

**Draft Summary Meeting Minutes
Ad Hoc Vessel Monitoring Committee**

Pacific Fishery Management Council
Sheraton Portland Airport Hotel
Columbian A
8235 NE Airport Way
Portland, Oregon, 97220-1353
503-281-2500
September 29, 2005

Members Present:

Mr. Joseph Albert, National Marine Fisheries Service, Law Enforcement
Mr. Mark Cedergreen, Pacific Fishery Management Council, Washington Charter Boat Operator
Mr. Brian Corrigan, United States Coast Guard
CAPT Mike Cenci, Enforcement Consultants, Washington Department of Fish and Wildlife
Ms. Kathy Fosmark, Groundfish Advisory Subpanel, Southern Open Access Representative
Mr. Tom Ghio, Acting Chair of Groundfish Advisory Subpanel, Fixed Gear Representative
Ms. Heather Mann, Groundfish Advisory Subpanel, Coastal Pelagic Species Advisory Subpanel
Dr. Don McIsaac, Executive Director, Pacific Fishery Management Council, alternate for
Mr. Don Hansen, Chair, PFMC Chairman, California Charter Boat Operator
Mr. Dayna Matthews, Vice Chair, Enforcement Consultants, National Marine Fisheries Service
Mr. Marion Larkin, Groundfish Advisory Subpanel, Washington Trawl Representative
Mr. Ray Monroe, Alternate for Mr. Kenyon Hensel, Northern Open Access Representative
Ms. Becky Renko, National Marine Fisheries Service, Northwest Region

Members Absent:

Mr. John Crowley, Groundfish Advisory Subpanel, Fixed Gear Representative

Others present:

Mr. Mike Burner, Staff Officer, Pacific Fishery Management Council
Mr. Otha Easley, National Marine Fisheries Service, Office of Law Enforcement
Mr. Doug Fricke, Washington Trollers Association, SAS, HMSAS
Mr. Rod Moore, West Coast Seafood Processors Association
Ms. Lucia Morici, Newport Beach Dory Fleet
Mr. Aaron Newman, Humboldt Fishermen's Marketing Association
Mr. Don Stevens, Salmon Advisory Subpanel Chair

Update on the Existing VMS Program

Mr. Matthews and Mr. Albert report the current VMS program includes 344 vessels that have been monitored since program implementation, and over 4 million position reports have been recorded. Initial implementation of the program had some glitches, primarily due to improper equipment installation, that have been largely overcome. The declaration portion of the monitoring system has proven itself as a valuable mechanism for identifying vessels using gear types allowed in the RCA. The system has approximately 1,595 declarations recorded to date. However, it is important to note

several declarations can come from one vessel as fishing strategies change throughout the year. The declaration system has been integrated into the VMS system allowing system technicians to see declaration reports and the VMS track data side by side.

Compliance with RCA boundaries has been good with observations of vessels fishing up to and along management lines with few incursions into closed areas. The majority of investigations into VMS violations involve equipment malfunctions, not incursions into the RCA. Limited entry fixed gear and trawl vessels are generally maximizing the extent of the open areas and have demonstrated the ability to fish up to management lines without crossing into closed areas.

The current program has one technician whose responsibilities include maintaining the system and tracking 300-400 vessels. This represents the accepted maximum ratio of vessels tracked per technician. The system is capable of incorporating more vessels but, if the program expands, additional technicians would be needed.

The group discussed the issue of federal funding of VMS requirements. Mr. Matthews reported the Hawaiian longline VMS program was the first VMS program implemented, has been in operation for 10 years, and is fully covered by federal funds. In Alaska, industry was provided federal funding in the form of vouchers after the program was implemented covering only hardware costs. There are VMS programs in all Council regions with many of the more recent VMS requirements being unfunded. No federal funding of the existing West Coast VMS program or its expansion is known at this time. On the West Coast, only funds for land based equipment and personnel to monitor the system have been paid for by federal sources. NMFS costs associated with equipping and staffing program expansion has been anticipated in the last two NMFS budget cycles.

Council staff and NMFS personnel have responded to congressional inquiries about federal costs associated with VMS requirements. U.S. Senator Ron Wyden (D-OR) has requested information on VMS costs and has been working on an appropriation for VMS programs. However, recent drafts of future federal budgets do not include funds for West Coast VMS requirements. Council recommendations have consistently favored federal funding. The group discussed the many OA vessels participate in many different fisheries and will not be able to pay for VMS units with proceeds from groundfish landings.

Mr. Matthews informed the group that the current VMS program is capable of determining if a vessel is fishing in or transiting through a closed area but, the system is still incapable or differentiating fishing and drifting. Several VMSC members expressed some frustration with the lack of progress on exploring ways to allow drifting within RCAs while ensuring no illegal fishing activity was occurring. The group discussed increasing the ping, or signaling rate from the current standard of once per hour. Higher ping rates increase costs due to the increased use of airtime. There were unanswered questions regarding who would pay the extra costs of increased ping rate to detect drifting. Industry representatives questioned whether a ping rate of one per hour will be adequate for smaller OA vessels whose position can change faster than most LE vessels. Ping rate is preprogrammed into the unit and cannot be manipulated by the vessel owner. Enforcement personnel can temporarily increase a ping rate to investigate a situation with those additional communication costs paid by NMFS.

The group discussed the issue of safety in the existing system. NMFS and USCG representatives

stated that added safety is a secondary benefit of a VMS program and not the main reason for implementation. The USCG does not use VMS as a primary safety system, they used EPRIB and others communication and search tools first. VMS has proven useful as supplemental information in emergency situations. Panic buttons may be installed on all type approved VMS units supplied by approved vendors. Industry representatives reported an incident where a VMS equipped vessel was lost off Eureka and it took 8 hours to get the VMS track to data regarding the vessels last position. Although the system is not directly monitored 24 hours a day, the system is set up to send alerts to enforcement personnel at any time.

Access to the system by state enforcement personnel could increase the level of system monitoring. There are many enforcement concerns in Washington with OA vessels, particularly in the high value fisheries such as sablefish, and state enforcement representatives felt having VMS on OA vessels would be very helpful. However, VMS cannot be used under any circumstance to prosecute state law, it is solely for federal law enforcement at this time. State entities can get VMS data on a case by case basis through a NOAA agent but the data is not real-time information and data sharing is limited to state investigations of a federal regulations. Confidentiality issues are perhaps the biggest hurdle for widespread use of VMS data. VMS data can be requested and is available only in aggregated form which limits the usefulness of the data for management. Magnuson-Stevens Fishery Conservation and Management Act partners, including the Council, could make a request to NMFS in writing and sign a disclosure statement to receive VMS data in an aggregated form.

Review Council Recommendations

Mr. Burner reviewed Council history beginning with the implantation of the RCA's in 2002 and the immediate need to maintain the integrity of the RCAs through enforcement. Items discussed included the development of the pilot program for the Limited Access sectors, the development of alternatives for expansion of the program, previous positions of the Ad Hoc Vessel Monitoring Committee, Council requests for additional analyses and public input, NMFS public hearings on VMS, and advisory body review schedule and required GMT input. The VMSC discussed the schedule of the GMT between this meeting and Council deliberations on VMS expansion at the November 2005 Council meeting. The GMT will meet in October and is expected to take up VMS but a number of issues including the identification of triggers for vessel exemptions to VMS due to minimal groundfish landings and minimal allowable groundfish landings without VMS requirements.

Definition of Open Access Vessels Subject to RCAs

The VMSC reviewed what vessels are considered as open access groundfish vessels and established the following points:

- A vessel which takes and retains, possesses or lands federally-managed groundfish is considered an open access groundfish vessel.
- Non-groundfish trawl vessels are considered open access vessels whether they land groundfish or not.

There is no link (federal nexus) for the implementation of VMS on non-federally permitted vessels fishing in state waters. Vessels which meet one of the requirements above but only fish in state waters are considered open access vessels but are not required to have VMS. If the vessel possesses

groundfish caught in state water and transits federal water, that vessel would be required to have VMS.

Net gear used by vessels targeting coastal pelagic species (CPS) is not defined in the groundfish regulations as legal groundfish gear making it illegal to land groundfish species with these gear types. Therefore, vessels strictly fishing for CPS species are not considered open access groundfish vessels and are not considered for VMS requirements under the current alternatives.

Review of the Draft Environmental Assessment (EA) and the Alternatives

Mr. Matthews and Ms. Renko reviewed the alternatives presented in the EA. The group reviewed the previous alternatives before moving into the three new alternatives that have been added since April 2005. Alternative 4B is a new alternative in response to the Council recommended action under groundfish EFH protection from June 2005. Under that action the Council recommended consideration of including VMS requirements for all bottom trawl vessels.

The estimated impacts to canary rockfish in salmon fisheries were the subject of brief discussion. The VMSC requested the GMT review the estimated impact of 1.6 mt of canary rockfish in the salmon troll fishery. Additionally, for many of the OA vessels which target non-groundfish species, it is important to note what groundfish species were caught to determine impacts to overfished groundfish stocks.

Alternative 8, low impact OA fisheries. - Revenue rather than poundage was used to determine low impact OA fisheries. High value versus low value catch is not necessarily informative on impacts to overfished species. The principal criteria is what is the risk to overfished species. The threshold for identifying low impact fisheries was >50% of the vessel's revenue from groundfish on a per trip level.

Alternative 9 - It is difficult to determine a landing threshold at a monthly level for vessels that incidentally land OA groundfish. Any threshold could have the effect of creating a directed groundfish fishery up to the threshold to avoid VMS requirements. This may create an inequity for vessels that land groundfish at levels just above the threshold. The VMSC noted that this alternative would create an accounting burden and it is unclear as to what point the vessel is in violation. If the limit was 500 pounds, would the 500 pounds landed previously be now illegal catch if the vessel continues to land beyond 500 pounds without VMS?

Alternative 10 - VMS requirements and the RCAs would go away. Trip limits would be adjusted down to maintain a consistent level of impacts to overfished species. This alternative is designed to address the issue of the economic benefit of the higher limits under RCA and against the costs of VMS requirements.

Economic effects of VMS requirements are incomplete at this time and is planned for the November meeting. Vessels that may decide to leave the OA groundfish fishery due to VMS requirements and costs. The VMSC felt that this is a key piece of information for identification of a preferred alternative.

Missing Information and Analyses

The VMSC noted their impaired ability to fully consider all of the alternatives due to the incomplete nature of the draft Environmental Assessment (EA) that had been distributed at the September Council meeting. The VMSC identified a need for the following information before fully endorsing any recommendation on a preferred alternative.

- Complete the EA. There are many missing values and incomplete sections of the current document.
- A review of impacts to overfished species across fishing sectors is needed. Particularly, estimated canary rockfish impacts in the salmon troll sector. The current salmon troll estimate is based on data from 2000-2001 when canary rockfish retention was allowed in the salmon troll fishery and RCAs were not in place. Additionally, the 2005 salmon troll season was drastically reduced relative to the 2000 and 2001 seasons.
- The VMSC requested NMFS complete the socioeconomic analyses in support of Alternative 8 and Alternative 10. The VMSC believes a cost/benefit type of analysis is essential in determining which fishery sectors should carry VMS units. NMFS reported that input from the Groundfish Management Team could improve the analysis and that these issues are to be discussed at the GMT's October meeting. NMFS intends to complete these analyses in advance of the November Council meeting. The VMSC was unable to fully consider the socioeconomic impacts of VMS requirements on open access vessels at this meeting.
- The VMSC noted the thresholds, either in landed weight or exvessel revenue, for determining which fishery sectors have "minimal" impacts to overfished groundfish are not clearly established. The VMSC noted any threshold value, such as the 500 pound limit in Alternative 9, has the potential to modify fishing practices rather than provide a clear definition of vessels with minimal impacts to overfished groundfish species.

G. Discuss VMSC Recommendations for November Council Meeting

The VMSC affirmed that expansion of the existing Vessel Monitoring System (VMS) program to open access groundfish fisheries would enhance state and federal enforcement's ability to monitor vessel compliance with depth-based management and areas where fishing activity is restricted or prohibited. However, industry representatives stated that VMS is not the only way to enforce closed areas and the VMSC should not assume that Rockfish Conservation Areas (RCAs) would be compromised in the absence of VMS. The VMSC discussed the importance of RCAs as a management tool for rebuilding overfished groundfish species while providing harvest opportunities for healthy stocks.

The VMSC discussed focusing on those OA sectors with the largest impacts to overfished species because preserving the integrity of the RCA and thereby protecting overfished species is a major goal of the VMS program. Much like the original pilot program, the VMSC discussed starting with the core OA vessels with the greatest amount of groundfish landings before expanding in to OA vessels targeting other species.

The group briefly discussed RCA enforcement without VMS. The discussion included USCG reports that investigations into RCA incursions were significantly greater in 2003 prior to VMS implementation, as compared with 2004 after VMS implementation. Mr. Corrigan reported that during the period September through December 2003 when the RCA restrictions were in place without a VMS requirement, USCG at-sea assets discovered 17 incursions (11 by aircraft and 6 by cutters). Virtually every one of these 17 incursions was investigated as a violation of the RCA fishing restrictions, with 4 resulting in penalties being assessed and/or catch seizures and several of the cases are still pending. Since implementation of the limited entry VMS requirements on January 1, 2004, at-sea assets patrolling at a level consistent with pre-VMS patrol efforts have found only 2 incursions.

VMS is critical from an enforcement perspective. The Council is likely to remain in favor of RCA management with a corresponding reliance on VMS. The Council appeared to the VMSC to be focused on directed OA sectors and is looking for mechanisms to identify fisheries that do not pose a threat to overfished species.

Industry representatives felt VMS requirements and associated costs should not be used as a capacity reduction program.

The VMSC did not support a mandatory removal of VMS requirements if the RCAs are rescinded in the future. The group felt the costs of on/off VMS requirements would be too great and it is likely the RCAs will be in place at least through 2008.

VMSC Recommendations

1) The VMSC discussed recommendations for Council consideration with the understanding that the analyses of the alternatives was has not been completed. The VMSC generally recommends that VMS expansion be taken up in phases, much like the original pilot program for the limited entry sectors. The VMSC was interested in identifying those “core” vessels that target groundfish in the open access sector. The VMSC started discussions with Alternative 5B as presented in the draft EA (Informational Report 8, Supplemental NMFS Vessel Monitoring System Report, September 2005).

The VMSC recommended modifying Alternative 5B such that salmon troll and HMS net gear vessels are also excluded from VMS requirements. The majority of the VMSC endorsed this modified alternative as the groups preferred alternative. Mr. Ghio did not support this position and favored excluding groundfish directed longline and pot gear fisheries between Point Conception, California and Cape Blanco, Oregon (Monterey and Eureka catch areas). Mr. Ghio stated that, like other excluded fishery sectors under this alternative, longline and pot fisheries targeting groundfish in this area have very low impacts on overfished groundfish species.

Relative to the Council’s request to consider VMS requirements on all non-groundfish trawl vessels under its June action to protect groundfish essential fish habitat, the VMSC recommended the alternative also be modified to require VMS on pink shrimp vessels (all other non-groundfish trawl vessels are already included in the VMS requirements under this alternative). The VMSC recommends that pink shrimp vessels be included if it is determined that enforcement of closed areas to protect essential fish habitat falls within the stated need for the proposed action.

Alternative 5B as modified by the VMSC preliminary recommendation for VMS expansion. Text to be removed in strikeout, and new text in brackets [].

Alternative 5B: longline, pot, trawl and line gear vessels; excluding ~~pink shrimp trawl~~, HMS longline, [net] and line gear, [salmon troll] and Dungeness crab pot gear. In addition to those vessels identified under Alternatives 2-4A, require all vessels that use line gear (~~including salmon troll~~) to fish pursuant to the harvest guidelines, quotas, and other management measures governing the OA fishery, to carry and use VMS transceiver units and provide declaration reports. ~~Vessels using pink shrimp trawl gear are excluded under this alternative.~~ In addition, vessels using HMS line [and net] gear, [salmon troll], and Dungeness crab pot gear, where the incidental catch of overfished species is projected to be minimal, are excluded. Prior to leaving port on a trip in which a vessel identified under this alternative is used to take and retain, possess, or land federally managed groundfish in federal waters, the vessel would be required to activate a VMS transceiver unit and to continuously operate the unit (24 hours a day) throughout the remainder of the calendar year. A declaration report would be required prior to leaving port on a trip in which the vessel is used to fish in a GCA in a manner that is consistent with the requirements of the conservation area. VMS requirements defined at 660.312 and prohibitions defined at 660.306 would apply to these vessels, as would the reporting requirements defined at 660.303 for vessels fishing in conservation areas.

- 2) The VMSC requested that NMFS and the Council continue to investigate the issue of drifting within the RCA. The VMSC reiterated concerns about vessel safety and reviewed their request to NMFS from October 2004 on this matter. The VMSC expressed frustration with the lack of progress on this issue. Currently drifting within an RCA is not allowed as enforcement personnel cannot currently differentiate fishing activity and drifting from the VMS track data. The VMSC requests NMFS investigate a declaration system for drifting and the required pinging or signaling rates that may allow differentiation of fishing and drifting. The VMSC requests that the investigation consider what additional equipment and transmission costs would be incurred under such a system.
- 3) The VMSC discussed an Inter-American Tropical Tuna Commission Resolution on VMS that requires VMS on HMS vessels 24 meters in length and greater. The VMSC recommends this issue be referred to the Council's HMS advisory bodies. Although the intended purpose of the resolution was not understood by the VMSC, it is unlikely that the intent of the resolution falls within the stated need for action under this VMS expansion consideration.
- 4) The VMSC continues to support federal funding of all VMS requirements and recommends the Council pursue federal funding of any expansion of the VMS program along with reimbursement of costs incurred by vessels under the existing VMS program. NMFS representatives on the VMSC abstained from this recommendations.

ADJOURN
PFMC
10/24/05