

ENFORCEMENT CONSULTANTS REPORT ON VESSEL MOVEMENT MONITORING
(VMM) UPDATE

The Enforcement Consultants (EC) have reviewed Agenda Item G.7.a, NMFS Report 1, Supplemental GMT Report 1, and the Situation Summary and have the following comments. We acknowledge there are several issues identified by the National Marine Fisheries Service (NMFS) that makes implementing some of the provisions of VMM Management Measure 1 problematic.

The EC recommends VMM Management Measures 2 and 3 continue to move forward. The EC recommends that Management Measure 1, Preferred Alternative 2 be reconsidered at a later Council Meeting. There are some administrative burdens to NMFS and the Office of Law Enforcement associated with exempting certain vessels under Management Measure 1, Preferred Alternatives 1a and 1b, however the EC believes these are manageable and can move forward as approved by the Council.

Management Measure 1, Preferred Alternative 1a – Increase ping rate to four times per hour with NMFS type-approved Vessel Monitoring System (VMS) units.

The EC reviewed the need to increase the VMS ping rate to four times per hour and reaffirms its recommendation that the Council move forward with increasing the VMS ping rate to four times per hour, as the Council selected as its Preferred Alternative 1a in April 2016. The EC continues to contend the increased ping rate will enhance enforcement of conservation areas. The EC reiterates our statement made under Agenda Item F.3.b, Supplemental EC Report 1, April 2018, EC REPORT ON AMENDMENT 28 – FINAL ACTION – “At the sixty-minute ping rate, currently required under regulation, we found thirty-three polygon-shaped areas to be potentially problematic for enforcement purposes, because VMS provided insufficient vessel coordinate and associated data to be useful in reviewing vessel activity.”

The above quote is consistent with the theme of three other EC statements (April 2016, April 2015, and September 2014) since the PFMC began considering increased VMS ping rates after NOAA OLE and the EC briefed the Council on a legal decision calling into question the one-hour VMS ping rate in a case related to the F/V RISA LYNN in 2013.

The current definition of “Continuous Transit” needs to be revised. The definition was approved for revision under VMM Management Measure 1 and should continue to move forward.

The EC discussed, but has no additional comment on, the other Preferred Alternatives under VMM Management Measures 2 and 3.