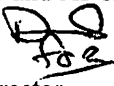


MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

ESTIMATED TIME All D-1 Items) 4 HOURS

DATE: November 27, 2012

SUBJECT: Miscellaneous Groundfish – PSEIS Supplementary Information Report (SIR)

ACTION REQUIRED

- (a) Progress report on PSEIS SIR

BACKGROUND

In June 2012, the Council considered whether the time is right to revisit the 2004 *Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement* (PSEIS). To determine if a revision or supplement to the PSEIS is necessary at this time, the Council and NMFS decided first to conduct a “non-NEPA” evaluation of the PSEIS. This evaluation would result in a supplementary information report (SIR), similar to the SIR NMFS prepares annually for the groundfish harvest specifications. A SIR is a tool to evaluate the need to prepare a new EIS to supplement a previous EIS. NEPA requires agencies to prepare a supplemental EIS to either draft or final EISs if the agency (1) makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)).

At the June 2012 meeting, staff provided some general ideas for what a programmatic SIR might include, and what useful function it might serve (in addition to its primary purpose of evaluating whether NEPA obligations are continuing to be met). It was suggested that staff bring back to the Council a more specific outline of the SIR content, and the process for developing that content, for Council approval. This information is attached as Item D-1(a)(1). In late November, the Council’s PSEIS subcommittee provided feedback on an earlier draft of this discussion paper, which has been incorporated in this version.

Proposed Content and Process for Developing the Programmatic SEIS Supplemental Information Report

November 2012¹

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1 Introduction

In June 2012, the Council considered whether the time is right to revisit the 2004 *Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement* (PSEIS). The PSEIS contains a comprehensive review of the BSAI and GOA groundfish fisheries, and evaluates the environmental impacts of the groundfish fisheries. As identified in the May 2012 discussion paper² (presented to the Council in June), federal agencies have a continuing duty to gather and evaluate new information relevant to the environmental impacts of its actions and to review the continuing vitality of an EIS in light of changing conditions.

To determine if a revision or supplement to the PSEIS is necessary at this time, the Council and NMFS decided first to conduct a “non-NEPA” evaluation of the PSEIS. This evaluation would result in a supplementary information report (SIR), similar to the SIR NMFS prepares annually for the groundfish harvest specifications. A SIR is a tool to evaluate the need to prepare a new EIS to supplement a previous EIS. NEPA requires agencies to prepare a supplemental EIS (SEIS) to either draft or final EISs if the agency (1) makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)). An SEIS is required if the new information is sufficient to show a proposed or remaining action will affect the quality of the human environment in a significant manner or to a significant extent not already considered. If a subsequent related federal action occurs, and new information indicates that that subsequent action will affect the quality of the human environment in a significant manner or to a significant extent not already considered, an SEIS must be prepared. Courts have upheld the use of SIRs, and similar non-NEPA evaluation procedures, for the purpose of determining whether new information or changed circumstances require the preparation of a supplemental EIS.

At the June 2012 meeting, staff provided some general ideas for what a programmatic SIR might include, and what useful function it might serve (in addition to its primary purpose of evaluating whether NEPA obligations are continuing to be met). It was suggested that staff bring back to the Council a more specific outline of the SIR content, and the process for developing that content, for Council approval. In late November, the Council’s PSEIS subcommittee provided feedback on a draft of this discussion paper, which has been incorporated in this version.

2 Content of the SIR

The primary purpose of the SIR will be to evaluate comprehensively whether either of the two requirements for supplementing an EIS have been met with respect to the 2004 PSEIS:

¹ Prepared by Diana Evans, Council staff, and Gretchen Harrington, NMFS Alaska Region.

² http://www.fakr.noaa.gov/npfmc/PDFdocuments/conservation_issues/PSEIS_disc_512.pdf

1. if NMFS and the Council have made a substantial change in the proposed action (i.e., the management of the Federal groundfish fisheries) that is relevant to environmental concerns, or
2. if there are significant new circumstances or information relevant to environmental concerns and bearing on the management of the groundfish fisheries or their impacts.

With respect to the first requirement, there have been changes to the management program since the 2004 PSEIS, as documented in the May 2012 discussion paper. All management changes since 2004 have been subject to NEPA analysis. The SSC discussed the management changes at the March 2012 meeting, in Anchorage, Alaska, and determined that they are all consistent with the preferred alternative evaluated in the PSEIS. The management changes are not identified as substantial changes relevant to environmental concerns, and while they will be synthesized in the SIR, it is not anticipated that they will require much new analysis.

As a result, the SIR will focus more on the second requirement, to allow NMFS and the Council to make a reasoned determination of whether, since the 2004 PSEIS was completed, there exist new circumstances or information that are sufficiently significant to require supplementation under NEPA. The goal is to evaluate whether information since 2004 indicates that the groundfish fisheries affect the quality of the human environment in a significant manner or to a significant extent that was not considered in the 2004 PSEIS.

Staff proposes to evaluate whether there are significant new circumstances or information relevant to the groundfish fisheries by reevaluating the conclusions from the PSEIS in light of new information, to see whether there are likely to be changes to the impacts. In other words, are the impacts predicted in the PSEIS for the preferred alternative still valid, given any changes since 2004? Does the new information present a seriously different picture of the likely impacts of the groundfish fisheries on a particular resource, compared to what was considered in the 2004 PSEIS?

This could be addressed by revisiting each of the PSEIS conclusions, and considering the following questions in light of new information:

- Has the status of the resource changed?
- Is there new information regarding the impacts of the groundfish fisheries on the resource?
- Are there new methods of analysis or protocols for evaluating impacts?
- Would a new analysis using the latest methods and information reach a seriously different conclusion?

As a general example, one of the impacts predicted for the preferred alternative in the 2004 PSEIS is that it would prevent overfishing of target stocks through precautionary harvest policies. The SIR evaluation would consider all changes in management and harvest strategies since 2004, new information in the stock assessment, survey, and fishery data, new circumstances, and new methods of analysis, to determine if today's groundfish fishery management still prevents overfishing of target stocks through precautionary harvest policies. If it is determined that new information and analyses do not alter the conclusions in the PSEIS relevant to preventing overfishing, the SIR could conclude that the changes are not significant relevant to environmental concerns, and do not have a bearing on the proposed action or its impacts. Therefore, supplementation of this portion of the PSEIS would not be needed.

Additionally, the SIR should build on the SSC's review of environmental impacts from the March 2012 meeting. The SSC considered whether, on the basis of existing analyses, the Council understands the environmental impacts of the groundfish management program today, by evaluating (a) whether environmental conditions affecting the fisheries have changed, (b) whether the status of fish stocks and other marine life has changed, and (c) the availability of new information. The SSC identified many

continuing trends and variability in environmental conditions and status of stocks that were accounted for in the 2004 PSEIS. There were, however, a few distinct areas that merit further investigation. These include the following:

- changes in the spatial and temporal distribution of the groundfish fisheries in response to fishery management changes, together with technical innovations, may have altered the environmental impact of fishing
- changes in species abundance affecting interactions with groundfish fisheries, particularly those species that are ESA-listed
 - increase in the abundance of whale populations may be altering lower trophic level energy pathways in the region
 - the continued decline of the western portion of the western distinct population segment of Steller sea lions
 - the declining trend of Northern fur seal populations on the Pribilof Islands
 - increase in short-tailed albatross populations and potential for increased incidental take by fisheries
 - listing of certain crab stocks as overfished and consequent Council action restricting groundfish fisheries
 - increase in arrowtooth flounder and Pacific halibut populations in the GOA and BS, and changes in the size at age of halibut
- changes in the ice extent and season in the BS and Arctic impacting the distribution and behavior of cetaceans and pinnipeds, as well as lower trophic levels and patterns of productivity. Resulting direct and indirect impacts of fishing activity are not well understood.

The advantage of focusing the SIR more comprehensively on the conclusions of the PSEIS, rather than limiting it specifically to the issues identified by the SSC, is that it will provide updated information on the entire management program. If the programmatic SIR provides a more comprehensive evaluation of the current fisheries baseline, it could be incorporated by reference with the 2004 PSEIS when analyzing proposed groundfish management actions in future EAs. Even though the SIR is not a NEPA analysis, it can be cited as a reference document in NEPA analyses, especially if the overall conclusion of the SIR is that the PSEIS remains valid. In this way, the SIR will better meet the Council and NMFS' intent to develop a document that also improves efficiency for other management actions.

Proposed outline

- I. Background/ introduction explaining the purpose of the SIR, why the Council chose to go this route
 - A. Legal justification of the SIR approach (from the May 2012 discussion paper)
 - B. Stakeholder involvement to date
 - C. Potential outcomes from the SIR
- II. Description of the 2004 PSEIS, the action that was analyzed, the alternatives, the preferred alternative
- III. Synthesis of changes in the proposed action (management of the groundfish fisheries) since 2004
- IV. 2004 PSEIS conclusions by resource category, evaluated with updated information
 - A. Where appropriate, highlight the SSC areas of uncertainty for particular attention
- V. Overall conclusions

3 Process for preparing the document

In order to prepare the SIR as outlined in the section above, staff is proposing to adopt an approach similar to that used for the 2010 EFH 5-year review. In that evaluation, stock assessment authors, and

other experts, were asked to review EFH information contained in the Council's FMPs (and the 2005 EFH EIS) in the context of any new information. The authors were each asked to consider a series of questions about whether new information is available and relevant for identifying EFH for their species, whether changes in fishing activities over the time period were likely to have affected the fishing impacts analysis, and whether, based on these considerations, they concurred with the description of EFH and habitat associations that is included in the FMPs. In the case of the EFH 5-year review, the authors' responses were vetted through the Plan Teams, and then compiled into a summary report that was presented to the Council, upon which basis the Council subsequently initiated amendments to the FMPs.

For the PSEIS SIR, a similar approach could be employed. Scientific experts would be identified for each of the resource components analyzed in the PSEIS, most likely AFSC staff. In many cases, these are likely to be the lead authors that prepared those sections for the 2004 PSEIS. These experts would be asked to review the PSEIS analysis and conclusions, consider them in light of new information, and determine whether the 2004 conclusions are still valid. In order to provide everyone with a similar understanding of what is required in the review, staff would plan a kickoff workshop to discuss the project, and would prepare a template identifying the questions to be addressed (similar to those highlighted in the section above). The experts would then have a certain time period to complete their review, and their contributions would be synthesized by Council and Alaska Region staff into the draft SIR. Depending on whether there are any analytical issues encountered during the review, there may be a need for a further project workshop to resolve those issues before the draft SIR can be completed.

Once the draft SIR is prepared, it will be circulated through the normal Council process in order to receive SSC and stakeholder review. The SIR can then be finalized, and used as a basis for Council decision (see section below).

Tentative project timeline

The table below provides a rough guide of the milestones and tentative timeframe for completing the SIR. This should be interpreted loosely, depending on the development of the analysis and the priority of other items on the Council's workload.

Milestones and tentative timeframe for developing a SIR for the 2004 PSEIS

Council milestones	Other actions and milestones	Possible timeframe
Council initiates an evaluation of the 2004 PSEIS (Supplemental Information Report)		June 2012
	Staff prepares analytical outline for the SIR	November 2012
Council approves analytical outline		December 2012
	Kickoff workshop with Council-AKR-AFSC to explain process for preparing the SIR and request help with evaluation	mid-Feb 2013
	Experts consider PSEIS conclusions, and identify new information and circumstances that may affect the 2004 conclusions	Feb-July 2013
	Council-AKR staff synthesize contributions, prepare draft SIR	Jul-Oct 2013
	Possible follow-up workshop, if further discussion is needed	August 2013
	Meet with Council subcommittee	October 2013
	Initial review SIR available to Council/public	November 2013
Council reviews draft SIR		December 2013
	Staff makes any changes	Dec-Jan 2013
Council reviews final draft SIR, decides whether further action is warranted IF NO SIGNIFICANT CHANGES ARE FOUND, no further action. IF AREAS OF SIGNIFICANT CHANGE ARE IDENTIFIED, Council initiates a subsequent NEPA analysis, which will be subject to the normal process.		February 2014
	If no significant changes are found, NMFS prepares SIR determination	2014

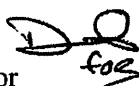
4 Council action once the SIR is complete

Depending on the results of the SIR analysis, the Council and NMFS may determine that the triggers for supplementing the PSEIS have not been met, and therefore a new PSEIS is not necessary at this time. If the SIR found that none of the conclusions from the PSEIS have been invalidated, then no further action would be required by the Council. NMFS would prepare a SIR determination, affirming that the 2004 PSEIS continues to provide NEPA compliance for the groundfish FMPs.

On the other hand, the SIR may provide the detailed information from which to determine that the PSEIS needs to be revisited. If the evaluation is unable to substantiate the conclusions of the PSEIS, based on substantial changes in the proposed action relevant to environmental concerns, or significant new circumstances or information, then a further NEPA analysis would be required. This could take the form of a new, comprehensive PSEIS, or a more focused supplement to the 2004 PSEIS addressing the areas where it has been proven to be deficient. If a new or supplemental EIS is required, the SIR would help inform the scope of that future analysis. A supplemental EIS would not need to repeat all of the information and analysis from the 2004 PSEIS. A supplemental EIS would focus on those areas, identified through the SIR, which require new analysis based on new circumstances or information (or represent a substantial change to the management of the fisheries relevant to environmental concerns). If a new NEPA analysis is required, it is likely that the analysis that has been undertaken through the SIR will be able to be folded directly in to the new NEPA analysis, reducing the workload for that document.

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Chris Oliver 
Executive Director

DATE: November 27, 2012

SUBJECT: VMS use and requirements

ESTIMATED TIME 4 HOURS (All D-1 items)

ACTION REQUIRED

Review a revised discussion paper on VMS use and requirements.

BACKGROUND

In October 2011, the Council initiated a discussion paper to review the use of (and requirements for) vessel monitoring systems (VMS) in the North Pacific fisheries and other regions. At the April 2012 meeting, the Council reviewed the discussion paper, and requested that it be expanded to identify the needs for management, enforcement, compliance, and safety in the fisheries and what is the appropriate technology for meeting those needs. The Council also requested that the expanded discussion paper include: 1) a description of advanced features of VMS like geo-fencing, increasing poll rates, and declarations of species, gear and area; 2) expanded discussion of VMS alternatives to include electronic monitoring; and 3) expanded discussion on VMS requirements in other regions to include the purpose and need for VMS coverage in those regions and whether VMS has been successful in meeting those needs.

At the October meeting, the Council postponed review of the discussion paper due to time constraints. However, the Council recommended the discussion paper be expanded to include the Enforcement Committee recommendations, which include an evaluation of previous search and rescue cases, and further refinement of the characterization of vessels that are not required to carry VMS.

The revised discussion paper for this action item is attached as **(Item D-1(b)(1))**.

**Overview of Vessel Monitoring System
Discussion Paper¹
December 2012**

I. Introduction

In October 2011, the Council approved a motion to initiate a discussion paper to review the use of, and requirements for, VMS in the North Pacific fisheries and other regions of the U.S. The Council stated that while there is uncertainty regarding whether a major change to (or expansion of) VMS requirements is necessary in the North Pacific, there is interest in reviewing the current state of the North Pacific VMS requirements, in addition to other regions' application of VMS. In April 2012, the Council reviewed the discussion paper, along with the IFQ Implementation Committee and the Enforcement Committee. After reviewing the discussion paper and listening to public testimony, the Council requested the discussion paper be expanded to identify the needs for management, enforcement, compliance, and safety in the fisheries and what is the appropriate technology for meeting those needs (Section V). The Council also requested that the expanded discussion paper should include:

- Target species, gear, and area declarations (Section IV)
- Geo-fencing and the implications and cost ramifications to the fishing fleet and agency for use of this capability (Section IV)
- Increased poll rates and the implications of this change to both the fishing fleet and enforcement agencies (Section IV)
- Potential data transfer applications or electronic log books (Section IV)
- Electronic monitoring and the tradeoffs between this technology and VMS (Section IV)
- Purpose and need for VMS requirements in other U.S. regions and whether VMS used in these other regions has been successful in meeting the purpose and need (Section IX)
- Potential for including VMS cost in the observer fee (Section VII)

In October 2012, the Council postponed review of the discussion paper due to time constraints. However, the Council recommended the paper be expanded to include the Enforcement Committee recommendations. These recommendations include an evaluation of previous search and rescue cases, and further refinement of the characterization of vessels that are not currently required to carry VMS. A copy of the October 2012 Enforcement Committee minutes are provided in Appendix 4.

II. Description of VMS

VMS in Alaska is a relatively simple system involving a tamperproof VMS unit, set to report a vessel identification and location to the NOAA Fisheries Office of Law Enforcement (OLE) at fixed 30-minute intervals. The Alaska system is relatively simple, because it doesn't require the range of functions that are required for VMS in some other regions of the United States. Moreover, the Alaska system doesn't require the VMS unit to report on the status of other vessel sensors (in addition to the GPS units).

VMS units on a vessel have the following components:

¹ Staff contact is Jon McCracken

- A power source and power cabling
- A GPS antenna to pick up satellite signals
- The VMS itself – a box about the size of a car radio containing a GPS and VHF radio
- A VHF antenna to transmit the report to a satellite
- A battery
- Cabling between the VMS and both antennas

All of these units used in the Alaska region are capable of allowing NOAA OLE to communicate with the unit and modify the reporting frequency. This is accomplished by adding by connecting an onboard computer to the VMS unit. This can significantly enhance communications, and the potential for onboard use of information collected by the VMS. It is, however, not needed to comply with Alaska's VMS standard.

Fishing firms must use VMS units supplied by vendors approved by NOAA OLE. Approval is required to ensure integration of privately supplied VMS units and NOAA OLE data processing capabilities. VMS transceiver units approved by NMFS are referred to as type-approved models. A list of approved VMS units is available from the NOAA OLE (website at http://www.nmfs.noaa.gov/ole/ak_faqs.html) and is also provided in Appendix 1 along with the cost of the units.

In general across all regions, VMS units transmit position information to a communications satellite. From the communications satellite, the vessel's position is transmitted to a land-earth station operated by a communications service company. From the land-earth station, the position is transmitted to the communications service company, which in turn transmits the data to the NOAA OLE processing center. At the center, the information is validated and analyzed before being disseminated for surveillance, enforcement purposes, and fisheries management.

Position data is received and stored by NMFS. This data is also sent out to field offices for analysis of vessel activity. VMS is reviewed and analyzed daily, using a range of manual and automated checks. These checks identify such anomalies as vessels failing to send VMS signals or entering closed waters. Manual checks are completed by an operator monitoring the vessel movements on a computer screen. The operator examines vessel tracks, which are overlaid on digitized maps. Automated checks are run at various times over a 24-hour period. They detect instances of possible non-compliance and highlight them for later follow-up by VMS personnel. When an instance of non-compliance is detected, it is referred to field agents or officers for follow-up after assuring all components are functioning properly.

Access to VMS data is gained through a secure, web-based system and viewable on a color chart on a computer monitor. NOAA OLE Special Agents and Enforcement Officers can monitor real time vessel activity from their computers. In Alaska, there are also two Enforcement Technicians who are tasked with monitoring vessel activity using VMS. In-season managers in the NMFS Alaska Region Sustainable Fisheries Division and U.S. Coast Guard also have access to the VMS data. Information collected under a VMS program is considered confidential and is subject to the confidentiality protection of Section 402 of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

III. VMS coverage

This section provides a brief description of the current VMS coverage in the North Pacific. Since 2000, the Secretary of Commerce has introduced VMS requirements or options in connection with several management actions as noted in Table 1. Together, these numerous regulations have created VMS requirements for the groundfish and crab fleets.

Table 1 Description of VMS requirements

Source of VMS requirement	Description of VMS requirement	Regulations
Steller Sea Lion Measures	Vessels in any Federal reporting area that participate in the Atka mackerel, Pacific cod, or pollock directed fisheries.	679.7(a)(18)
EFH/HAPC	All vessels named on an FFP or FCVP when operating in the Aleutian Islands subarea or in adjacent State waters	679.28(f)(6)(ii), 679.7(a)(21)
EFH/HAPC	All vessels named on an FFP or FCVP when operating in the GOA or adjacent State waters with nonpelagic trawl or dredge gear	679.28(f)(6)(iii), 679.7(a)(22)
Rockfish Program	Vessels that are assigned to a rockfish cooperative when operating in a reporting area off Alaska from May 1 until November 15, or until the cooperative has submitted a termination of fishing declaration.	679.28(f)(6)(iv), 679.7(n)(3)(i)
Rockfish Program	Vessels that are subject to a sideboard limit when operating in a reporting area off Alaska from July 1 until July 31.	679.7(n)(3)(ii)
GOA Pacific cod sector splits	A vessel in Federal reporting areas 610, 620, or 630, that receives and processes groundfish from other vessels.	679.28(f)(6)(v)
Sablefish vessel clearance requirement	Any vessel who fishes for sablefish in the BSAI	679.42(l)(1)
Crab Rationalization Program	Any vessel harvesting Crab Rationalization crab	680.7(c)(2), 680.23(a)(1), and 680.23(b)(1)

Table 2 shows the number of groundfish, crab, and halibut vessels that as of 2010 have a VMS unit and the number of vessels without a VMS unit. Of the total 1,656 groundfish, crab, and halibut vessels, 546 have a VMS unit, while 1,110 do not have a VMS unit. Of those 1,110 vessels that are not equipped with a VMS unit, 346 vessels are less than 30' LOA and 731 vessels range in length from 30' to 59'. The remaining 23 vessels without a VMS unit are greater than or equal to 60'.

Table 2 Vessel count of all North Pacific groundfish, halibut, and crab vessels with and without VMS units in 2010

Vessel length	No VMS	VMS	Total
<30	346	0	346
30-59	731	247	978
60-89	21	96	117
90-124	1	137	139
125-200	0	55	55
200+	0	21	21
Total	1,110	556	1,656

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

Looking at VMS coverage by fleet, four fleets remain, to a large degree, without VMS units. These fleets are the halibut IFQ, halibut CDQ, GOA sablefish IFQ, and jig. The remaining groundfish and crab fleets are required to have VMS units onboard their vessels. This section will focus on fleet that not required to carry VMS.

Table 3 presents the number of vessels in these fleets with and without VMS, grouped into vessel length categories for each of the small vessel fleets. The fleet with largest number of vessels not equipped with a VMS unit is the halibut IFQ group. Amongst this fleet, there are 170 vessels under 30', 162 vessels ranging in length from 30' to less than 35', 114 vessels ranging from 35' to less than 40', and 336 vessels

ranging in length from 40' to less than 60' that are not equipped with a VMS unit. For the halibut CDQ fleet, most of the fleet is less than 30' in length and is not equipped with a VMS unit. The sablefish IFQ fleet is generally composed of vessels ranging in length from 30' to 59'. Amongst this fleet, 223 vessels do not have a VMS unit and 103 vessels do have VMS unit. Most of the sablefish vessel range in length from 40' to less than 57.5'. Of that group, 166 vessels are not equipped with VMS units, while 68 vessels are equipped with VMS units. The jig fleet generally falls within the under 30' to 57.5' vessel length groups. Amongst this group, 66 vessels are not equipped with a VMS unit, while 11 vessels are equipped with a VMS unit.

Table 3 Vessel count of VMS equipped halibut IFQ, halibut CDQ, sablefish IFQ, and jig vessels by length

Fleet	VMS equipped	Vessel length								Total
		<30'	30' - <35'	35' - <40'	40' - <57.5'	57.5' - <60'	60' - <89'	90' - <124'	125' - <200'	
Halibut IFQ vessels	No	170	162	114	336	28	20	1	0	831
	Yes	0	14	14	116	39	40	6	1	230
Halibut CDQ vessels	No	170	23	3	4	0	0	0	0	200
	Yes	0	0	1	5	2	3	0	0	11
Sablefish IFQ vessels	No	3	15	18	166	24	18	0	1	245
	Yes	0	6	5	68	24	29	12	8	152
Jig vessels	No	10	13	17	26	0	0	0	0	66
	Yes	0	1	4	6	0	0	0	0	11

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

Table 4 provides a vessel count of halibut IFQ, halibut CDQ, sablefish IFQ, and jig vessels with and without a VMS unit that also have a Federal Fisheries Permit (FFP). Looking at the 831 halibut IFQ vessels that are not equipped with a VMS unit, 390 vessels operate without an FFP, while 441 vessels operate with an FFP. In contrast, for those 230 halibut IFQ vessels that operate with a VMS unit, nearly all (227 vessels) have an FFP. For the halibut CDQ fleet, most of these vessels do not carry VMS and do have an FFP. As for the sablefish IFQ fleet, most of these vessels operate with an FFP, but 226 vessels are not equipped with a VMS unit.

Table 4 Vessel count for jig, halibut IFQ and CDQ, and sablefish IFQ fleets with VMS and FFP

VMS	FFP	Fleets			
		Jig	Halibut IFQ	Halibut CDQ	Sablefish IFQ
No	No	48	390	189	19
	Yes	18	441	11	226
Yes	No	4	3	2	2
	Yes	7	227	9	150

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

Finally, Tables 5, 6, 7, and 8 provide the number of vessels in the halibut IFQ fishery, halibut IFQ CDQ fishery, Sablefish IFQ fishery, and jig fishery that fished in a single area or multiple areas that were equipped with a VMS unit. For example, in 2007, for those halibut IFQ vessels that were not equipped with a VMS unit, 430 fished in a single area, while 202 fish in multiple areas. For those halibut IFQ vessels that were equipped with a VMS unit, 65 fished in a single area and 142 fished in multiple areas. In summary, of those vessels not equipped with a VMS unit, on average during the 2007 through 2011 period, 29% of the halibut IFQ vessels, 2% of the halibut CDQ vessels, 70% of the sablefish IFQ vessels, and 28% of the jig vessels fished in multiple areas.

Table 5 Number of halibut IFQ vessels with and without VMS that fished in a single area and multiple areas from 2007 through 2011

Year	VMS equipped	Single area	Multiple areas	Total
2007	No	430	202	632
	Yes	65	142	207
2008	No	469	190	659
	Yes	71	146	217
2009	No	474	192	666
	Yes	67	153	220
2010	No	503	199	702
	Yes	70	156	226
2011	No	581	211	792
	Yes	71	165	236

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

Table 6 Number of halibut CDQ vessels with and without VMS that fished in a single area and multiple areas from 2007 through 2011

Year	VMS equipped	Single area	Multiple areas	Total
2007	No	139	3	142
	Yes	1	4	5
2008	No	144	4	148
	Yes	2	5	7
2009	No	152	3	155
	Yes	1	6	7
2010	No	157	2	159
	Yes	1	8	9
2011	No	227	3	230
	Yes	1	10	11

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

Table 7 Number of sablefish IFQ vessels with and without VMS that fished in a single area and multiple areas from 2007 through 2011

Year	VMS equipped	Single area	Multiple areas	Total
2007	No	60	151	211
	Yes	41	90	131
2008	No	64	149	213
	Yes	43	95	138
2009	No	72	145	217
	Yes	38	104	142
2010	No	63	160	223
	Yes	34	111	145
2011	No	73	162	235
	Yes	35	117	152

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

Table 8 Number of jig vessels with and without VMS that fished in a single area and multiple areas from 2007 through 2011

Year	VMS equipped	Single area	Multiple areas	Total
2007	No	40	25	65
	Yes	8	7	15
2008	No	54	21	75
	Yes	12	6	18
2009	No	56	24	80
	Yes	12	5	17
2010	No	71	23	94
	Yes	13	5	18
2011	No	123	29	152
	Yes	14	6	20

Source: AKFIN Vessel Table and Patty Britza of Sustainable Fisheries

IV. Other features of VMS and other available monitoring tools

In the North Pacific, VMS is a relatively simple system that sends vessel identification and location at fixed 30-minute intervals. However, VMS units are capable of much more. A VMS unit may incorporate targeted species, gear, and area declarations, variable poll rates, geo-fencing, and transfer of data such as electronic log books.

Declarations

A declaration system requires a vessel operator to declare on their VMS unit which species is being targeted, the gear being used to target that species, and the area the vessel will be targeting these species. Creating a fishery declaration system would facilitate enforcement and compliance monitoring. Vessels may be permitted to participate in multiple fisheries that authorize numerous fishing gears. The declaration system would provide NOAA OLE with advance notice of the target fishery and the gear possessed onboard, which provides Enforcement with critical information concerning which regulations apply to that particular vessel during that trip. A declaration system is not currently utilized in the North Pacific region. One example of a declaration system currently in use is in the Northeast region. Vessels in that region must declare target species, gear, and area to be fished and are not permitted to change this declaration while outside a VMS demarcation line.

Polling Rate

The rate at which VMS units send signals can be remotely programmed or altered. Units in North Pacific are programmed to report every 30 minutes but can be reprogrammed in response to pre-defined criteria. For example, a vessel can be monitored more frequently. Obviously, more frequent reports mean more data and therefore a more accurate picture of the vessel's activity, but also increased data management costs. NOAA OLE may sometimes program a VMS unit to report a vessel's position more frequently, for example, if it appears to be operating near a no-transit or no-fishing zone. In another example, increased polling rate may be needed when vessels are operating in medium or small no fishing zones. The required one poll every 30 minutes may not be sufficient enough to know if a vessel is transiting through a no fishing zone or if the vessel is fishing. In general, the average additional cost to the VMS user for each incremental additional poll, repeated over the entire month, is \$25.88.

Geo-fencing

A unique feature of VMS is the ability to use geo-fencing, which is setting a virtual perimeter for a geographic area. When used in conjunction with VMS, geo-fencing allows Enforcement to create an area which, when entered by a vessel equipped with VMS, will trigger an automatic increase in the polling rate. When the vessel exits the area, the polling rate will be reduced to the normal one poll every 30 minutes. Geo-fencing allows for alerts (general email or text message) to be sent to the agency or VMS user if deemed necessary. Increased polling as well as email alerts would result in higher VMS costs that may need be borne by industry using these areas.

Geo-fencing is a spatial management application not currently utilized in Alaska. However, its application has potential, for example in conjunction with EFH and HAPC conservation areas. Currently, VMS in Alaska is used to monitor fishing activities within EFH and HAPC conservation areas. A geo-fence creates an electronic spatial extension of specific area. The fence monitor is triggered when the electronic transmitter crosses the fence or boundary line. Importantly, more than one parameter can be linked to an individual VMS transmitter, including position, vessel characteristics, type, and speed. Of course, not all vessel behaviors warrant a closer look when operating within an area. A closer look could be triggered when a vessel of certain type enters a geo-fence and exhibits certain behavior, such as reduced speeds for fishing. In this instance, the vessel's speed would be at slower than normal transit speed (approximately 4 knots). Vessel type and behavior would alert OLE VMS observers for further investigation, if warranted. Lastly, the geo-fence would be activated when a vessel carrying VMS first crosses the boundary line and then at specific intervals, depending on the size of the area and the required confidence needed to adequately monitor vessel activities in each area, until the vessel departs the geo-fenced area.

Two-way communication

VMS units can also be used to communicate through electronic messages with shore-based fishery personnel, which could allow fishery participants to: communicate directly with NOAA OLE in the case of a power disruption; download updated software without removal of the device; communicate with manufacturers to remedy malfunctions; receive required software upgrades with little interference; communicate with vessel owners and processors; and send distress calls to monitoring companies in the event of an emergency. One example of the communication features of VMS is the transmitting of electronic logbooks. Currently, electronic logbooks are sent daily via email for those fleets required to transmit their electronic logbooks. However, electronic logbooks could be sent via the VMS units. Although not necessarily useful for fleets that currently have satellite communication capabilities, transmitting electronic logbooks via VMS for smaller vessels that don't have satellite communication capabilities could be significant.

Other available monitoring tools

One system is Automated Information System (AIS). AIS is primarily a tool to prevent collisions at sea. It's a line-of-sight broadcast system that allows other vessels in the vicinity to be aware of the vessels and its intentions, and as such the system does not allow any confidentiality. Because information is broadcast "in the clear," many fishermen turn their AIS unit off while they are fishing to protect their fishing locations from their competitors. In addition, AIS is not a satellite based system, so it is contingent upon line of sight communications and receive locations. There are currently not enough AIS receivers around the state to provide accurate fishing locations. U.S. Coast Guard type approved AIS units range in price from \$500 for an AIS Class B transponder to \$4,000 for an AIS Class A transponder, not including installation. Costs vary greatly for installation due to the differences in vessel configuration and level of integration necessary for other shipboard systems.

Another system is Long Range Identification and Tracking (LRIT), which is an internationally mandated system for commercial vessels on international voyages. The LRIT system is an automated, satellite-

based vessel tracking system designed to collect and disseminate vessel position information received from vessels. This system will be required on cargo ships of 300 gross tons and greater, passenger vessels carrying more than 12 passengers, and self-propelled mobile offshore drilling units. The Coast Guard envisions very few, if any, U.S. flag vessels engaged in domestic fisheries will be required to carry LRIT systems.

Yet another monitoring tool is electronic video systems. The term “electronic monitoring” (EM) is very broad, and include a wide range of technologies such as VMS, electronic logbooks, video, and the integration of video with other data sources such as radio frequency identification tag readers, net pinger hydrophones, winch sensors, and hydraulic pressure monitors. The discussion to-date of EM in the North Pacific, however, has primarily focused on the use of cameras, and the terms are largely used synonymously in Alaska. To date, the EM programs that are being developed for Alaska as part of the restructured observer program have not included VMS technology. Although the camera systems would likely include vessel position data via an onboard GPS, the position would not be transmitted on a real-time basis. Instead, the vessel position data would be stored for later review. In contrast, the primary benefit of VMS is its real-time reporting of a vessel’s position. At this stage, the EM pilot project proposed for 2013 targets small vessels (40’ to 57.5’ LOA) that are fishing halibut or sablefish IFQ, which corresponds with the two of the fleets that are currently not covered by VMS. However, the project is only designed for limited fleet deployment, so would not provide widespread coverage for this fleet.

V. Management, Enforcement and Compliance, and Safety Needs for Alaska Fisheries

Management

NMFS apportions groundfish TACs and prohibited species limits (PSC) between and within the BSAI and GOA. Catch accounting determines catch location based on reports by vessel operators and by at sea observers. In-season management needs to verify catch location information provided by vessel operators and observers. For example, catcher vessels report groundfish delivered to Alaska ports on an Alaska Department of Fish and Game fish ticket. Federal reporting areas, which are used by the Council for setting TACs, may not align well with the State statistical areas.

Catch can be highly variable. Effort can shift on short notice. In-season management must project closure dates over at least 24 hours, and at times up to 4 or 5 days. Catch and effort variability impact management of many of the groundfish and prohibited species catch allocations. An inaccurate closure date results in catch that is greater or less than the specified TAC. Catch in excess of the TAC is contrary to the goals of fisheries management. Conservative closures that lead to subsequent openings add costs to the fishing industry by generating additional fishery startup expenses. Amounts of TAC remaining may not be enough to sustain an additional fishery, leaving a portion of the TAC stranded and an economic loss to the fishing industry.

In addition to controlling effort to more precisely match harvest and TACs without unnecessary closures, In-season managers also control the incidental catch of non-target species. Target fisheries are closed if catch of an incidental species approaches the overfishing level (OFL)².

A tool that has been indispensable for management folks has been VMS. In general, VMS, more than any other technology, provides in-season managers specific effort information in real-time that leads to improved closure precision. Other technologic tools do not provide the required real-time element

² The terms overfishing and overfished mean a rate or level of fishing mortality that jeopardizes the capacity of a fishery to produce the maximum sustainable yield on a continuing basis.

combined with positional data that is necessary for purposes of in-season management. Recognizing the versatility of VMS data, in-season managers have been using VMS data to address many of these noted management needs in many Alaska fisheries. Since NMFS was not able to provide a quantitative assessment of VMS usage in managing the fisheries, a brief description VMS usage by in-season managers is provided.

Vessel VMS reports are distributed to in-season managers with a very short lag, of about 1.5 hours. Tracks of all active commercial fishing vessels that are required to carry VMS are reported. In-season managers identify vessels by target fishery and overlay VMS reports on maps showing important management areas. Using historic information, in-season managers know which vessels are fishing for which target species and they can make informed estimates of catch rates by fishery. This real-time information is especially important in fisheries that are normally conducted very quickly.

VMS is used in combination with catch reporting to monitor areas of high incidental catch or hot spots. When hot spots are identified, fleets are notified. VMS is used to help determine whether these hot spots are avoided. VMS information can determine whether or not an OFL closure will be necessary. With the confidence obtained from VMS fishing location reports, in-season managers can manage less conservatively.

Enforcement and Compliance

The enforcement of fishery regulations in the North Pacific continually proves to be difficult and challenging, due in part to the large area that must be covered, the remoteness of much of the region, extreme weather conditions, limited enforcement infrastructure, large fleets, and the complexity of the regulations.

The frequency and severity of fishing violations is affected by the resources used for traditional enforcement measures. Traditional enforcement measures include recordkeeping and reporting requirements, review and validation of these records and reports, at-sea monitoring and surveillance using patrol aircraft and vessels, dockside inspections, investigative work by NOAA OLE agents, and prosecutions by NOAA's Office of General Council and the U.S. Department of Justice.

In October 2012, the Enforcement Committee noted that having VMS data substantially improves efficiency in both investigating and litigating enforcement violation cases, although it is difficult to quantify this improvement.³ For the IFQ fleets, which are largely the fleets that are not currently required to operate a VMS unit onboard, the primary enforcement focus is to ensure that harvest occurs in lawful areas (as many of the EFH groundfish management closures areas do not apply to these fleets). Therefore, much of the evaluation of VMS would be able to be automated or routinely conducted via landing records, and additionally, there tends to be an increase in compliance following VMS implementation.

Rationalization

While rationalization brings many benefits, it increases the demands placed on enforcement agencies. These burdens fall particularly heavy on the Coast Guard, which provides the primary enforcement presence on the water.

³ Due to the difficulty in providing a quantitative assessment of VMS for use in enforcement and compliance, OLE was not able to provide this type of assessment.

The nature of the problem is suggested by consideration of the changes in the halibut fishery under individual fishing quotas. In 1994, the last year of the "Olympic" halibut fishery in Alaska, there were a lot more vessels on the water, but the total fishing season only last three days. Fishing operations were highly concentrated in time and space, the degree of concentration was easily anticipated and it was relatively easy to schedule resources to monitor large numbers of operations within the short time period.

Now, the number of vessels has dropped significantly, but in general the fishing season starts in mid-March and lasts until mid-November. As seasons have lengthened, more vessel and aircraft days are required to continue to provide the presence needed to deter potential violators and to identify actual violations. It is not as easy to anticipate fishing effort peaks; fishing is not constrained by short seasons, and tends to be less concentrated in time and space.

Because rationalization programs tend to greatly spread out fishing effort in both time and space, it becomes increasingly difficult and resource intensive for the Coast Guard to achieve adequate enforcement presence to compel compliance and deter would be violators. This applies across the board to the range of regulations enforced by the Coast Guard, including safety, IFQ-related and other regulations.

Programs that create individual rights to a share in an allowable catch create incentives for fishermen to misreport landings and to attempt to smuggle fish past the normal monitoring systems. Fishermen who are not exceeding their harvest allocations get fewer fish for their harvesting rights, and the harvesting rights lose value.

Misreporting the quota used to harvest fish can have serious results. If separate quotas have been defined to protect distinct stocks of fish, misreporting the quota used to catch fish can lead to overharvesting of some stocks. This can reduce future biomass, and future allowable harvests and reduce quota values for all persons actually holding quota for the stock.

Unlike other monitoring tools, VMS's ability to provide positional information in real-time helps deter or identify attempts to bypass systems to monitor landings. If fishermen were carrying a transmitting VMS, it would be possible to compare the VMS track against the areas in which he claimed to have operated, following a trip. If the fishermen never entered the area from which the catch was claimed, NOAA OLE would have evidence of a fishery violation or at least evidence that raises questions for NOAA OLE. NOAA OLE can use VMS to not only monitor vessel activity, but also to compare with log book records during a dockside boarding.

Regulated areas

In the past ten years there has been a large increase in the number of regulated areas adopted by the Council. Many of these regulated areas have been implemented to help control harvests of target species or to provide protection for non-target components of the ecosystem. These areas are widely dispersed over 2,000 miles throughout the Gulf of Alaska and Bering Sea/Aleutian Islands. Regulations governing transit and fishing in these areas are varied and complex. There are areas closed year-round, closed seasonally, and closed due to PSC triggers. Some are closed to vessel transit, others are closed to some gear types and not to others, and some are closed to specific target species. Some closed areas are very small in size and prohibit fishing by all gears (including gear used by the IFQ fleet). These areas include coral areas, seamounts, and pinnacles.

VMS is the only technology currently in use in the North Pacific that provides real-time positional information. If a vessel is carrying an active VMS, NOAA Enforcement and the Coast Guard have the capability to determine the vessel's location at all times. If an area is closed to all transiting, VMS can

determine compliance based upon VMS transmissions, eliminating the need for random surface or aerial patrols. Vessels would not have legitimate reasons to be in a no-transit area.

If an area, otherwise open to vessel transit, is closed to fishing, or to specific types of fishing, or to particular classes of vessels, the situation is more complex. Vessels may have legitimate reasons to transit the area. Some vessels may be allowed to fish in the area, and others may not be. Determining the activity of a vessel (e.g., fishing), based solely on its VMS track, is extremely difficult. VMS does not track the type of fish being brought on board a vessel, so it cannot be used to detect a directed fishing violation. Enforcement personnel can use it to monitor a vessel's behavior, its path with respect to closed or restricted areas, or area known to have stocks of fish species at particular times of year. This information, combined with knowledge about the vessel itself, its size, its processing capacity, the gears it uses, may allow NOAA OLE to identify vessels that are behaving suspiciously. It is then possible to work with the Coast Guard to target a vessel or area for more careful examination by vessel, plane, or helicopter.

Coast Guard Boardings for Fiscal Year 2012

The Coast Guard has developed specific contact rate requirements for fisheries law enforcement. These contact rates are designed to provide minimum level of boardings to adequately promote compliance with regulations, level the playing field for all participants, and protect the resource. The Coast Guard works closely with NOAA to identify the number of active vessels in each fishery to determine what the Coast Guard's annual goals should be based upon these rates. Given the Coast Guards resource levels, multi-mission focus, and the sheer size of the region, the Coast Guard never actually reaches these contact goals.

In conducting a very basic analysis of the Coast Guard boardings through the beginning of September for fiscal year 2012, the Coast Guard has been able to achieve approximately 25% of its goals for vessels without VMS, and for vessels that do have VMS they have been able to achieve approximately 55% of their goals for this year. This is a significant difference, and is largely related to being able to identify when and where specific fleets of vessels are operating, yielding a much more efficient use of limited enforcement resources.

Safety

Search and Rescue (SAR) is a challenge for the Coast Guard in Alaska because of the large fishing vessel fleets, and the extreme distances and weather that the Coast Guard must contend with on a regular basis. Kodiak is the furthest west that the Coast Guard operates an air station in Alaska. Air Station Kodiak is the primary SAR response resource for the Bering Sea. Due to refueling and alternative landing requirements, it may take a helicopter 2 to 3 hours just to get to the eastern edge of the Bering Sea and could take as long as 10 hours to reach the western end of the Aleutian Islands.

Commercial fishing vessels in the EEZ are required to carry lifesaving equipment which includes an emergency positioning indication radio beacon (EPIRB) that can be manually activated or is automatically activated if the vessel sinks. Some EPIRBs incorporate a GPS, while others do not. Coast Guard EPIRB requirements for fishing vessels do not require that the EPIRB include a GPS unit.

Unless the EPIRB has a built in GPS, or retrieves and stores location data from another on-board GPS, location information will not be precise, and may come with a time lag. The EPIRB location is computed based on 406 MHz signals sent to a satellite in a series of pulses. The satellite transits the sky and exploits the Doppler effect to determine the location of the EPIRB, by measuring the changes in the timing between receipt of the EPIRB impulses.

Often times an EPIRB satellite will only acquire the distress signal from a low angle orbit. In this case, only vessel identifying information is transmitted, but not a location. The satellite is unable to correlate a position until the next pass, which can take from five minutes up to two hours and longer in unusual circumstances. In the meantime, the Coast Guard will make call outs to the vessel, and broadcast an Urgent Marine Information Bulletin. Delays in the receipt of location information can reduce the potential for a successful SAR mission.

Indication of a distress situation comes to the Coast Guard in many different ways. Sometimes the information is robust, providing location, identity of the vessel, and the nature of distress, but often times this information is not complete. Examples of incomplete data come in the form of: 1) reports of overdue vessels, 2) uncorrelated mayday calls, and 3) unlocated located EPIRBs. In these cases, there may actually be distress, or there may not. Essentially, our search and rescue coordinators are presented with a mystery, and the Coast Guard and our partners have to investigate and solve this mystery. The most critical factor in the mystery investigation is time.

VMS provides significant advantage for SAR operations because of the real-time reporting of positional data. The vessel position information provided by VMS can greatly reduce search areas, can quickly allow Coast Guard to determine situations where no distress exists, or allows the rescue coordination center to reach out to other vessels that may be in the area where distress is suspected. The more vessels that are on VMS, the more opportunities Coast Guard Search and Rescue personnel have to reach out to individual vessels in an attempt to determine if there is distress and narrow the search field. See Appendix 5 for more information on how VMS is used in search and rescue operations.

In a review of the 65 search and rescue cases presented to the Council at the October 2012 meeting, there were six that involved situations where real time position information may be aided in resolution of the case.

Other monitoring technologies are limited because they lack this real-time capability. For example, the Council and NMFS have been developing an electronic video monitoring program as a component of the restructured observer program, to be implemented in 2013. While this technology would include vessel position data via an onboard GPS, the information is merely stored for later review. Additionally, for 2013, the program is strictly voluntary, and will only be deployed on a small number of vessels (likely less than 60). VMS is currently deployed on 556 vessels.

The addition of a VMS unit, combined with EPIRB equipped GPS, may provide a relatively accurate measure of the area within which survivors may be found. In many situations, this may help reduce the time it takes SAR teams to find and rescue survivors. In those cases where an EPIRB does not have a GPS or provide coordinates from another on-board GPS, the use of VMS to identify the last known position will provide precise location information for the location of drifting survivors and debris. Reducing the amount of time between receipt of a distress signal and the location of survivors can play an important role in reducing fatalities in a sinking. The Coast Guard could save search time by beginning a search in the general vicinity of the last known position from VMS before the accurate position from the EPIRB is transmitted. A comprehensive VMS program also provides the Coast Guard with a picture of all fishing vessels near a vessel in distress. The Coast Guard can determine the location of nearby fishing vessels and whether they can respond to a vessel in distress. Good Samaritans provide an invaluable resource to get help to those in distress when they may be hours away from Coast Guard resources.

VI. Previous Council action on Comprehensive VMS Requirements

In June 2005, the Council discussed the VMS issue, in connection with EFH/HAPC related proposals to implement VMS for the GOA. During that discussion, the Council recommended that NMFS develop an

analysis and alternatives to address the issue of broader VMS application in the GOA and BSAI in a manner that meets enforcement, monitoring, and safety issues. In response to the Council's request in June 2005, staff prepared a discussion paper for the December 2005 meeting, which included comprehensive implementation alternative, and alternatives that would reduce the burden of VMS requirements on the operators of small vessels, and of commercial fishing vessels that only entered Federal waters with the intent to transit between fishing areas within state waters. At the December 2005 meeting, the Council adopted a purpose and need statement and a list of alternatives for analysis. The purpose and need statement is provided below.

Purpose Statement

- 1) *To ensure/maximize the viability of the management, monitoring, and enforcement of additional spatial/temporal fishing boundaries and rationalization programs in the most cost-effective and efficient manner possible.*
- 2) *To enhance the scientific understanding of the impact of fishing activity on the marine environment in the most cost effective and efficient manner possible.*
- 3) *To permit more cost-effective and productive use of observers.*
- 4) *To increase the safety of fishing operations.*

Need Statement

The broader application of VMS to meet the increasing management, enforcement, monitoring, scientific, and safety issues caused by the development of additional spatial/temporal fishing boundaries, rationalization programs, and other evolving management and enforcement requirements.

At the February 2006 meeting, preliminary analysis indicated that under the comprehensive implementation alternative, vessels using seine, gillnet, power troll, and hand troll gear to fish for salmon and herring might be required to carry VMS. In some instances, vessels using these gears fished in State managed fisheries in the EEZ. NOAA OLE and the Coast Guard indicated there was little need to monitor movements of these vessels, as long as they didn't have an FFP or operator in Federal waters with other gears. These are not gears that are used to harvest federally-managed species, and they are not gears that may potentially damage bottom habitat in the EEZ. However, the Council determined that the public had not received adequate notice to comment on this alternative, and decided to defer action on modifying the alternative until its April 2006 meeting. At its April 2006 meeting, the Council revised Alternative 2 to include the above clarification and scheduled the action for initial review in October 2006.

At the October 2006 meeting, a draft RIR/IRFA was provided to the Council. During that meeting, the Council (a) adopted a problem statement to accompany the statement of purpose and need, (b) requested the evaluation of new options, and (c) rescheduled the analysis for initial review at its February 2007 meeting. The alternatives and options are provided in Appendix 2.

At the February 2007 meeting, the Council received a preliminary initial review draft. At that meeting the Council decided to postpone indefinitely any further work on a comprehensive VMS program. The Council noted that other tools may be available to address specific problems or enforcement needs for different circumstances, and a comprehensive solution may not be optimal. When this occurred, further analytical work was suspended on all the alternatives and options.

At its April 2007 meeting, the Council requested a discussion paper on VMS requirements in the dinglebar fishery. After the presentation of the discussion paper at the February 2008 meeting, the Council requested preparation of an analysis to exempt the dinglebar gear from VMS requirements. In June 2008, the Council recommended exempting dinglebar fishermen from the VMS requirement. The

Council concluded that any risk of illegal fishing in the Cape Ommaney and Fairweather Grounds HAPCs was insufficient to justify monitoring by VMS, given the cost imposed on lingcod fishermen. The Council reiterated a previous decision, that the need for VMS monitoring in Council fisheries should be evaluated on a case-by-case basis.

VII. Estimated cost of VMS

VMS costs for operations are expected to fall into the following categories:

- Purchase and freight
- Installation charges
- Initiation fee, if any
- Sale taxes
- NOAA OLE notification
- Transmission costs
- Maintenance costs
- Lost fishing time due to unforeseen breakdowns
- Replacement cost

It is difficult to estimate the average costs of installing and operating VMS. The fleet is diverse, and there are a variety of VMS packages available. Currently, there are 4 NOAA-approved VMS units available for use in the Alaska region (Appendix 1). There is no quantitative information about whether fishermen are paying list price, or a negotiating sale price, what the time requirements are for installation, what the nature is of the transmission packages they are buying, or the average number of days or months they are transmitting. Average cost estimates are summarized in Table 9.

Table 9 Average cost of VMS

Base unit cost with data terminal	\$2,971
Installation	\$239
Brackets	\$60
Initiation fee (with satellite service provider)	\$150
Notify NOAA OLE	\$11
Sales taxes	\$108
Total acquisition and installation w/out reimbursement	\$3,539
Transmission costs for one year for two poll per hour	\$815
Maintenance and repairs for one year	\$77

Note: Unit costs are from survey of NOAA approved VMS units available in the Alaska region. Installation and maintenance costs originated from the VMS exemption for dinglebar fishermen analysis dated March 31, 2009.

NOAA does have a current VMS reimbursement program that is jointly managed by NOAA and the Pacific States Marine Fisheries Commission, but that is subject to future appropriations. This program provides for reimbursement of a maximum for \$3,100 per unit and covers the cost of the VMS transmitter unit. To be eligible for reimbursement, vessel owners/operators must purchase an approved VMS unit and have it installed on their vessel and activated. Upon completion of the installation and activation, the vessel owner/operator must contact the VMS Support Center to ensure the vessel is properly registered in the VMS system. Once this is completed, NOAA OLE will issue the vessel a number that the vessel operator then includes on their reimbursement application to the Pacific States Marine Fisheries Commission. This reimbursement does not cover costs associated with tax, labor, and installation. Annual transmission, maintenance and repair costs of the VMS unit are estimated to be less than \$1000 a year.

Since VMS is an electronic monitoring system, the Magnuson-Stevens Act provides authority to assess a fee to cover VMS costs. The Council recently adopted a restructured observer program, which assesses a

1.25% ex-vessel fee on some fishery sectors to cover the cost of observers and electronic monitoring systems. During the development of the restructured program, however, the Council's discussion about the electronic monitoring (EM) component focused on using electronic video monitoring in these fisheries, rather than requiring VMS. In determining the amount of the fee assessed to industry, the Council was not envisioning the cost of VMS. While a voluntary EM pilot project is being proposed for 2013, further regulations will be required to institute a mandatory EM program of any kind.

VIII. Enforcement costs

Given the reduction in enforcement budgets for both U.S. Coast Guard and NOAA OLE, it becomes more critical to leverage the technological means of surveillance and locating fishing fleets across the entire North Pacific. For example, the IFQ halibut fleet, which makes up approximately 64% of the total groundfish, crab, and halibut fishing vessels in Alaska waters and is the single largest fishery by number of vessels in Alaska, operates almost entirely without VMS. Given these vessels are only permitted to fish in certain areas because of area-specific TACs, the enforcement and monitoring of the IFQ halibut fleet is costly. The U.S. Coast Guard cost for monitoring and enforcing the IFQ halibut and sablefish fleet was approximately \$17 million in 2011 (see Appendix 3 for calculations). VMS would greatly enhance the ability of both the U.S. Coast Guard and NOAA OLE to monitor these vessels to ensure they are operating in compliance with their permits. While requiring all IFQ vessels to have operational VMS units will not result in a reduction in enforcement expenditures, VMS units on all IFQ vessels will greatly enhance the efficiency of U.S. Coast Guard operations by reducing the time spent searching for vessels and vectoring in U.S. Coast Guard cutters for boardings. With a more efficient monitoring of the IFQ fleets, the U.S. Coast Guard and NOAA OLE could focus on monitoring and enforcement of other fleets that have had historically low enforcement contact rates due to the necessity of using limited assets and time on high precedence fisheries. This results in both more effective enforcement and monitoring for the IFQ fleets, and leveling out the enforcement and monitoring assets across the entire North Pacific fishing industry.

IX. VMS requirements in other regions

The Council requested a review of the VMS applications in other regions. Due to the way VMS is implemented, it is most appropriate to review the VMS applications from the six NOAA regions. These regions are the Northeast, Southeast, Southwest, Northwest, Alaska, and Pacific Islands.

The Northeast region encompasses all EEZ waters from Maine south to North Carolina, and includes the boundaries of both the New England Fishery Management Council and the Mid-Atlantic Fishery Management Council. VMS coverage in this region is the most comprehensive of any NOAA region. Fishing vessels are required to carry an operational VMS if they are operating in the following fisheries: scallop, monkfish, surfclam, ocean quahog, Maine mahogany quahog, and herring. With the exception of the scallop fishery, vessels in these fisheries must transmit a VMS signal once an hour. Vessels in the scallop fishery must transmit at least twice per hour. Vessels may power down their VMS units if (a) the vessel will be continuously out of the water for more than 72 hours and the vessel is issued and has onboard a NMFS letter of exemption, or (b) the vessel has a limited access permit and signs out of the VMS program for a minimum of 30 consecutive days, does not engage in any fisheries, and the vessel is issued and has onboard a NMFS letter of exemption. Prior to crossing the VMS demarcation line, generally defined as the state water boundary, vessels must declare via their VMS units the target species, gear, and area to be fished. Vessels are not permitted to change this declaration while outside the VMS demarcation line. For fisheries that do not require VMS, vessels already carrying VMS must continue to broadcast position information while participating in these other fisheries, but are not required to declare target species, gear, or fishing area.

Figure 1 shows an example of a VMS snapshot in the Northeast region. The figure shows one position per vessel, color-coded to the vessel's activity. Each color represents a different fishery. The benefit of the color codes is that enforcement personnel can get a quick view of where the various fleets are located in relationship to the areas where fishing is permitted and the authorized gear.

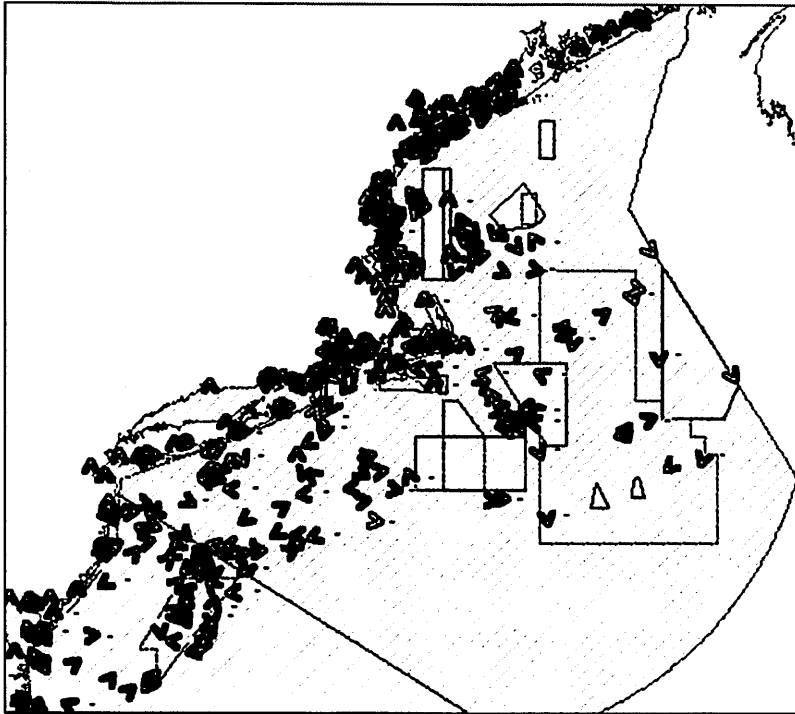


Figure 1 VMS snapshot in the Northeast region

The Southeast region extends from the North Carolina through the Gulf of Mexico to the Southern border of Texas. The region also includes U.S. territories of Puerto Rico and the U.S. Virgin Islands. The purpose of VMS in this region is to monitor compliance with area-specific regulations and track and prosecute violations for these restricted or prohibited areas. One example is the reef fishery. The region includes a number of area-specific regulations where reef fishing is restricted or prohibited in order to protect habitat or spawning aggregations of fish. Vessels required to carry VMS in this region include vessels ranging in length from 12' to 145' LOA that participate in the following fisheries:

- Gulf of Mexico commercial reef fish fishery
- Pelagic longline fishery for highly migratory species
- Shark fishery using gillnet and nonpelagic longline gear
- South Atlantic rock shrimp trawl
- A sample of vessels (about 550 of 1600) in the off-shore Gulf of Mexico shrimp fishery have VMS devices used to estimate effort
- Penalty fishery – vessels required to use VMS because they have violated fishery regulations

The Northwest region covers the states of Washington, Oregon, and California. The purpose of VMS in this region is to monitor compliance with groundfish conservation areas. VMS is required on any fishing vessel in federal waters that takes, retains, or transports groundfish. This requirement applies to any size vessel ranging in length from 17.5' to 308' LOA, which includes skiffs that carry small waterproof boxes to house the VMS unit. Required VMS declarations include the gear type used and area to be fished.

The Pacific Islands region covers the waters around the Hawaiian Islands, and the Western and Central Pacific. The EEZs in this region is very large and are often non-contiguous. The size of the EEZs creates problems for fisheries surveillance and enforcement, due to the distances involved and the scarcity of suitable logistic support throughout the region. Resources to conduct surveillance and enforcement are constrained by limited budgets and other information for fisheries management is generally insufficient and/or unreliable. The Western Pacific Fishery Management Council has developed the following policy concerning VMS:

- Where appropriate and desired, implement satellite-based fishing vessel monitoring system to assist fishery management programs in the region.
- Develop specific technical and operational guidelines for VMS programs under the authority of each FMP, as appropriate and in consultation with the domestic and foreign fishing industry and relevant government agencies.
- Concentrate VMS programs on the enforcement of area and seasonal closures (i.e., automated, real-time reporting of vessel identification and location) until such time when the Council, NMFS, and state/territorial agencies decide that real-time reporting of fisheries and research data is desirable and feasible.
- When developing VMS programs, consider efficiency and cost-effectiveness for the fishing industry and management agencies.

The Western Pacific was the first region to require VMS, dating back to the mid-1980s. VMS units are on vessels ranging in length from 41' to 260' LOA in the U.S. fisheries of the Western and Central Pacific, which are mostly longline vessels with a few bottom fishing vessels operating in the Commonwealth of the Northern Mariana Islands. Additionally, vessels permitted to operate in the Northwest Hawaiian Islands Monument are required to have an operational VMS unit. Information gathered from the VMS units in this region are the most basic, providing vessel name, position, date, and time.

In a recent review of the Western Pacific VMS program in 2010, the program appeared to be meeting the basic needs of the region's conservation and management measures. However, there were a number of issues raised concerning contracted service provider difficulties, the high operating costs of the VMS program, and data sharing arrangements which limit the VMS manager's ability to manage and use the system as well as member countries ability to conduct marine stewardship activities in their EEZ. To address these issues, a number of recommendations were included in the review. Some of these recommendations are noted below:

- Develop a central data base system to store all original VMS data received with a goal of eliminating redundant, separate satellite transmissions to multiple entities
- Move more ongoing/routine responsibilities for VMS management from the commercially-contracted service providers to trained Western and Central Pacific Fisheries Commission staff
- Update data sharing rules to allow the VMS managers, VMS operators, and technicians amongst the key players in the Western Pacific area to have full access to all the data under very strict confidentiality guidelines, and
- Reduce VMS costs by 1) reducing the amount of information transmitted, 2) ensuring correct polling rates across all vessels, 3) reduce polling rates when appropriate, and 4) reduce duplication of data transmission.

Appendix 1

Estimated costs for VMS installation and monthly monitoring in the Alaska Region: There are currently 4 NOAA type approved VMS units available for use in the Alaska Region, although as of July, 2011, no new installations of the GMPCS Thrane & Thrane Sailor TT-3026D VMS Gold are authorized by NOAA. For consistency, these units have been included in the pricing analysis to give the council an overview on cost ranges for these units.

1. CLS America Thorium VMS TST retails for \$3095, and includes the VMS Satellite unit, junction box, and data terminal. CLS America has two standard rate packages with 1 poll/hour costing \$45 per month, and 2 polls per hour costing \$55 per month. They also offer additional data rates for e-mail and other data transfers at a rate of \$1.75 per kilobyte. (As per phone conversations with Michael Kelly at CLS America.)
2. Faria WatchDog 750VMS retails for \$3195 and includes the messaging terminal. This company does not base their rates on number of VMS polls per hour, but rather on the number of bytes of information sent. The basic service is 12,000 bytes per month for \$40.00, and the average poll size for vessels in Alaska is 10 bytes. For 1 poll per hour, every day in a 31 day month, this would equate to about 7440 bytes, leaving a buffer of 4560 bytes for e-mails or other data transfers. The company also has a second data package available for 20,000 bytes per month at a rate of \$54.52. At a poll rate of 2/hour, this would equate to 14,880 bytes of information, with a 5120 byte buffer for additional data transmissions. Vessels requiring more data transmission than this are charged additional fees at a rate of \$1.70 per 1000 bytes, so even a 10,000 byte overage would only cost \$17. (Based upon phone conversations with Peter Harpon, on 16 Feb 2010.)
3. GMPCS Thrane & Thrane Sailor TT-3026D VMS Gold is no longer approved for new installations as of July 2011, but is included here for comparison as one of the type approved units for the Alaska Region. The VMS unit with data terminal costs \$2495, and each data report costs \$0.06. One position report per hour costs \$44 per month, and 2 position reports per hour costs \$88 per month. The company also charges \$1.05 per 175 character e-mail. (http://www.nmfs.noaa.gov/ole/docs/2011/07/noaa_fisheries_service_type_approved_vms_units.pdf)
4. Skymate/Orbcomm's Stellar ST2500G with closed Dell Laptop costs \$3100. Like Faria, Skymate does not charge based upon VMS polls per hour, but bases their rates on the number of characters sent. The standard position report in Alaska is 20 characters in length. Although they offer Silver, Gold, and Platinum data plans, the Silver plan does not provide for enough characters to be valid for current VMS reporting guidelines for the Alaska Region. The Skymate Gold plan costs \$38.99 per month for 20,000 characters. Given the 20 character position report for the region, 1 poll per hour for a 31 day month would equal 14,880 characters, allowing for some room for other data transfers within the guidelines of the data plan. For every 1000 characters over this plan's allotment, the vessel is charged an additional fee of \$1.90. The Skymate Platinum plan costs \$73.99 per month for 50,000 characters. A poll rate of two position reports per hour for a 31 day month would result in usage of 29,760 characters, providing a significant buffer for additional data use. Vessels are charged an additional fee of \$1.40 for every 1000 characters over those allotted to this service plan. (Based upon a phone conversation with Lindsey.)

Below is a table showing cost comparison for the VMS units with average costs for the different units and polling rates.

Company	Base Unit cost with Data Terminal	1 poll/hr. \$/month	Annual Cost for 1 poll/hr.	2 polls/hr. \$/month	Annual Cost for 2 polls/hr.	Additional Data Cost/KB
CLS American Thorium	\$3,095.00	\$45.00	\$540.00	\$55.00	\$660.00	\$1.75
Faria WatchDog	\$3,195.00	\$40.00	\$480.00	\$54.52	\$654.24	\$1.70
GMPCS Thrane & Thrane	\$2,495.00	\$44.00	\$528.00	\$88.00	\$1,056.00	\$2.70
Skymate/Orbcomm (Gold Plan)	\$3,100.00	\$38.99	\$467.88			\$1.90
Skymate/Orbcomm (Platinum Plan)	Same as Gold above			\$73.99	\$887.88	\$1.40
Average Cost	\$2,971.25	\$42.00	\$503.97	\$67.88	\$814.53	\$1.89

Appendix 2

Alternative 1 – no action

Alternative 2 – Require a transmitting VMS on any federally permitted vessel, and on any vessel with IFQ and/or CDQ halibut and/or sablefish on board, when it is operating in the EEZ or adjacent state waters. A federally permitted vessel would include vessels named on a Federal fisheries permit or on a Federal crab vessel permit. A transmitting VMS would also be required on any other commercial fishing vessel that operates in the EEZ with authorized fishing gear (other than hand troll gear, power troll gear, and troll gear, but including dingle bar gear).

Alternative 3 – Vessel are subject to the requirements of Alternative 2, except that they are not required to have a transmitting VMS when operating in a State-managed fishery in State waters, unless a transmitting VMS is required under another federal program. For the purpose of this alternative, a State-managed fishery means a fishery in which the landings are not counted against a Federal total allowable catch.

Alternative 4 – Vessels are subject to the requirement of Alternative 3, except for vessels which are subject to the VMS requirement because they have IFQ and/or CDQ halibut and/or sablefish on board, and that fish only in State waters.

Options – may apply to alternatives two to four:

Smaller operation exempts:

- Vessels less than a certain length overall (LOA) would be exempted from VMS requirements. Options include (1) less than 25 feet (2) less than 30 feet, and (3) less than 32 feet LOA.
- Allows for phased implementation where vessels over 32 feet LOA would be required to have VMS in 2007 and vessel equal to or less than 32 feet LOA by 2008.
- Vessels with minimal annual landings of halibut IFS and CDQ below the thresholds of 1,000, 5,000, and 10,000 pounds.
- Vessels with minimal annual landings of sablefish IFQ and CDQ below the thresholds of 1,000, 5,000, and 10,000 pounds.
- Vessels deploying dinglebar gear exempt.
- Troll fishermen operating in Federal waters who keep legal IFQ halibut as bycatch in their fishery are exempt.

Transit exemptions:

- Vessels with an FFP, operating in the EEZ, without authorized gear on board (other than hand troll gear, power troll gear, and troll gear, but including dingle bar gear) are exempt.
- Fishing vessels not required to have a FFP would not be required to have a transmitting VMS on board if the vessel operator (a) transits the EEZ with their fishing gear stowed; and, (b) notifies the USCG and NOAA OLE of their intent to simply transit the EEZ (a new check-in/check-out requirements).

Appendix 3

Coast Guard Methodology and Assumptions for IFQ Enforcement Costs

The following is a description of the methodology and assumptions used to arrive at the sum of \$17 million. It should be noted that these are very conservative numbers, and the actual cost is likely much higher due to the amount of time it takes for cutters and aircraft to locate these vessels to conduct a boarding.

Asset hours

The Coast Guard maintains a database of hours used by the various platforms by mission type. Domestic fisheries law enforcement is listed in this database as ELT FISH DOM. This database was used to determine hour usage by major asset type in the 17th Coast Guard District for calendar year 2011.

Aviation Assets and Assumptions

All aircraft resource hours assigned to the mission category "ELT FISH DOM" (Enforcement of Laws and Treaties Fish Domestic) by aviation units operating in the Seventeenth Coast Guard District from March 2011 – October 2011 were pulled from the Coast Guard Business Intelligence (CGBI) database.

Since IFQ Halibut and Sablefish boardings make up 40% (335 out of 833) of the Coast Guard's total fishing vessel boarding goals under the "ELT FISH DOM" resource hour category, we have assumed that 40% of the hours assigned to this resource hour category were used towards enforcement of IFQ Halibut and Sablefish goals. Therefore, to calculate the total USCG expenditures for each resource type, we multiplied the number of resource hours expended by the in government reimbursable rate, and multiplied this value by .40 to arrive at the total cost per asset type. The result is a fairly conservative cost assumption, as the lack of VMS data for most IFQ vessels results in a significantly more time spent in locating vessels targeting IFQ species compared to other fisheries.

Cutter Assets and Assumptions

Coast Guard cutter enforcement generally falls into four classes of vessels, High Endurance Cutters (HECs), Medium Endurance Cutters (MECs), Patrol Boats (WPBs), and Buoy Tenders (WLBs). For all cutters with the exception of WPBs, boardings of IFQ Halibut or Sablefish vessels were tallied for each of the types in calendar year 2011. We applied a 5 hour time period for each of these boardings to account for patrol time to locate the fishing vessel, conduct pre-boarding questions, and complete the vessel boarding. This 5 hour estimate is a conservative assumption as cutters often expend many more resource hours towards IFQ enforcement goals without conducting any boardings due to the large temporal and spatial span of the IFQ Halibut and Sablefish fisheries, poor weather conditions and other factors that hamper enforcement efforts.

WPB's are the workhorses of our afloat IFQ enforcement efforts. Since IFQ Halibut and Sablefish are the only federally managed fisheries in Southeast Alaska, the three WPBs that work for Sector Juneau spend nearly all of their time searching for and boarding IFQ vessels. As such, we estimate that 90% of the "ELT FISH DOM" hours expended by Sector Juneau WPBs are being used for IFQ enforcement. Sector Anchorage WPBs split time between IFQ efforts and other federally managed fisheries in the Gulf of Alaska. Therefore, we have estimated that 50% of the "ELT FISH DOM" hours expended by Sector Anchorage WPBs are used for IFQ enforcement.

Base Unit Costs

The cost for enforcement of the IFQ fisheries is based upon first obtaining a standard rate for each of the platform types used to patrol, locate, and board IFQ vessels. The cost/hour for each of our platform was taken from the Coast Guard COMMANDANT INSTRUCTION 7310.1M, Coast Guard Reimbursable Standard Rates, current as of 31 August 2011. The standard in government reimbursement rates for Coast Guard assets in the Seventeenth District who conducted IFQ enforcement are as follows:

Platform Type	In Government cost \$/hour
C-130 Aircraft	\$14,439
H-60 Helicopter	\$11,251
H-65 Helicopter	\$8,640
High Endurance Cutter (WHEC and WMSL)*	\$12,974
Medium Endurance Cutter (WMEC)	\$12,876
Buoy Tender (WLB)	\$6,301
Patrol Boat (WPB)	\$3,105

*Note – As there is currently no standard rate listed for the WMSL, our new National Security Cutters, we have assumed the cost for these large cutters to be equivalent to the High Endurance Cutter.

Appendix 4

Enforcement Committee minutes

Birch Room, Hilton Hotel, Anchorage, AK
October 2, 2012 1-2pm

Committee: Roy Hyder (Chair), Asst Special Agent in Charge Ken Hansen, LT Anthony Kenne, Martin Loefflad, Glenn Merrill, Special Agent in Charge Sherrie Myers, Jon Streifel, Garland Walker, and Diana Evans (staff)

Others present included: Brad Robbins, Sarah Melton, Guy Holt

1. Transit around Round Island walrus protection area

At the June Council meeting, the Council initiated a regulatory amendment to address a problem, identified by the Enforcement Committee, related to enforcement concerns with existing regulations. Currently, vessels with Federal Fishing Permits are prohibited from transiting between 3 and 12 nm around Round Island and Cape Pierce. The Committee received a short update from Ken Hansen about his discussions on this issue with the US Fish and Wildlife Service (USFWS). Ken has recently received a letter from USFWS (attached) providing input that is relevant for the analysis, and **the Committee recommends that the letter be provided to Council staff for use in the preparation of the analysis.** Additionally, the USFWS provided a fact sheet with guidelines for marine vessel operations, for distribution to marine vessels that may be operating near Pacific walrus haulouts in Bristol Bay. The Committee recognizes that currently, there is confusion for the fleet about the enforcement of the existing regulations. This confusion will be alleviated with Council action on the regulatory amendment, and the Committee looks forward to the Council's review of the analysis.

2. VMS discussion paper

Diana Evans presented the VMS discussion paper that was authored by Jon McCracken. The Committee commended Jon on his paper, which provides valuable information on current and potential future uses for VMS in Alaska. If the Council chooses to continue exploration of this issue, the Committee provided some considerations to be included in a future iteration.

The Committee discussed whether there could be further evaluation of how having VMS on vessels would affect management, enforcement and compliance, or safety needs. Committee members noted that it may be possible to review previous search and rescue cases. There are additional factors that go into a successful search and rescue, which make it difficult to isolate and quantify the specific effect that having a VMS unit might play. However, an effort could be made to evaluate previous cases with a view to determining the size of the initial search area for vessels without VMS, and compare that to vessels with VMS. Quickly identifying the relevant search area is a critical element of a successful search and rescue effort, allowing for immediate deployment of assets, as well as the identification of potential Good Samaritan vessels that may be in the area.

Committee members also discussed that having VMS data substantially improves efficiency in both investigating and litigating enforcement violation cases, although it is difficult to quantify this improvement. For the IFQ fleets, which are largely the fleets that are not currently required to have VMS, the primary enforcement focus is to ensure that harvest occurs in lawful areas (as many of the EFH groundfish management closure areas do not apply to these fleets). Therefore, much of the evaluation of

VMS data would be able to be automated or routinely conducted via landing records, and additionally, there tends to be an increase in compliance following VMS implementation.

The Committee also considered the discussion, in Section III, of the fleets that are not currently required to carry VMS. The Committee noted it would be helpful to see a further refinement of vessel counts by size in the four fleets, especially within the 30' to 60' LOA category. The Committee suggested that there are other relevant length class breakpoints that would be useful to evaluate within this category. For example, the length class for IFQ D class shares is 35' LOA, so it would be helpful to distinguish vessels above and below this threshold.

Additionally, the Committee suggested that it would be useful to have further analysis regarding the number of vessels in each fishery having landed fish from multiple regulatory areas, and those that have primarily landed fish from a single regulatory area.

The Committee noted that the title of the subsection in Section IV, "Alternatives to VMS", may be confusing, and the Committee recommends that the subsection instead simply refer to "Other available monitoring tools". For example, the discussion paper clearly explains that Automated Information System (AIS), while an electronic monitoring tool, is not a viable alternative to VMS for enforcement and management needs. AIS certainly has utility, especially for safety when transiting in congested traffic areas, and providing constant locational data when it is within reach of a receiver. VMS, however, provides complete coverage of all fishing grounds within the EEZ, and cannot lawfully be turned on or off.

Finally, the Committee notes that if the Council decides to move ahead with an analysis of this issue, the Committee would have suggestions about how to minimize the impacts of this requirement on the fleets. The Committee would be happy to further develop those suggestions at the appropriate time.

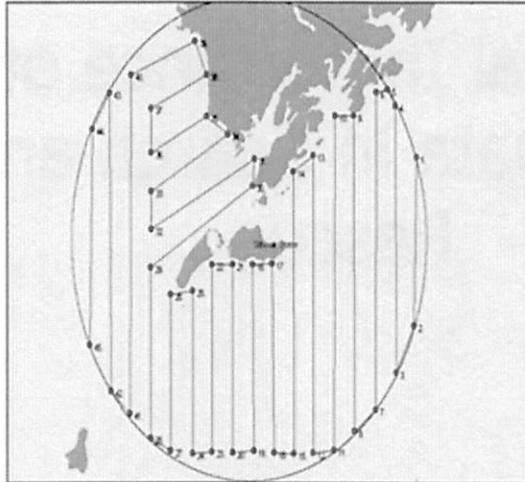
Critical Importance of VMS Data in Search and Rescue

Search & Rescue (SAR) Scenario

- ▶ **Sector Anchorage receives an Uncorrelated Distress call over the Sitkinak High Site on VHF-FM CH16.**
- ▶ **All that is heard before the radio goes silent is "Coast Guard I'm sinking!"**
- ▶ **Sector Anchorage immediately puts out an Urgent Marine Information Broadcast (UMIB) and promptly begins planning the response.**
- ▶ **No replies are made to the UMIB.**

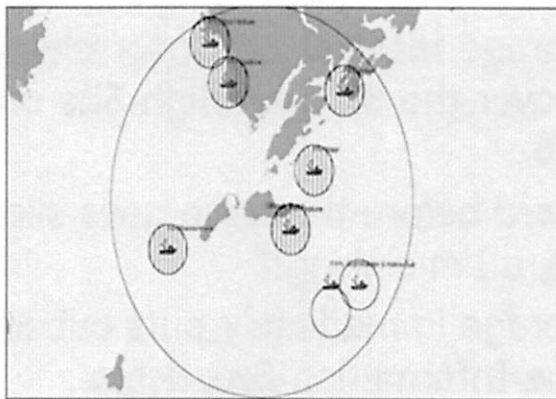
SAR Without VMS Data

- C-130 search
- 7-person crew
- 180 kts
- 6441 SQNM
- 7.32 hours on-scene
- Search object: 45ft fishing vessel
- Coverage factor of 1



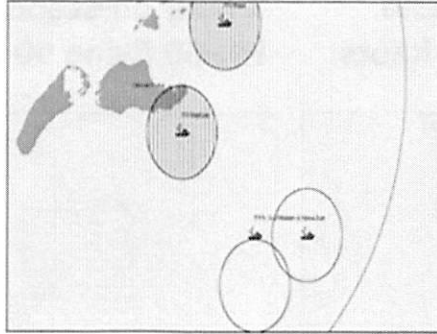
SAR With VMS data

- Sector Anchorage makes callouts to each fishing vessel showing on VMS.
- Six fishing vessels didn't hear the call, eliminating the need to search those areas.
- Based on a 30ft antenna height=6.41NM radius
- **Eliminating search areas can be as important as knowing where to search.
- Two fishing vessels did hear the call.



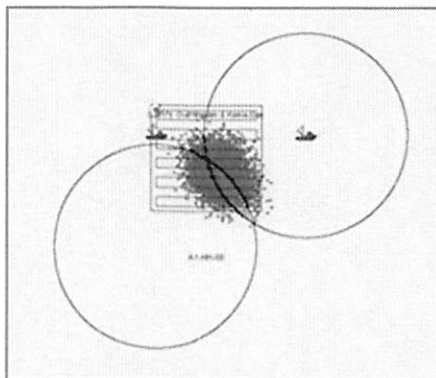
SAR With VMS Data

- ▶ Search "the football".
- ▶ Overlapping range rings determine the search area.
- ▶ Drastically reduces the search area.



SAR With VMS Data

- ▶ HH-60
- ▶ 4-person crew
- ▶ 90 knots
- ▶ Search object: Raft
- ▶ 45.90 SQNM search
- ▶ 1 hour on-scene



Summary

Without VMS data:

6441 SQNM search

7.32 hours on-scene

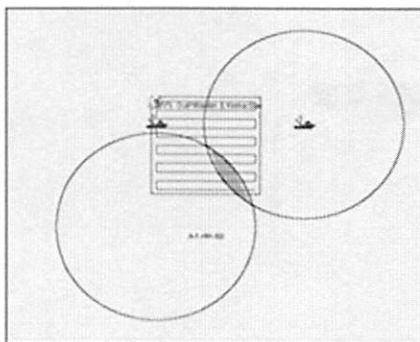
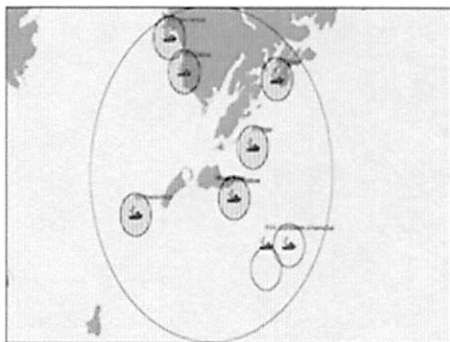
C-130 flying 180 knots

With VMS data:

45.90 SQNM search

1 hour on-scene

HH-60 flying 90 knots



Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

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Website: <http://www.seafa.org>



November 26, 2012

North Pacific Fishery Management Council

Eric Olson, Chair

605 W. 4th Avenue, Suite 306

Anchorage, AK 99501

Submitted via email: npfmc.comments@noaa.gov

RE: D-1 (B) Discussion Paper on VMS use and requirements

Dear Eric Olson, Chair and Council Members,

Southeast Alaska Fishermen's Alliance (SEAFA) is opposed to an expanded VMS program. We believe that the NPFMC acted appropriately in 2007 and that before moving forward, problems should be identified in specific fisheries and provide possible alternative solutions for the specified problem in addition to VMS.

The expanded discussion paper is still not identifying or leading towards the identification of serious problems that can only be addressed by VMS.

For example the fishery identified as having the least amount of VMS coverage is the halibut IFQ fleet. Yet, one of the most compelling reasons for VMS use is listed on page 8 as a tool for in-season management closure precision, which does not pertain to this fleet. VMS does not even address the issue on page 10 of fishermen "smuggling fish past normal monitoring systems".

SEAFA is concerned about the cost effectiveness of an expanded VMS program on vessels with small amounts of Halibut, Sablefish or involved in

the CDQ fisheries, including the cost of maintaining the system in standby when the fishery is done.

The Western Pacific Fishery Management Council developed a four point policy concerning VMS which is consistent with the Feb 2007 Council discussion of the Council to drop further work on expanding VMS (page 17) without a specific issue in a particular fishery needing to be addressed.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line extending to the right.

Kathy Hansen
Executive Hansen



Alaska Longline FISHERMEN'S ASSOCIATION

Post Office Box 1229 / Sitka, Alaska 99835 907.747.3400 / FAX 907.747.3462

November 23, 2011

RECEIVED

NOV 26 2012

Eric Olson, Chair
NPFMC
605 West 4th St, Ste 306
Anchorage, AK 99501
Dear Chairman Olson,

On behalf of the Alaska Longline Fishermen's Association (ALFA), I would like to submit the following comments on the VMS Discussion paper, **Agenda Item D-1(b)**.

ALFA members do not object to providing positional data for fishery managers. However, ALFA maintains that the at-sea monitoring needs of the Alaska's small community based vessels should be considered as an integrated package. This approach is currently on the Council's agenda for June 2013. At that time reasonable alternatives such as GPS data loggers and eLog software should be included in the analysis. The analysis should also be fishery-based and focused on the specific monitoring needs of the affected fisheries. ALFA opposes the current ad-hoc approach to fast-tracking various alternatives for at-sea monitoring such as human observers and VMS. **Therefore, ALFLA recommends the Council take no further action on VMS until they develop the strategic plan for an integrated at-sea EM program for the "vessel selected" fleet.**

The VMS Discussion paper notes that the majority of the 731 Non-VMS vessels larger than 30' participate in the IFQ halibut and sablefish fisheries. The need for VMS must be evaluated in the context of at-sea data needs from these fisheries. Although alternatives to VMS, such as GPS data loggers and eLogs software do not provide real-time data, they may meet monitoring objectives for the halibut/sablefish IFQ fisheries as a considerably lower cost than VMS. For example, the "Trackstick Pro" GPS data logger (see attachment) sells for less than \$250. Ten to fifteen boats could be equipped with a GPS data logger for the price of a single VMS unit. The IPHC and NMFS are currently evaluating pilot projects using data logger and eLog software technologies. Any analysis of VMS should include these more cost effective alternatives.

Section V of the Discussion paper describes the major purposes for VMS as in-season management, enforcement and safety. The IFQ fisheries do not have in-season closures, making the need for

expensive real-time monitoring questionable. Incorporating information into stock assessments related to fishing patterns can be done post-season. Enforcing compliance with regulatory areas, and closed areas can be done post-season, using automated software to save costs. Deployment of at-sea enforcement assets can be informed by seasonal fishing patterns identified in weekly catch reports and by simply talking to fishermen (every fisherman knows they will often find the same boats in the same areas during good weather windows). Finally, while safety is a major concern to ALFA members, USCG regulation currently require commercial fishing vessels to carry Category 1 406 mhz EPIRB's. These EPIRBS are satellite based distress beacons which contain an identifying code specific to the vessel, and allow rescue personnel to rapidly home in on the exact location of the vessel in distress. The category 1 designation means the units are designed to float free of a sinking vessel and automatically trigger a distress signal. While VMS units are not designed to trigger a SAR response, activation of an EPIRB is designed to initiate a SAR response. Observers can be equipped with personal 406 EPIRB's if providing them with a way to signal an emergency is of concern. ACR makes personal locator beacons using 406 mhz technology which sell for less than \$300. Equipping 20 to 30 observers with 406 mhz PLB's at \$300/unit is far more cost effective that requiring 731 vessels to carry VMS at \$3,500/unit with additional transmission charges.

In closing, ALFA opposes the current ad-hoc approach to fast-tracking various alternatives for at-sea monitoring such as human observers and VMS without developing an integrated package. ALFA members would like to go on record requesting a deliberative process allowing alternatives and detailed descriptions of proposed regulations to be fully evaluated by stakeholders. The scope of the analysis should include the issues and alternatives raised in these comments. Additionally, the economic analysis on the halibut fishery looking at revenue and debt service developed as part of the halibut charter allocation EA/RIR, and the costs of the restructured observer program should be part of this integrated analysis.

The VMS Discussion paper clearly identifies the halibut and sablefish IFQ fisheries as the primary vessels affected by this action. Of particular concern to stakeholder is the effect of these combined regulatory actions on fleet consolidation and loss of crew jobs. Rather than using the expedited process of the restructured observer program, which differed many of these vital issues to NMFS without appropriate stakeholder input, ALFA is requesting the Council consider reasonable alternatives and take a hard look at the combined effect of their proposed actions.

Sincerely,



Linda Behnken
(Executive Director, ALFA)

Trackstick Pro

APPLICATIONS

- Vehicle location and route history
- Delivery vehicle monitoring
- Package / container shipment history
- Long haul trucking route validation
- Employee and vehicle monitoring
- Public safety
- Law enforcement
- Homeland security
- DOT reporting

DESCRIPTION

The Trackstick Pro is a tiny GPS data logger capable of continuously recording its own location histories for extended periods of time. This device is powered by an included cigarette lighter plug or can be hard wired to any vehicle.

The Trackstick Pro is the perfect solution for companies and individuals looking a way to record and validate vehicle, shipping or truck routes.

With 4Mbit of memory, the Trackstick Pro can log weeks or even months of travel histories. User selectable features allow the record time to be changed from a recording interval of every 5 seconds or from 1 minute up to every 60 minutes. A "first in, first out" memory map will continuously record while erasing the oldest location histories first.

The Trackstick Pro can be permanently mounted on a vehicle in plain sight, covertly installed or removed from the cradle and placed on the dashboard. An internal software alarm will time stamp any power interruptions and can be viewed when the data is downloaded. Measuring only 2 1/2" X 2" X 3/4", the weatherproof case can be mounted via the cradle and screw pads.

The Trackstick Pro records Date, Time, Location, Speed, Direction, Altitude, Signal Strength and Temperature. All information can be instantly "dumped" via the included USB cable and software. Mapping and reporting software is also included. No monthly fees are required and everything is included.



FEATURES

- 2 1/2" X 2" X 3/4"
- Weatherproof case and detachable cradle.
- Firmware alarm notifies of any power interruptions.
- 4Mb flash memory records months of location histories.
- Runs on 5 – 24 volts DC with less than 6mA during normal operation.
- Built in temperature recorder
-10°C / +14°F to +60°C/140°F +/- 1°C
- Can be powered by the on-board USB port and plugged into any computer.
- "Live Track" maps its actual location in real time. (not for remote viewing over the internet, local use only)
- Integrates directly into Google Earth for worldwide use.
- Fully compatible with all versions of Trackstick Manager Software, Microsoft Streets and Trips and other off the shelf programs via .CSV file format.
- Requires Windows XP or 2000 compatible computer with USB1.1/2.0 port for mapping and data retrieval.

November 27, 2012

Chairman Eric Olson
North Pacific Fishery Management Council
605 West 4th Ave., Suite 306
Anchorage, Alaska
99501

Mr. George Hutchings
Commercial Fisherman
P.O. Box 8242
Kodiak, Alaska
99615-8242

Via: email at npfmc.comments@noaa.gov.

RE: Agenda Item D-1(b), VMS use and requirements, expanded discussion paper.

Dear Chairman Olson,

On behalf of the association Americans For Equal Access (AFEA), thank you for this opportunity to provide written comments on Agenda Item D-1(b), the expanded discussion paper on VMS coverage and use entitled "Overview of Vessel Monitoring System Discussion Paper, December 2012."¹ We have reviewed the expanded discussion paper (and previous versions), which was postponed during the last Council meeting in October. We have also attended the past three Enforcement Committee meetings during which the VMS paper was discussed and comments were provided. AFEA would like to thank Council staff for their work thus far, the Enforcement Committee for their review and input, and the Council for its inclusion in the discussion of VMS coverage and use fisheries and fleets not yet covered, enforcement concerns and constraints, and possible funding mechanisms. The following comments represent the collective interests of the members of AFEA.

The Council has set in motion the much-needed process of reviewing and revising coverage and use of VMS in the North Pacific fleets, of which only four remain without VMS requirements: the halibut IFQ and CDQ, GOA sablefish IFQ, and jig fleets. All remaining groundfish and crab fleets are required to have and use VMS.² Critically, the IFQ halibut fleet is the single largest fishery by number of vessels in Alaska but operates almost entirely without VMS.³ These vessels are only permitted to fish in certain areas because of their area-specific TACs. Currently, without VMS monitoring, enforcement must be done through U.S. Coast Guard presence – fly-overs and boardings – which is prohibitively expensive. VMS use will enhance the ability to monitor these vessels and ensure they are operating in compliance with their permits.

AFEA would like to see the Council, NMFS, NOAA Office of Law Enforcement, the U.S. Coast Guard together work with industry to cooperatively develop and implement a program to fully use VMS for surveillance, monitoring, and enforcement in all North Pacific fishing fleets. The anticipated reduction in enforcement budgets and personnel for the USCG and NOAA OLE make it all the more urgent that we fully utilize VMS as the primary technological means of monitoring

¹ AFEA members share the common goal of fair and equitable public access to fisheries resources.

² See VMS Discussion Paper Discussion Paper – December 2012, pgs. 3-6.

³ *Id.* Pg. 15.

the entire North Pacific fishing fleet. If the Council decides to move ahead with an analysis of VMS coverage and use, AFEA supports the Enforcement Committee's previous offer of suggestions about how to minimize the impacts of this requirement on the fleets. Further discussion on the possibility of funding VMS expansion through the Observer Program's electronic monitoring provisions would also be warranted. AFEA would appreciate the opportunity to further develop those suggestions at the appropriate time on anticipated costs and reimbursement and funding options.

AFEA appreciates the opportunity to contribute to the discussion at this initial point in the Council process, and reiterates its comment that we would like to see VMS on and used by all vessels in the North Pacific – for monitoring and enforcement, but also for safety and to level the playing field for all participants in North Pacific fisheries.

Thank you,
(signed)
George Hutchings,
President – AFEA

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: D-1(b) VMS REGULATIONS

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Linda Behnken	ALA FR
2	George H. ...	SALA
3	Seah Mottor	Franklin Fish Co. ...
4	Paul Mac Gray	As observer another member.
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.