

REGULATIONS FOR VESSEL MONITORING SYSTEM (VMS) DECLARATIONS

Vessel monitoring system (VMS) units provide satellite information on vessel locations and movements. Such units are required for vessels to participate in the commercial groundfish fishery. As part of the implementation of this requirement, purchase subsidies were made available to the fleet through a VMS Enhanced Mobile Transmitter Unit (E-MTU) Reimbursement Program administered by the Pacific States Marine Fisheries Commission (Agenda Item J.1.a, Attachment 1). As part of the conditions for receiving the subsidy, the purchasers of the units were required to contact the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE) Help Desk and register their units. When that registration is provided, satellite service providers then begin transmitting location information to enforcement.

In order to participate in the groundfish fishery, a vessel must declare the segment of the groundfish fishery in which it is participating. This declaration then allows enforcement to determine the area closures with which the vessel is required to comply and whether or not it is in compliance with area closures, based on the locational tracks transmitted from the VMS units. Once the first declaration is made, a vessel will always have an active declaration associated with its VMS unit, whether it is participating in the groundfish fishery or some other fishery. Some vessels purchased VMS units, registered with the OLE, and received subsidies, but have yet to enter into the commercial groundfish fishery, and have therefore not made any declarations. As such, OLE and their monitoring partners have no information on the fishing strategy being deployed by the corresponding vessel track. When such a vessel crosses into a closed area, in some cases, enforcement resources have been dispatched to determine the nature of its activities. Such deployment of enforcement resources is costly and detracts from other enforcement and monitoring duties. A diagram of this process is provided as Agenda Item J.1.b, Attachment 2. At present, most, if not all of the vessels with no fishery declarations have been contacted by enforcement, and their status has been determined. Under this agenda item, the Council is being asked to consider ways in which this situation might be resolved for the long term.

Because the vessels in question are not participants in the commercial groundfish fishery, an amendment to the groundfish regulations might or might not be sufficient to resolve this situation. A possible solution relying just on the groundfish regulations might use the reimbursement program through which the VMS units were issued as the nexus providing authority. That program requires vessels applying for a reimbursement to “have validated their compliance with the applicable regulations through OLE.” It may be possible that the groundfish regulations could be modified to require vessels receiving such units for potential use in the groundfish fishery to make a declaration report under 660.13, regardless of whether they have commenced fishing in the groundfish fishery. 660.13 provides options for declaring participation in non-groundfish fisheries. It is uncertain how a new requirement might be applied retroactively for vessels already having received their reimbursement that have not entered the groundfish fishery.

Alternatively, it might be that an omnibus regulatory amendment applicable to all the Council fishery management plans are needed. One approach for such regulations might be to mandate under the regulations for each FMP that:

Any vessel with a VMS unit registered through NMFS OLE and operating on the West Coast must make a declaration that is in compliance with Section 660.13(d)(5)(iv) of the groundfish regulations. The current list of declarations provided in 660.13(d)(5)(iv) is as follows

- (1) Limited entry fixed gear, not including shorebased IFQ,
- (2) Limited entry groundfish nontrawl, shorebased IFQ,
- (3) Limited entry midwater trawl, non-whiting shorebased IFQ,
- (4) Limited entry midwater trawl, Pacific whiting shorebased IFQ,
- (5) Limited entry mid water trawl, Pacific whiting catcher/processor sector,
- (6) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership),
- (7) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl,
- (8) Limited entry demersal trawl, shorebased IFQ,
- (9) Non-groundfish trawl gear for pink shrimp,
- (10) Non-groundfish trawl gear for ridgeback prawn,
- (11) Non-groundfish trawl gear for California halibut,
- (12) Non-groundfish trawl gear for sea cucumber,
- (13) Open access longline gear for groundfish,
- (14) Open access Pacific halibut longline gear,
- (15) Open access groundfish trap or pot gear,
- (16) Open access Dungeness crab trap or pot gear,
- (17) Open access prawn trap or pot gear,
- (18) Open access sheephead trap or pot gear,
- (19) Open access line gear for groundfish,
- (20) Open access HMS line gear,
- (21) Open access salmon troll gear,
- (22) Open access California Halibut line gear,
- (23) Open access Coastal Pelagic Species net gear,
- (24) Other gear,
- (25) Tribal trawl,
- (26) Open access California gillnet complex gear.

There may be other approaches for achieving the desired regulatory effect, which may surface as this issue is discussed.

Lastly, the Council should consider the need for a regulation applicable to Highly Migratory Species (HMS) requiring VMS on tuna-fishing vessels over 24 meters, as per the Council discussion at the March, 2013 Council meeting under Agenda Item I.1, NMFS Report, See Agenda Item J.1.a, Attachment 3).

At this meeting, the Council should decide on the process to be followed for any VMS regulatory amendments to be made in response to these matters. If it is possible to identify a range of alternatives at this meeting, final action might be taken at the June Council meeting.

Council Action:

- 1. Decide on a process for considering a resolution to the problem created by the absence of a fishery declaration for vessels with VMS registered with NMFS OLE and identify alternatives, as appropriate.**
- 2. Decide on a process for considering a VMS regulation for HMS vessels.**

Reference Materials:

1. Agenda Item J.1.a, Attachment 1: Vessel Monitoring Program: Revisions of the Enhanced Mobile Transmitter Unit (E-MTU) Reimbursement Program.
2. Agenda Item J.1.a, Attachment 2: Vessel Monitoring System (VMS) Situation and Possible Solutions.
3. 3. Agenda Item J.1.a, Attachment 3: NMFS HMS Report for the March 2013 Council Meeting - Excerpt.

Agenda Order:

- a. Agenda Item Overview
 - b. Reports and Comments of Advisory Bodies and Management Entities
 - c. Public Comment
 - d. **Council Action:** Consider Policy Process for Advancing VMS Declaration Regulations and Select Alternatives, as Appropriate
- Jim Seger

PFMC
03/26/13

telephone conference will be held on Thursday, June 5, 2008, from 9 a.m. to 1 p.m.

ADDRESSES: A listening station for both teleconferences will be available at the Pacific Fishery Management Council, Small Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384; telephone: (503) 820-2280.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff Officer, Pacific Fishery Management Council: (503) 820-2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to review information in the Council's June meeting briefing book related to salmon management, and to develop comments and recommendations for consideration at the June 2008 Council meeting. Although non-emergency issues not contained in the meeting agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820-2280 at least 5 days prior to the meeting date.

Dated: May 1, 2008.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E8-9914 Filed 5-5-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XH58

Pacific Halibut Fishery; Guideline Harvest Levels for the Guided Recreational Halibut Fishery; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; correction.

SUMMARY: NMFS published a notice of Pacific halibut guideline harvest levels (GHLs) for the guided sport charter vessel fishery in the International Pacific Halibut Commission regulatory areas 2C and 3A in the *Federal Register* on February 5, 2008 (73 FR 6709). This notice contained an incorrect metric conversion for the Area 2C GHL.

FOR FURTHER INFORMATION CONTACT: Julie Scheurer, (907) 586-7356, or email at julie.scheurer@noaa.gov.

Correction

In the *Federal Register* of February 5, 2008 (73 FR 6709), on page 6710, in the first column, second paragraph, correct the fourth sentence to read:

The corresponding GHLs are 931,000 lb (422.3 mt) in Area 2C, and 3,650,000 lb (1,655.6 mt) in Area 3A.

Dated: April 28, 2008.

Emily H. Menashes

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E8-9869 Filed 5-5-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-ZB93

Vessel Monitoring Systems (VMS); Revision of the Enhanced Mobile Transmitter Unit (E-MTU) Reimbursement Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: NMFS revises the availability of grant funds for vessel owners and/or operators who have purchased an Enhanced Mobile Transmitter Unit (E-MTU) for the purpose of complying with fishery regulations requiring the

use of Vessel Monitoring Systems (VMS). These funds will be used to reimburse vessel owners and/or operators for the purchase price of the E-MTU. This notice supersedes all previous notices on VMS MTU or E-MTU reimbursement.

FOR FURTHER INFORMATION CONTACT: For current listing information, questions regarding VMS installation or activation checklists, contact the VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, phone 888-219-9228, fax 301-427-0049.

For questions regarding E-MTU type approval or information regarding the status of VMS systems being evaluated by NOAA for approval, contact Jonathan Pinkerton, National VMS Program Manager, phone 301-427-2300; fax 301-427-2055.

For questions regarding reimbursement applications contact Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission (PSMFC), 205 SE Spokane Street, Suite 100, Portland, OR 97202, phone 503-595-3100, fax 503-595-3232.

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

This reimbursement opportunity is available to fishing vessel owners and/or operators that have purchased an approved E-MTU device in order to comply with fishery regulations developed in accordance with 16 U.S.C. 1801 *et seq.* Only those vessel owners and/or operators purchasing an E-MTU for compliance with fishery management regulations are eligible for this funding opportunity. The reimbursable expense is the purchase price of a type-approved E-MTU for which the owner and/or operator holds a valid commercial fishing permit or license, not to exceed a maximum of \$3,100.00.

II. Eligibility

To be eligible to receive reimbursement vessel owners and/or operators must first purchase an E-MTU type-approved for a VMS required fishery from an authorized E-MTU dealer and receive a receipt of purchase from the authorized E-MTU dealer. The vessel owner and/or operator must have the E-MTU properly installed by an authorized dealer or installer on the vessel and activated utilizing a type-approved communications provider. Upon completion of the installation and activation process, the vessel owner and/or operator must contact the VMS

Support Center by calling 888-219-9228 to ensure the vessel is properly activated and registered in the VMS system. OLE does not consider a vessel in compliance with activation and registration procedures until the E-MTU signal has been received and processed by OLE.

Vessel owners and/or operators must not be in arrears with a payment owed to the Agency for a civil monetary penalty. Affected vessel owners and/or operators may become eligible for the reimbursement if the outstanding penalty is paid in full within 30 days of the denial of the reimbursement. After payment, vessel owners and/or operators must contact the VMS Support Center and provide documentation to support the defrayment of the penalty to receive a confirmation code for reimbursement purposes.

III. Process

Vessel owners and/or operators that have purchased an E-MTU, and have validated their compliance with the applicable regulations through OLE, may contact the PSMFC, 205 SE Spokane Street, Suite 100, Portland, Oregon 97202, phone 503-595-3100, fax 503-595-3232, for a reimbursement application. Once the application is received and completed by the vessel owner and/or operator, it must be returned to PSMFC along with proof of eligibility in order to qualify for an award. The minimum required proof of eligibility includes proof of authorized operation of a commercial fishing vessel in a VMS required fishery; purchase receipt from an authorized E-MTU dealer, purchase price of a type-approved E-MTU; and a valid compliance confirmation code issued by OLE. Additional documentation may be required for eligibility in particular fisheries. Vessel owners and/or operators should contact PSMFC for a complete listing documentation requirements.

Vessel owners and/or operators are not restricted as to which type-approved E-MTU device they can purchase. However, the amount of the reimbursement will be limited to the cost of the E-MTU type-approved for the fishery, and will not exceed a maximum of \$3,100.00. Vessel owners and/or operators are encouraged to compare the features of all E-MTU devices type-approved for the VMS required fishery of interest and explore finance options prior to making a purchase decision. Reimbursement is limited to the cost of purchasing one E-MTU per registered vessel.

Dated: April 30, 2008.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E8-9994 Filed 5-5-08; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Academy Board of Visitors Meeting

AGENCY: Department of the Air Force, U.S. Air Force Academy Board of Visitors.

ACTION: Notice of meeting.

SUMMARY: Pursuant to 10 U.S.C. 9355, the U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will meet in the Russell Senate Office Building (note, this is a new meeting location), Washington, DC, on 8 May 2008. The purpose of this meeting is to review morale and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy. Meeting sessions will begin at 9 a.m. on 8 May 2008, in room 232-A of the Russell Senate Office Building, Washington, DC.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155, the Department of Defense has determined that a portion of this meeting shall be closed to the public. The Administrative Assistant to the Secretary of the Air Force, in consultation with the Office of the Air Force General Counsel, has determined that one portion of this meeting be closed to the public because it will involve matters covered by subsection (c)(6) of 5 U.S.C. 552b.

Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act (FACA) and the procedures described in this paragraph. Written statements must address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the

Designated Federal Officer (DFO) at the address detailed below at any time. However, if a written statement is not received at least 10 days before the first day of the meeting which is the subject of this notice, then it may not be provided to, or considered by, the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairperson and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during open portions of this BoV meeting shall be made available upon request.

If, after review of timely submitted written comments, the BoV Chairperson and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present their issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairperson to allow specific persons to make oral presentations before the BoV. Any oral presentations before the BoV shall be in accordance with 41 CFR 102-3.140(c), section 10(a)(3) of the FACA, and this paragraph. The DFO and BoV Chairperson may, if desired, allot a specific amount of time for members of the public to present their issues for BoV review and discussion. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairperson.

FOR FURTHER INFORMATION CONTACT: Or to attend this BoV meeting, contact Mr. Scotty Ashley, USAFA Programs Manager, Directorate of Airman Development and Sustainment, Deputy Chief of Staff, Manpower and Personnel, AF/A1DOA, 1040 Air Force Pentagon, Washington, DC 20330-1040, (703) 695-3594.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E8-9928 Filed 5-5-08; 8:45 am]

BILLING CODE 5001-05-P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

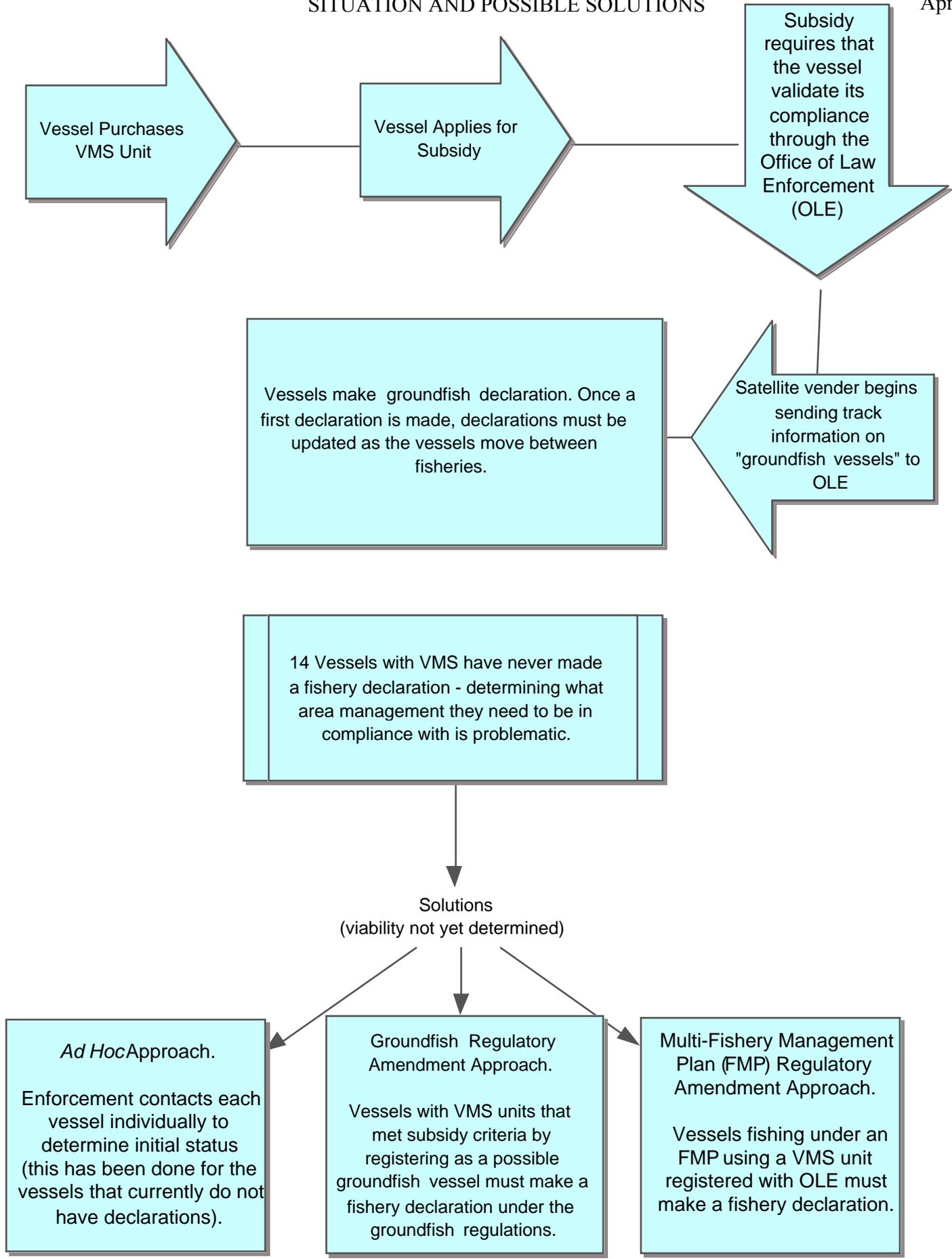
FOIA Fee Schedule Update

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of

VESSEL MONITORING SYSTEM (VMS) SITUATION AND POSSIBLE SOLUTIONS



NMFS HIGHLY MIGRATORY SPECIES REPORT FOR THE MARCH, 2013 COUNCIL
MEETING - EXCERPT

NATIONAL MARINE FISHERIES SERVICE SOUTHWEST REGIONAL OFFICE
UPDATE ON LEGAL AND REGULATORY ACTIVITIES

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Implementation of IATTC Resolution C-04-06 on Vessel Monitoring Systems

NMFS Southwest Region (SWR) previously reported that IATTC Resolution C-04-06 requires that parties with tuna-fishing vessels 24 meters or more in length establish a satellite-based vessel monitoring system (VMS). NMFS SWR had planned to wait for final rulemaking on the High Seas Fishing Compliance Act (HSFCA) revised regulations before moving forward on implementing Resolution C-04-06. However progress on the HSFCA rulemaking has slowed, thus the SWR requests that the Council add to a future agenda discussion regarding the mechanism by which implementation of this Resolution would occur. Implementation of Resolution C-04-06 could occur one of two ways: under the Tuna Conventions Act of 1950 or under the Magnuson-Stevens Act through the Council process by regulation under the HMS Plan.

Background

IATTC Resolution C-04-06 will affect all vessels authorized by NMFS to fish for tuna in the Eastern Pacific Ocean (EPO) that are 24 meters or greater in length. In 2012, 15 West Coast commercial vessels of this size class landed tuna or tuna-like species. Tables 1 and 2 illustrate the number of West Coast vessels potentially impacted by Resolution C-04-06. Table 1 addresses only the vessels that landed tuna or tuna-like species in the years 2002-2012.

Table 1. Number of U.S. West Coast vessels authorized to fish in the EPO at least 24 meters in length that landed tuna or tuna-like species from 2002 through 2012. The gear types include multi-purpose, troll/jig, and purse seine from the coastal pelagic species fleet.

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of vessels	11	11	8	7	8	7	6	12	9	11	15

Table 2. Number of U.S. West Coast vessels 24 meters or greater in length currently authorized to fish in the Eastern Pacific Ocean. Purse seine vessels are in the coastal pelagic species (CPS) fleet.

Gear-type	Number of Vessels
Multi-purpose	21
Troll/Jig	9
Purse seine (CPS)	2
Charter	22
TOTAL	54

Some vessels that landed tuna or tuna-like species in the EPO have a Western and Central Pacific Fisheries Commission (WCPFC) Area Endorsement, which require that the vessels have operational VMS prior to receiving the endorsement. Four vessels with WCPFC area endorsements landed tuna or tuna-like species in 2012; seven from 2002 through 2012. Provisions of Resolution C-04-06 are consistent with VMS requirements of WCPO fisheries. Finally, the VMS provisions of IATTC Resolution C-04-06 are also consistent with current VMS requirements in the groundfish fleet.

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PFMC
02/11/13

ENFORCEMENT CONSULTANTS REPORT ON
REGULATIONS FOR VESSEL MONITORING SYSTEM (VMS) DECLARATIONS

The Enforcement Consultants (EC) has reviewed the documents pertaining to Agenda Item J.1, Regulations for Vessel Monitoring System (VMS) Declarations and has the following comments.

Per the Pacific States Marine Fisheries Commission eligibility requirements for VMS purchase reimbursement, an individual must first purchase a type-approved unit, register that unit with the Office of Law Enforcement (OLE), and show proof of eligibility to participate in the west coast groundfish fisheries. Once the unit is registered with OLE, OLE begins receiving the track “pinging” hourly reporting.

The corresponding VMS declaration requirements found at 660.13(d) includes declaration requirements for Open Access. “Before the vessel leaves port on a trip in which the vessel is **used to take and retain or possess groundfish.**” But if the vessel operator never intends to take or retain groundfish, they do not trigger this reporting requirement.

We now have fourteen Highly Migratory Species tuna vessels, which have activated VMS units where reimbursement has been received, but have never declared because they have yet to make a groundfish trip. Their rationale for purchasing, registering, and receiving reimbursement for the purchased unit was for personal communication and safety rather than a regulatory requirement pertaining to their fishing activity. Without a declaration report, OLE has no idea of the fishing strategy being deployed by these vessels. When such a vessel crosses into a closed area, in some cases, enforcement resources have been dispatched to determine the nature of its activities. Such deployment of enforcement resources is costly and detracts from other enforcement and monitoring duties.

To rectify this situation the EC recommends the declaration requirements be modified per the groundfish regulatory amendment approach as described in Agenda Item J.1.a, Attachment 2. “Vessels with VMS units that meet subsidy criteria by registering as a possible groundfish vessel must make a fishery declaration under the groundfish regulations.”

Recommendation: Modify 660.13 and 14 as appropriate to make it clear that upon registering a VMS unit with the NMFS Office of Law Enforcement, an initial declaration of gear type or sector is required. Subsequent changes to gear type or sector would require a declaration change as is the current requirement for all limited entry permitted, non-groundfish trawl, and open access vessels.

Going forward, the VMS regulations at 660.13 and 14 will serve as the base set of VMS regulations. If VMS requirements expand beyond the groundfish Fishery Management Plan, specific VMS requirements could be written into other FMPs, with a cross reference to the base regulations found at 660.13 and 14. The EC believes this is the best approach for addressing this immediate situation while accommodating future needs.

GROUND FISH ADVISORY SUBPANEL AND SALMON ADVISORY SUBPANEL
REPORT ON REGULATIONS FOR VESSEL MONITORING (VMS) DECLARATIONS

The Groundfish Advisory Subpanel (GAP) and Salmon Advisory Subpanel (SAS) received a report from Mr. Dayna Matthews, of National Marine Fisheries Service Office of Law Enforcement (OLE), regarding the issue of vessel monitoring systems (VMS) being used on vessels in fisheries other than groundfish.

The GAP/SAS understands the problem that the requirements for VMS reimbursement from the Pacific States Marine Fisheries Commission do not mesh with the declaration regulations.

With this understanding, the GAP/SAS agrees with one of the proposed solutions referenced in [Agenda Item J.1.a, Attachment 2, Vessel Monitoring System Situation and Possible Solutions](#). The “Groundfish Regulatory Amendment Approach,” in the middle box at the bottom of that document, would be the simplest solution.

For reference, it reads:

“Vessels with VMS units that met subsidy criteria by registering as a possible groundfish vessel must make a fishery declaration under the groundfish regulations.”

The GAP understands this solution would enable any VMS user, at the time of registering with the OLE, to make a simple declaration that he would or would not be fishing groundfish, therefore preventing miscommunication and future problems for OLE.