

## VESSEL MOVEMENT MONITORING PUBLIC SCOPING DOCUMENT

At the September 2014 Council meeting, under the omnibus groundfish workload prioritization Agenda Item J1, four management measures concepts designed to deal with vessel and gear movement issues were aggregated to be addressed under a single vessel movement monitoring (VMM) agenda item. This was placed in an Enforcement category because of the law enforcement emphasis of the management measures and to provide for the possibility that applicability might cross multiple Council fishery management plans. For example, there are closed areas in highly migratory species and salmon fisheries that might be better enforced by enhanced VMM technology (e.g. increased ping rate, Geofencing, bundled GPS track reporting in lieu of ping transmissions, or the addition of gear retrieval/deployment sensors).

The four management measure topics under this agenda item are:

1. Monitoring for Continuous Transit in the Groundfish Fishery
2. Removal of Derelict Crab Pots from Rockfish Conservation Areas (RCAs)
3. Fishery Declaration Enhancements
4. Movement of IFQ Fishpot Gear Across Management Lines

The following table provides the proposed public scoping process and Council action timeline (Table 1).

**Table 1. Proposed timeline for public scoping for VMM and the Council decision making process.**

Council Meeting	Decision/Product
April 2015	Council adopts purpose and need statements and a range of alternatives for analysis
May-July 2015	National Environmental Policy Act (NEPA), Council staff develops analysis and draft document
September 2015	Council adopts preliminary preferred alternatives
November to January 1, 2017	Council adopts final preferred alternatives (meeting date TBD) with intent that Final Rules are effective Jan 1, 2017

During the November 2014 meeting, the Enforcement Consultants (EC) worked with advisory bodies to discuss their [informational report](#) with the goal of developing a strawman range of alternatives for Council consideration at its April 2015 meeting. On February 18, 2015 the EC conducted a meeting via webinar to further discuss and develop strawman alternatives that address the four topics under the VMM agenda item. Council staff incorporated the information into this scoping document. This document includes a draft purpose and need statement, discussion of the issues, and strawman alternatives. At the April 2015 Council meeting, the Council is scheduled to consider the purpose and need for the management measures, select a reasonable range of alternatives, and provide guidance for further consideration and analysis. The Council is scheduled to adopt preliminary preferred alternatives at its September 2015 meeting but has not yet scheduled when final preferred alternatives would be selected.

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### Draft Purpose and Need Statement

The Council is considering two management measures to support cost effective and sufficient monitoring of vessel movement in restricted areas: 1) Monitoring for Continuous Transit in the Groundfish Fishery; and 2) Removal of Derelict Crab Pots in Rockfish Conservation Area (RCA). In addition, the Council is considering two management measures to create efficiencies in fishery operations and promote safety at sea: 3) Fishery Declaration Enhancements; and 4) Movement of Fishpot Gear Across Management Lines.

#### Management Measure 1 - Monitoring for Continuous Transit

The movement of some vessels are tracked using a vessel monitoring system that is type approved by NMFS; however, the information collected can be insufficient for enforcement of a restricted area. Therefore this measure is needed to collect vessel location and associated gear sensor data more often or at a finer scale through additional or modified monitoring technologies. The measure is not intended to add new VMS requirements for Council managed fisheries.

The purpose of this management measure is to improve the current vessel monitoring capabilities for vessels that are currently required to have VMS. Potential fisheries that may be affected include Shorebased IFQ Program fisheries, limited entry fixed gear, open access fixed gear, HMS swordfish drift gillnet, and salmon troll. The measure would provide more efficient and effective monitoring of restricted areas, including RCAs. Any additional monitoring options or technologies should be cost effective for the industry, yet provide enough information to demonstrate vessels are not fishing in a restricted area or are moving through the restricted area in the required manner.

## Management Measure 2 - Removal of Derelict Crab Pots from Rockfish Conservation Areas (RCAs)

Some vessels are restricted from stopping in RCAs. This measure could provide additional opportunities to remove derelict gear, such as crab pots, from the RCA to reduce ghost fishing, prevent vessel/gear entanglement, and support marine stewardship. The purpose of the measure is to allow vessels, under federal regulation, to stop and remove derelict gear. A declaration process would be created to provide notice to NMFS of the activity. Any new regulations implemented as a result of the management measure would need to be considered in light of current derelict gear removal programs for each state (WA, OR, and CA), continuous transit regulations, and any proposed vessel movement monitoring technologies as noted under management measure 1.

## Management Measure 3 - Fishery Declaration Enhancements

Midwater trawl vessels that fish for whiting in the at-sea mothership fishery or shorebased IFQ fishery are currently required to declare only one fishery prior to leaving port and must return to port to change their declaration. The Council received industry testimony regarding the desire to allow midwater trawl whiting vessels to change their fishery declaration while at sea rather than in port. This measure would allow vessels to change their declaration at sea or declare more than one fishery prior to leaving port. The purpose of this management measure is to increase operational flexibility and create a more efficient groundfish fishery.

In addition, there is a desire by the industry to create a formal process for requesting a waiver or exemption from observer coverage when vessels operators want to test fishing gear and related vessel systems, inclusive of the power systems and drives, without catching fish. The purpose of this management measure would be to create a more efficient groundfish fishery, provide efficient and effective monitoring, and increase profitability or create cost savings for the industry.

## Management Measure 4 - Movement of Fishpot Gear Across Management Lines

A vessel participating in the Shorebased IFQ Program may not fish in more than one IFQ management area during a trip; therefore, vessels must return to port to deliver fish before moving gear to a new management. IFQ fixed gear vessels that use pots make multiple trips to deploy gear due to limited space on the vessel; this can be inefficient and expensive. This measure is needed to allow these vessels to move pot gear across management lines during a single trip. The measure would allow the vessel to retain the IFQ fish from the primary management area when moving to a new management area to deploy gear. The purpose of this management measure would be to reduce time at sea, create a more efficient groundfish fishery, and increase profits for IFQ fixed gear vessels that use pot gear.

The vessel would not be able to catch and retain fish from any additional management areas with fish aboard the vessel from a previous management area (i.e., fish from multiple management

areas could not be mixed during a single trip). The deployed gear could only be retrieved during a separate IFQ fishing trip.

## Supporting Goals and Objectives

Several goals and objectives of existing management plans and National Standards might be advanced by the four management measures.

### Trawl Rationalization Goals and Objectives (Amendment 20)

- Objective 2. Provide for a viable, profitable, and efficient groundfish fishery.
- Objective 4. Increase operational flexibility.
- Objective 7. Provide efficient and effective monitoring and enforcement.

### National Standards

- NS 5: Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
- NS 10: Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

### Groundfish FMP Goals and Objectives

- Goal 2 - Economics. Maximize the value of the groundfish resource as a whole.
- Objective 6. Within the constraints of the conservation goals and objectives of the FMP, attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries.
- Objective 14. When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and the environment.
- Objective 17. Promote the safety of human life at sea.

## Management Measure 1: Monitoring for Continuous Transit in the Groundfish Fishery

This management measure would more closely track vessel movements in restricted areas such as the trawl and non-trawl RCAs. The management measure would only apply to vessels that are required to have VMS.

### Background

As stated in 50 CFR §660.14(b), the following vessels are required to use VMS:

- (1) Any vessel registered for use with a limited entry “A” endorsed permit (i.e., not an MS permit) that fishes in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0-200 nm offshore).
- (2) Any vessel that uses non-groundfish trawl gear to fish in the EEZ.
- (3) Any vessel that uses open access gear to take and retain, or possess groundfish in the EEZ or land groundfish taken in the EEZ.

In addition, NMFS finalized a rule that requires use of a NMFS-approved VMS and institute a 48-hour pre-trip call-in notification requirement for West Coast Large-mesh Swordfish Drift Gillnet (DGN) vessel owners. VMS on vessels in this fishery would provide NMFS and law enforcement personnel the ability to monitor the fishery for compliance with time/area closures and facilitate the deployment of law enforcement assets to inspect vessels for compliance.

In addition, NMFS has proposed a rule to implement international conservation measures via Inter-American Tropical Tuna Commission for VMS on HMS vessels larger than 24 meters that fish in the Eastern Pacific Ocean for the genus *Thunnus* or of the species *Euthynnus* (*Katsuwonus*) pelamis (skipjack tuna). However, we note that this fishery would not be included under Council Management Measure 1, since the international measures pertain to only monitoring fishing locations and not to enforce domestic fishing restricted areas.

Table 2 provides a list of fisheries that are required to have VMS and the area restrictions that apply to them. Vessels registered to a limited entry trawl (LE) permit and LE vessels with fixed gear endorsements must continuously move through the trawl RCA (a closed area for groundfish fishing). Open access fixed gear vessels are subject to restricted areas such as the non-trawl RCA and may not fish for groundfish in those areas. Midwater trawl vessels may fish in the trawl RCA during the primary whiting season but are restricted from groundfish fishing in the RCA outside the primary season. In addition, vessels that fish with drift gillnets may be subject to restricted areas, such as the Protected Resources Area Closures. Finally, salmon troll vessels that retain groundfish are subject to VMS requirements and the non-trawl RCA.

**Table 2. Pacific Council managed fisheries and Federal restricted areas.**

<b>Fishery with VMS</b>	<b>Applicable Federal Restricted Area</b>
Shorebased IFQ Midwater Trawl Whiting Midwater Trawl Non-whiting Bottom Trawl Fixed Gear IFQ	Trawl RCA (outside primary whiting season) Trawl RCA (outside primary whiting season) Trawl RCA Non-Trawl RCA
Fixed Gear LE (e.g. sablefish)	Non-Trawl RCA
Fixed Gear Open Access	Non-Trawl RCA
Salmon Troll (VMS required when retaining groundfish)	Non-Trawl RCA (when retaining groundfish)
Drift Gillnet	Pacific Loggerhead and Leatherback Conservation Areas, Mainland Area Closures, and Channel Islands Area Closures

Note: Federal restricted areas are closed to fishing. Some closures are restricted seasonally; check Federal regulations for official dates and locations.

Over the past year, both the OLE and the EC have briefed and made comments/recommendations to the Council regarding the case of the F/V Risa Lynn (NOAA Case. No. SW1002974). This Magnuson Act case involved a single charge of operating a vessel in a restricted area for purposes other than continuous transit, as required by the West Coast Groundfish Fishery regulations.

This case was notable in that the primary issue for litigation was whether the VMS provided sufficient evidence of the vessel’s activity in the restricted area. The Administrative Law Judge (ALJ) determined that the hourly VMS position report evidence in the case was insufficient to prove that the vessel was not operating in continuous transit through the closed area as required by regulation. Additionally, the ALJ agreed with the assertion that under certain maritime conditions (e.g., wind, swell, current), it might be impossible for a vessel to comply with the regulatory definition of “continuous transiting” due to its requirement for vessels to stay on a “constant heading, along a continuous straight line course.”

United States Coast Guard, OLE, and its state enforcement partners may find it difficult to successfully enforce on a consistent basis the continuous transit requirement using VMS with a ping rate of 1 per hour. Achieving this enforcement objective requires a data stream that demonstrates that the vessel has not stopped or reduced speed, and maintained continuous transit through the restricted area. By providing more data either through an increase in the VMS ping rate or through some other electronic technologies, the vessel would be able to clearly show it is transiting the area and has not slowed or stopped to fish in the RCA.

Below is a description of strawman alternatives developed in response to a request for low cost alternatives vs. increasing the VMS ping rate. Much of the location data is not needed in real time and can be stored for examination at a later date if necessary. A VMM technical team has identified two non-approved VMS units that may be cost-effective, simple to use, can be installed by fishermen, yet meet the needs of monitoring for compliance (See Appendix A).

These devices may range in cost from \$800 to \$1,000 per unit and \$30 to \$60 per month for data transmission. There would be additional costs if sensors are added to monitor gear activity, such as winch and drum sensors. These would be an added cost above the quoted costs noted in Appendix A.

## Monitoring for Continuous Transit Strawman Alternatives

The following draft alternatives were grouped by non-trawl and trawl fisheries. More than one option could be selected for implementation to provide a suite of options for vessels to choose from based on their business plan. For example, Alternative C, E and F could be selected for implementation for all non-trawl fisheries. In addition, a single alternative or a suite of options could be recommended by the Council for a particular gear or fishery.

### **Non-trawl Fishery Strawman Alternatives**

These alternatives are specific to non-trawl fishing vessels that must have VMS and are subject to restricted areas (e.g., HMS drift gillnet, open access, salmon troll, and limited entry fixed gear vessels). Under Alternative B, vessels would be required to increase their existing VMS ping rate up to 4 times per hour. Under alternatives C and D, vessels would be allowed to choose a new system in lieu of the current VMS system that meets the requirement for more frequent data streams. Under alternative E, vessels that use electronic monitoring would maintain a VMS ping rate of 1 per hour. Under alternative F, vessels would maintain a VMS ping rate of 1 per hour and use a secure data logger.

**Alternative A** – No Action. Non-trawl vessels that must have VMS would maintain a ping of 1 per hr regardless of area fished. This alternative could be chosen for an individual fishery or gear.

**Alternative B** - Mandatory increase of VMS ping rate; up to 4 times per hour based on analysis of sufficient ping rate for enforcement.

**Alternative C** – *Bundled reports* - VMS units, both typed approved and not approved, with capabilities to bundle and transmit multiple position and sensor reports with additional positional reports via satellite, cell tower and/or Wi-Fi. The report would be created at a minimum of 4 times per hour but transmission of the information would be sent via sat cell or Wi-Fi at a rate not to exceed once per day. Feasibility of this alternative to be determined through testing of units in the field.

**Alternative D** – *Geofencing* - VMS units, both typed approved and not approved with capabilities for geo fencing coupled with automated ping rate increase. Geofencing capabilities provide an automated increase in the ping rate when the vessel moves close to or across a management line. Feasibility of this alternative may be determined by field testing potential units that are currently available on the market with software support.

**Alternative E** – Maintain a VMS ping rate of 1 per hr when the vessel uses an electronic monitoring system (i.e., video monitoring under the IFQ shorebased program). If the vessel does not use EM for a period of time then it would be subject to an increase in the VMS ping rate of up to 4 per hour based on analysis of sufficient ping rate for enforcement.

**Alternative F** – Maintain a VMS ping rate of 1 per hour when the vessel uses a secure data logger with capabilities to store and transmit positional reports and sensory data via cell tower and/or Wi-Fi. Feasibility of this alternative may be determined by field testing potential units that are currently available on the market with software support.

### **Trawl Fishery Strawman Alternatives**

These alternative are specific to trawl vessels that must have VMS and may be subject to restricted areas. Similar to non-trawl, more than one option could be selected for implementation or a single alternative could be recommended for a particular gear or fishery.

**Alternative A** – No Action. Midwater trawl and bottom trawl vessels that must have VMS would maintain a VMS ping rate of 1 per hr regardless of area fished.

**Alternative B** – Midwater trawl vessels fishing outside the primary whiting season and all bottom trawl vessels would be subject to a mandatory increase of VMS ping rate; up to 4 times per hour based on analysis of sufficient ping rate for enforcement.

**Suboption B1** - Midwater trawl vessels that fish during the primary whiting season would maintain the VMS ping rate of 1 per hour regardless of area fished.

**Alternative C** – Midwater trawl and bottom trawl vessels would maintain ping of 1 per hr if the vessel uses an electronic monitoring system (i.e., video monitoring under the IFQ shorebased program or DGN). If the vessel does not use EM for a period of time then it would be subject to an increase in the VMS ping rate of up to 4 per hour based on analysis of sufficient ping rate for enforcement.

### Continuous Transit Definition

This management measure would also revise the federal definition of “continuous transit or transit through.” General Council Enforcement Section has developed a revised definition (see below). NMFS would revise the current definition in order to encompass a broader array of vessel activity so that visual, electronic, or other evidence of vessel activity provides information on vessel speed and course sufficient to indicate expeditious transiting of a conservation area. This information, how it is documented, and provided to enforcement agencies is directly related to the alternatives presented earlier.



The current definition is under 50 CFR Subpart C, §660.11, General definitions.

**Current Definition (with proposed deleted text):**

*Continuous transiting or transit through* means that a fishing vessel crosses a groundfish conservation area or EFH conservation area on a constant heading, ~~along a continuous straight-line course, while making way by means of a source of power at all times, other than drifting by means of the prevailing water current or weather conditions.~~

**Revised Definition (with proposed new text added):**

*Continuous transiting or transit through* means that a vessel crosses a groundfish conservation area or EFH conservation area on a heading as nearly as practicable to a direct route, consistent with navigational safety, while maintaining expeditious headway throughout the transit without loitering or unnecessary delay.

#### VMS Data Collection and Management Burden

The National Oceanic and Atmospheric Administration Office of Law Enforcement (OLE) develops the official list for type-approved VMS equipment for the nation by region. The OLE West Coast Region manages the vessel monitoring system (VMS) program and uses the information gathered as part of enforcement for restricted areas and as evidence for potential violations.

The initial development of the VMS program was housed under OLE for “real-time” management of vessel movements and provides OLE with direct access to the data being gathered. If the Council expands the amount and type of data currently collected under the VMS program, then it may be appropriate to shift the data collection and management burden from OLE to another government entity such as the Pacific States Marine Fisheries Commission. This move may be consistent with development of the electronic monitoring program (EM) that is currently being considered by the Council under the Shorebased IFQ Program. The OLE would continue to have direct access to data when needed.

For example, if non-VMS and /or non-type approved VMS technologies are authorized to collect location information through the use of a GPS data logger, electronic logbooks, or EM and it is not necessary for NMFS to have real-time data streaming of this information, then it may be appropriate to transfer responsibility of the program to another agency.

## Management Measure 2: Removal of Derelict Crab Pots from Rockfish Conservation Areas

This management measure would create federal regulations to allow certain vessels to retrieve derelict crab pots from the trawl and non-trawl RCAs and potentially modify the current derelict gear retrieval state programs. ([Agenda Item B.1.c, Supplemental Aiello Open Comment, June 2014](#)).

### Background

Dungeness crab are a state-managed species on the West Coast. The states of Washington (WA), Oregon (OR), and California (CA) provide opportunity for derelict gear removal outside the Dungeness crab season provided that the vessel is a registered Dungeness crab vessel (DCV) and declares the activity to the state. All other vessels that are not DCVs and have groundfish aboard the vessel cannot stop to pull pot gear from the RCA. Current federal regulations for continuous transit prohibit certain vessels from stopping in the RCAs, therefore crab pots could not be removed by these vessels. The current status of state regulations regarding the retrieval for derelict crab pots are provided in Table 3.

**Table 3. State and Federal regulations on retrieval of derelict Dungeness crab traps. Key:DCV - Dungeness Crab Vessel; DGP- Derelict Gear Program**

	<b>WA</b>	<b>OR</b>	<b>CA</b>	<b>Feds</b>
<b>Can Pull Traps of Others (In Season/DCV)</b>	No	Yes, 25 between Dec 1 and mid-June, 50 from mid-June till close of season	Yes (6 Max w/DCV Permit, > 6 w/waiver)	No
<b>Can Pull Traps of Others (Out of Season/DCV)</b>	Yes, unlimited during DGP	Yes, unlimited	Yes (unlimited)	No
<b>Can Pull Traps of Others (In Season/other than DCV)</b>	No	Yes, except groundfish trip vessels (prohibited gear)	No	No
<b>Can Pull Traps of Others (Out of Season/other than DCV)</b>	No	Yes, except groundfish trip vessels (prohibited gear)	No	No

<http://www.dfw.state.or.us/mrp/shellfish/commercial/crab/psdgrp.asp>

<http://wdfw.wa.gov/fishing/derelict/>

It's possible that these vessels could be allowed to retrieve derelict crab gear in accordance with state regulations in the RCAs and declare the activity to NMFS. A new declaration process would need to be added to the existing declaration system. For any option under this topic to be a success, the evidence must be clear that the vessel is in fact retrieving derelict gear and not stealing gear, fishing for groundfish, or fishing for crab outside the commercial crab season. Regardless of the type of vessel, the issue of concern is whether the activity can be documented using the electronic options under management measure 1 - "Monitoring for Continuous Transit"

and corroborated with the actual activity of retrieving derelict gear. Vessel tracking through VMS or some other type of location tracking hardware may not provide enough evidence to prove the vessel is retrieving derelict gear. However, a vessel that uses EM or has an observer aboard the vessel could clearly show that the activity is derelict gear retrieval.

#### Derelict Gear Removal Strawman Alternatives

This measure would apply to vessels that are required to have VMS or some system to track movement in accordance with proposed management measure 1. The proposed alternatives would not change the list of vessels that are currently allowed to pull gear from the trawl and non-trawl RCAs as defined in respective state regulations. While the proposed management measures would allow derelict gear to be removed from RCAs via federal regulations, state regulations would still apply and may be more restrictive.

**Alternative A** – No Action, existing state derelict gear removal programs would remain in place.

**Alternative B** – Allow vessels using electronic monitoring (EM) or an observer to retrieve derelict gear from RCAs.

**Alternative C** – Allow vessels that *do not* have groundfish aboard the vessel to retrieve derelict gear from RCAs.

**Alternative D** – Allow vessels that *have* groundfish aboard the vessel to retrieve derelict gear from RCAs.

**Alternative E** – Allow limited entry groundfish vessels to retrieve derelict gear from RCAs (with or without groundfish on board).

### Management Measure 3: Fishery Declaration Enhancements (Gear Testing and Whiting Fishery Declaration Changes)

There are two topics under this management measure: 1) Gear Testing; and 2) Whiting Fishery Declaration Changes. The first measure would set up a formal fishery declaration process that includes a waiver or exemption for observer coverage when the fishermen want to test legal commercial fishing gear. The gear test would need to be done with the intention of not catching fish or other species. The waiver/exemption request could be processed through the VMS call-in system. The second measure would allow midwater trawl whiting vessels to change their fishery declaration at sea or allow operators to declare two fisheries prior to leaving port.

#### Gear Testing

##### **Background**

Infrequently fishermen want to test their equipment or fishing vessel during an open or closed season. For purposes of analysis, “gear testing” means the deployment of lawful gear without the intention of catching fish. For example, using trawl gear with an open cod end to test the deployment of the net, engine horsepower with a new net, deployment of wire and doors to tighten the spool, testing new electronic equipment, or testing a new engine. Even though this

type of activity may not involve retention of fish, it falls under the definition of fishing as defined in the Magnuson-Stevens Act 109-479 (16)(D) (see the following underline text).

“(16) The term "fishing" means—

(A) the catching, taking, or harvesting of fish;

(B) the attempted catching, taking, or harvesting of fish;

(C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

Such term does not include any scientific research activity which is conducted by a scientific research vessel.”

Fishermen seek to increase efficiencies in fisheries management and lessen the cost burden to them for activity that may be considered unnecessary for observer coverage. A waiver from the random observer coverage provided by NMFS in the open access or LE fixed gear fishery or an exemption from the 100% observer coverage requirement in the shorebased IFQ program could be provided for non-retention type fishing activity.

Currently, fishermen call the NMFS West Coast Groundfish Observer Program (WCGOP) per federal requirements prior to embarking on a fishing trip. These vessels sometimes inquire if certain gear testing situations are considered fishing activity and if they are required to carry an observer. Inquiries for gear testing and potential exemptions from observer requirements are examined on a case by case basis by WCGOP. The WCGOP may ask OLE if certain activity is considered fishing and if waivers for observer coverage may be granted.

This process could be formalized under the existing VMS program through OLE or in accordance with management measure 1. For example, a vessel operator could call the VMS line to request a change in their declaration (e.g., “gear/equipment testing”) and a VMS technician could evaluate the request to determine if the vessel is eligible for a waiver or exemption, then make the declaration change. This would be similar to a fishery declaration when an operator calls NMFS to switch gears. For vessels that are not required to carry VMS/observer, the vessel operator could call the VMS line in the same manner to provide a fishery declaration. This information would be noted in the OLE vessel activity logs to be sure the agents and WCGOP know that a vessel is not required to carry an observer for a specific trip.

## Gear Testing Strawman Alternatives

**Alternative A** – No Action; individual vessels continue to make informal requests to the WCGOP and OLE for potential waivers, or inquiries for applicable rules for observer requirements when testing gear.

**Alternative B** – Set up formal waiver/exemption process to allow any groundfish vessel (open access, Shorebased IFQ vessels, limited entry fixed gear, etc.) to be waived or exempted from observer coverage for a trip that tests gear. The trip could be during an open or closed fishing season.

**Sub-option B1:** Allow vessels to only test gear during open fishing season.

**Alternative C** – Set up formal exemption process to allow only Shorebased IFQ vessels to be exempt from observer coverage for a trip that tests gear. The trip could be during an open or closed fishing season.

**Sub-option C1:** Allow vessels to only test gear during open fishing season.

## Whiting Fishery Declaration Changes

This management measure would allow midwater whiting vessels to change their fishery declarations at sea or allow an additional fishery declaration prior to leaving port. Vessels are currently required to declare only one fishery prior to leaving port and must return to port to change their declaration.

### Background

The current regulation found at 660.13 (d)(1) requires a declaration report to be filed before a midwater trawl whiting fishing vessel leaves port. Additionally, 660.13(d)(5)(iv) restricts vessels to one fishery. Vessels that participate during the primary whiting season can declare one of the following:

- (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)

As reported by the GAP, the restriction does not allow catcher vessels in the mothership fishery that have completed their delivery obligations to make a tow for Pacific whiting for delivery to a shoreside processor without first returning to port. This current situation is described as inefficient and expensive. Note that midwater trawl catcher vessels would not declare they are entering the catcher/processor sector therefore the alternatives do not include the catcher/processor declaration option.

Alternative B would allow vessels to declare a different fishery at-sea. A change in the requirements would allow midwater trawl vessels to move from the at-sea mothership sector to shorebased IFQ or vice versa without having to return to port to declare the change.

Alternative C would allow the vessel to declare two fisheries prior to leaving port. If the vessel knows that at some point during the trip it will switch from at-sea mothership to shorebased IFQ or vice versa, then it could declare the two gears prior to leaving port. Vessels would need to continue making declaration changes in port.

### **Fishery Declaration Strawman Alternatives**

**Alternative A** – No Action; vessel would still be required to return to port to declare a change in fishery participation.

**Alternative B** – Allow midwater trawl vessels to change their whiting fishery declaration while at-sea. Other restrictions for fishery declaration reporting would remain in place.

**Alternative C** – Allow midwater trawl vessels to declare participation in both Pacific whiting shorebased IFQ and Pacific whiting mothership sector prior to leaving port. Other restrictions for fishery declaration reporting would remain in place.

## Management Measure 4: Movement of IFQ Fishpot Gear Across Management Lines

The management measure would allow Shorebased IFQ Program fixed gear vessels to move pot gear across management lines during a single trip. The measure would allow the vessel to retain fish from the primary management area while moving to a new management area to deploy gear. The vessel would not be able to catch and retain fish from the second management area with fish aboard the vessel from the primary management area (i.e., fish from multiple management areas could not be mixed during a single trip).

### Background

Current regulations require fixed gear vessels to first return to port before deploying their gear in a different management area (660.140 (c)(2)). For example, if a fisher makes a fixed gear set in area A, they must land their fish before re-setting their gear in area B.

The four IFQ management areas are (660.140 (c)(2)):

1. Between the US/Canada border and 40°10' N. lat.,
2. Between 40°10' N. lat. and 36° N. lat.,
3. Between 36° N. lat. and 34°27' N. lat., and
4. Between 34°27' N. lat. and the US/Mexico border

The species management lines that correspond to the management areas are shown in Table 4. It shows that 12 of the 25 IFQ species or species groups are managed relative to one of the above management lines. A vessel may have multiple IFQ quotas that are specific to a management area, such as sablefish north and south of 36° N. latitude.

**Table 4. IFQ Species and associated management lines (50 CFR 660.140) <sup>1/</sup>**

<b>Roundfish</b>	<b>Rockfish</b>
Lingcod.	Pacific ocean perch S. of 40°10'
Pacific cod.	Widow rockfish.
Pacific whiting.	Canary rockfish.
Sablefish north of 36° N. lat.	Chilipepper rockfish S. of 40°10'
Sablefish south of 36° N. lat.	Bocaccio S. of 40°10'
Splitnose rockfish S. of 40°10'	Yellowtail rockfish N. of 40°10'
<b>Flatfish</b>	Shortspine thornyhead S of 34°27' N. lat.
Shortspine thornyhead N of 34°27' N. lat.	Longspine thornyhead N of 34°27' N. lat.
Dover sole.	Cowcod S. of 40°10'
English sole.	Darkblotched rockfish
Petrals sole.	Yelloweye rockfish
Arrowtooth flounder.	Minor Rockfish slope complex N. of 40°10'
Starry flounder.	Minor Rockfish shelf complex S. of 40°10'
Other Flatfish stock complex.	
Pacific halibut (IBQ) N of 40°10'	
Minor Rockfish slope complex N. of 40°10'	
Minor Rockfish shelf complex S. of 40°10'	

<sup>1/</sup> Species or species groups without north/south latitude designations in the table are managed coast wide.

In 2011, the Council directed the Trawl Regulatory Review and Evaluation Committee (TRREC) to evaluate the issue of fishing in two or more management areas on the same trip. This issue was first raised by an IFQ fixed gear pot fisherman who explained that, unlike trawl vessels or longline vessels who can stow all their gear on deck, pot gear vessels may have to make multiple trips to move their gear from one management area to the next. Some vessel owners report that the regulation is expensive to their operations, particularly those that fish out of ports in close proximity to a management line.

The November, 2012 [Gear Workshop report](#) provided a recommendation to “allow IFQ program vessels to move fixed gear across management lines.” This recommendation does not allow for setting fixed gear in two (or more) management areas at the same time and delivery of the combined catches to a single port. This prohibition is mentioned because the location of catch from each management area cannot be determined when the catches are mixed. Such separation is important for species that are allocated based on management areas such as minor slope rockfish. Also, this recommendation does not address the issue of fishing across management lines using trawl gear. The workshop did not receive sufficient input on this latter issue to make a recommendation. Therefore the recommendation in the Gear Workshop Report limited the recommendation to Shorebased IFQ vessels.

Since the issue relates to limited space on deck for pot gear and a need for increased efficiencies in the deployment of that gear, the management measure was narrowed in scope by Council staff. Therefore the management measure would only apply to Shorebased IFQ fixed gear vessels using pot gear.

#### Movement of Fishpot Gear Strawman Alternatives

Under the draft alternatives, the vessel would not be allowed to harvest fish from an additional management area with fish aboard the vessel from the primary management area. The deployed gear could only be retrieved during another IFQ fishing trip. Note that per regulation, these trips are 100 percent observed, a point relevant for analysis of potential alternatives.

**Alternative A** – No Action; vessels would continue to return to port to start a new trip in order to deploy gear in a new management area.

**Alternative B** – Allow IFQ fixed gear vessels to move pot gear from one management area to another management area during a single trip then deploy the gear *baited*.

**Alternative C** – Allow IFQ fixed gear vessels to move pot gear from one management area to another management area during a single trip then deploy the gear *non-baited*.



## Appendix A



### **IDP-690 by SkyWave**

#### **Unit Cost?**

\$ 799.00. Includes IDP-690, power cable and mounting bracket. About one hour install time.

#### **Transmission Cost?**

\$50-60/mo—Pings every 10 minutes, stored locally, then transmitted every 2 hours.

#### **GeoFencing Capable?**

Yes. Up to 128 boundaries (fences), each of which can be a circle or a polygon (256 points in each).

#### **Additional I/O Ports for additional sensors?**

Yes. 4 additional I/O (Analog or Digital) ports and one serial interface. (Sensors sold separately)

#### **Satellite System?**

Inmarsat IsaData Pro Type approved

#### **Power?**

Hard wired to vessel. 9-32V

#### **Over the air Programming**

**capable?** Yes. Ability to remotely change ping rate frequency over the air as needed.

#### **Power?**

Hard wired to vessel. 9-32V

#### **Over the air Programming**

**capable?** Yes. Ability to remotely change ping rate frequency over the air as needed.





**FWT 750VMS**

**Unit Cost?**

\$ 995.00

**Transmission Cost?**

\$34.95/mo—720 position reports. NOAA type approval for this unit does not allow storing ping data locally and offloading it at designated intervals.

**GeoFencing Capable?**

Yes. Up to 380 GeoZones can be downloaded to the unit, which support complex polygon GeoFences.

**Additional I/O Ports for additional sensors?**

Yes. 4 additional I/O (Analog or Digital) ports (Sensors sold separately)

**Satellite System?**

Iridium SBS (Short Burst Data) Network

**Power?**

Hard wired to vessel. 120mA draw

**Over the air Programming capable?**

Yes. Ability to remotely change ping rate frequency over the air as needed.

**Additional Feature:**

GeoFence Alert module included.

