal evidence suggests that notifications of violations and fines have sometimes come as much as four years after the alleged incidents. That time lag makes it difficult for fishermen to provide a potential explanation or defense for the incursion or violation as details of the event fade. Consequently, the accused frequently has no choice but to settle on the fine levied or stipulate to some other penalty decided in the arbitration process. In addition, separate incidents are often packaged together into single cases raising similar questions regarding the ability of the accused to mount an adequate defense.

Continuing on the subject of notification, the GAP feels that notification should occur promptly after the first incident, and that vessel owners should be included in the notification as they are typically the party responsible for covering any fines levied. The GAP feels that sometimes notification is delayed while agents built bigger cases based on continued inadvertent incursions into the Rockfish Conservation Areas (RCAs). The GAP also feels that vessel owners should be notified because the skippers might be reluctant to disclose the notice of violation, and requiring vessel owners to check tow lines and plots for every day of fishing might be onerous.

The GAP believes that there are many possible explanations for behavior that might appear to be in violation of RCA transit rules. Such explanations include entering the RCA for safety reasons, breakdowns, and rough weather among others. The GAP feels that new technology should be analyzed to determine whether finer detail might aid Office of Law Enforcement (OLE) in determining when an actual fishing violation is occurring. Some of this technology is already available and should be used to help clarify when fishing actually is and is not occurring in the RCAs. Additionally, in the case of long line gear, the GAP requests changes to the regulations that would clarify that baiting of hooks on the way out and stowing gear on the way in would not be a violation of RCA transit rules.

The GAP wonders whether enforcement could provide charts with RCA lines as not all fishermen have plotters. The GAP also wonders whether a graphic depiction could be placed on the website as the coordinates available now are not user friendly.

The GAP feels that the Vessel Monitoring System (VMS) system imposed on the open access fleet should also be examined to determine the effectiveness and the cost benefit ratio in that fishery. Anecdotal evidence suggests sporadic compliance due to the nature of the open access fleet (i.e. small, low powered vessels, intermittent vessel usage and seasonal shifting to other fisheries). The GAP feels that a simple call in procedure should be made available for vessels that leave the fishery for an extended time.

Based on these concerns, the GAP feels that some formal discussion is warranted by the Council. The GAP recommends establishing an ad hoc committee to continue these discussions in order to make VMS both more effective and less burdensome on fishermen.