

# Public Testimony Sign-Up Sheet

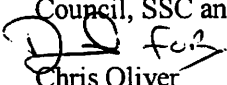
## Agenda Item C-8 VMS

NAME (PLEASE PRINT)	AFFILIATION
1 ✓ STEPHEN MORGAN	CLS AMERICA, Inc.
2 ✓ RICHIE DAVIS	SEAFOOD PRODUCERS CO-OP
3 ✓ Anne Williams	Alaska Longline Fisherman Assn.
4 ✓ Carter Hughes	Alaska Trollers Assoc.
5 ✓ JUANNE C. MURPHY	PUDWA
6 ✓ DR. DOCHTERMANN	SELF
7 ✓ JHANN C. DOCHTERMANN	SELF
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

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.

MEMORANDUM

TO: Council, SSC and AP Members

FROM:  Chris Oliver  
Executive Director

ESTIMATED TIME 4 HOURS
---------------------------

DATE: January 31, 2007

SUBJECT: Extended Vessel Monitoring System (VMS) Coverage in the Alaska Region

ACTION REQUIRED:

Preliminary initial review of EA/RIR/ IRFA

BACKGROUND:

In December 2005, the Council initiated an analysis to increase the number of commercial fishing vessels operating in the EEZ off Alaska that are subject to requirements to carry a transmitting VMS. A VMS combines a global positioning system (GPS) and a radio, and sends periodic signals to overhead satellites so the location of the vessel carrying it can be tracked remotely.

The alternatives for analysis were developed over several meetings in 2006. The Council reviewed a preliminary draft analysis in October and requested additional information and analysis. A revised draft was distributed to you in mid-January. The executive summary is attached as Item C-8(a). Dr. Ben Muse (NMFS) will be on hand to present the results of this analysis.

Additionally a letter from Jeff Passer NOAA enforcement is attached for your review and consideration (Item C-8(b)).

## Executive summary

In June 2005, the North Pacific Fishery Management Council (Council) requested an analysis of an extension of existing VMS requirements to additional vessels. The Council received an initial review draft of an analysis of its alternatives and options at its meeting in October 2006.

At that time the Council requested analysis of four additional options in a revised initial review draft. The Council requested that the analysis be provided at its February 2007 meeting. If the Council had approved the release of the draft document for public review and comment in February, it would have been able to take final action at a subsequent Council meeting.

It has not been possible to complete the evaluation requested by the Council in the time available. This document, a preliminary initial review draft, has been prepared to summarize the results of the analysis that have been completed at this time (mid-January 2007), in order to brief the Council, its Enforcement Committee, Scientific and Statistical Committee, and its Advisory Panel.

Analysis of the alternatives and options is ongoing, and a complete revised initial review draft should be available for the Council's April 2007 meeting.

This document does not provide a complete analysis of this action. It summarizes key results of analytical work since October. It does not summarize all the changes that will be made to the final document, but provides information on selected topics on which substantial progress has been made.

The Council has adopted the following problem statement, and statement of purpose and need:

The National Marine Fisheries Service (NMFS) required implementation of Vessel Monitoring Systems (VMS) to ensure compliance with Steller sea lion area closures, fisheries rationalization programs, and Essential Fish Habitat (EFH) designations. Current VMS regulations have been implemented in a piecemeal manner to address these specific requirements.

Rationalization programs have spread fishing activity spatially and temporally, allocated resources into smaller and smaller quantities, often allow for transfers, and tend to be complex. Furthermore, the conservation and management of listed species; habitat areas of concern; and fishery resources, including prohibited species, has required a proliferation of time and area specific restrictions and closures.

In June 2005, the Council directed a broader more comprehensive analysis be conducted of the potential application of VMS for federally permitted vessels and non-permitted vessels in the EEZ with authorized gear on board. Compliance with regulations is necessary to achieve conservation, economic, and social objectives of these management programs and VMS is a tool which could greatly benefit those charged with monitoring and enforcing these programs, as well as provide the data upon which these programs may be assessed. VMS has also been found to enhance Coast Guard search and rescue efforts, thereby contributing to fishing safety. However, broad application of VMS coverage to all other federal fishery participants may be problematic owing to the diverse nature of Alaska's commercial fishing fleet.

To determine the appropriate monitoring technology requirements onboard vessels, the Council will balance, to the extent practicable, the benefits of VMS coverage versus the

cost of system installation, operation, and maintenance. While determining VMS requirements, the Council will also consider the availability of other enforcement tools, the cost and reliability of the technology, and characteristics of participating vessels. The need is:

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.

The purposes are:

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.

The Council has requested an analysis of the following alternatives and options:

1. No action alternative.
2. Require a transmitting VMS on any federally permitted vessel, and on any vessel with IFQ and/or CDQ halibut 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 (50 CFR 679.4(b) and 680.4(k)). A transmitting VMS would also be required on any other commercial fishing vessel that operates in the EEZ with authorized fishing gear (except hand troll gear, power troll gear, and troll gear, but not excepting dingle bar gear) as defined in 50 CFR 679.2).<sup>1</sup>
3. Vessels 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 (TAC).
4. Vessels are subject to the requirements 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.

The following options may apply to the alternatives:

- Smaller operation exemptions:

---

<sup>1</sup>The text of Alternative 2 has been modified from the Council language for clarity. The original text, as adopted by the Council in April 2006, is "Require a transmitting VMS on any vessel with any Federal fishing permit, including vessels with IFQ and/or CDQ halibut and/or sablefish on board, when it is operating. 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) as defined in 50 CFR 679.2."

- Vessels less than a certain length (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 vessels equal to or less than 32 feet LOA by 2008.
- Vessels with minimal annual landings of halibut IFQ below the thresholds of 1,000, 5,000, and 10,000 pounds.
- Vessels with minimal annual landings of sablefish IFQ below the thresholds of 1,000, 5,000, and 10,000 pounds.
- Vessels deploying dinglebar gear are 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 an 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/checkout requirement).

This preliminary initial Council review draft provides a preliminary and partial analysis of the three options the Council adopted in October 2006. Section 4.1 of this report contains key elements of the executive summary from the October 2006 initial review draft.

Section 4.2 examines the impact of the options that exempt vessels with IFQ and CDQ halibut under 1,000, 5,000, and 10,000 pounds, and the options that exempt vessels with IFQ and CDQ sablefish under 1,000, 5,000, and 10,000 pounds. In addition to the thresholds requested by the Council, additional thresholds have been provided for illustrative purposes. Data is provided for all vessels with halibut and sablefish, even if they are required to carry VMS under the status quo. In addition, data is provided only for vessels that would have to acquire VMS under Alternative 2. The latter data is provided for all vessels together, and separately for vessels that only fish in the BSAI, vessels that only fish in the GOA, and vessels that fish in both areas.

For halibut vessels that would have to acquire VMS under Alternative 2, the ratio of mean acquisition costs to mean revenues from all sources ranges from about 16 percent for vessels with 0 to 1,000 pounds of halibut, down to about a half percent for vessels with more than 25,000 pounds of halibut. Mean annual costs as percent of mean revenues from all sources ranged from about 2 percent to about a tenth of a percent, over the same range of categories.

The tables also provide these ratios of mean costs to mean revenues from IFQ and CDQ halibut only. The ratios for acquisition costs for halibut vessels that acquire VMS under the status quo ranged from 253 percent to 7/10ths of a percent for the same range of halibut landings categories. The ratios for mean annual costs to IFQ and CDQ revenues ranged from 32 percent down to about 1/10<sup>th</sup> of a percent.

Similar estimates are provided for sablefish.

In addition to providing information on the ratio of mean costs to mean revenues, the tables also provide an alternative view of the data, by providing estimates of the mean ratio of cost to revenue for the individual operations. These percents are higher than the ratios of mean costs to mean revenues, because the percents for individual operations can often be quite high (for example, if acquisition cost is \$2,174 and revenues are \$74, costs are 2,938 percent of revenues). These high percentages can dominate the

percents associated with costs for higher grossing operations (the same \$2,174 cost is 1.5 percent of \$145,000), and lead to large mean percents.

Section 4.3 provides information about a Council proposal to exempt vessels with FFPs fishing with dinglebar gear in the EEZ from the VMS requirement. Dinglebar gear is used in the EEZ in a State managed fishery to harvest lingcod. These vessels are currently required to carry VMS under the status quo. Nine vessels with FFPs were estimated to use this fishing gear under the status quo. Mean gross revenues for these vessels from all sources were \$118,713. Mean gross revenues from dinglebar gear were \$12,132. The mean cost for purchasing and installing VMS was estimated to be \$2,174, and the mean annual operating costs for these vessels were estimated to be \$188.

Section 4.4 provides information about a Council proposal to exempt trollers with IFQ halibut on board from the VMS requirement. Trollers were exempted from the VMS requirement in the alternatives, if they had no other reason to carry a VMS unit. The other reasons in this case were that they might carry a FFP or FCVP, or if they might have IFQ halibut or sablefish on board. Normally a troller is required to discard incidental halibut catches. However, if a troller carries an IFQ permit holder, or the permit holder's designated hired skipper, it is required to treat any incidental halibut catch as IFQ halibut and retain it. This option is meant to provide an exemption for trollers with IFQ halibut on board. Seven salmon trollers appear to have retained incidental halibut catches. Mean gross revenues for these trollers were \$34,900 from all sources (almost entirely salmon and halibut revenues). Mean gross revenues from troll caught halibut were \$745. Mean acquisition costs were estimated to be \$2,174, and mean annual operating costs were estimated to be \$246.

Section 4.5 provides an analysis of the fiscal costs of implementing additional VMS coverage. Under Alternative 2, the most comprehensive alternative, the additional costs for VMS technical support may come to about \$300,000 a year. However, it is also reasonable to expect the extension of VMS to provide economies in NMFS OLE and USCG enforcement efforts, flowing from more effective targeting of enforcement agent time, more effective use of Coast Guard vessels and aircraft in at-sea monitoring and boardings, and from other sources.



UNITED STATES DEPARTMENT OF COMMERCE  
NOAA / National Marine Fisheries Service  
Alaska Enforcement Division  
P.O. Box 21767  
Juneau, Alaska 99802-1767

DATE: January 9, 2007

MEMORANDUM FOR: Chris Oliver, Executive Director  
North Pacific Fishery Management Council

FROM: D. Jeffrey Passer, Special Agent in Charge  
Alaska Enforcement Division

SUBJECT: VMS on small vessels in Southeast Alaska

A handwritten signature in black ink, appearing to read "Jeff Passer", written over the typed name of the sender.

Requiring Vessel Monitoring Systems (VMS) on small vessels has been a sensitive topic within Alaska this past year. Although the Analysis written by Ben Muse of NOAA Fisheries is very detailed, there are some issues I feel the Council and NOAA Fisheries need to have highlighted by Enforcement which are important.

Our office continues to get requests for VMS data from other NOAA offices which want the data for management or scientific purposes. Catcher vessels less than 60 feet are not required to comply with recordkeeping and reporting requirements at 50 CFR 679, and they are not required to have observers on-board. Halibut logs and fish tickets are limited in the data they collect. Knowing more detail of vessel activity besides where it fished can be very important to economists. For example, questions have been asked concerning how many, and why, vessels leave one southeast Alaska port and then land their fish in a different port. Current records do not give insight to this information. Other requests for the use of VMS include wanting to know how long a vessel is at-sea, distances traveled, and concentrations of fishing effort to study local area depletion.

Every year our office gets calls from fishermen complaining about vessels either fishing federal waters and claiming state limited entry fishing, or fishing state limited entry fisheries and claiming federal waters. These violations are difficult to prove and it is unknown how often it occurs. Requiring VMS on all federally permitted vessels regardless of where they fish and on all commercial fishing vessels operating in the EEZ would greatly enhance our ability to monitor these activities.

There is also a concern coming from the small S.E. Alaska communities about illegal landings of IFQ fish. A small vessel landing 500 pounds of unreported halibut in a small community and selling it locally at a discounted rate can undermine the market for the honest fisherman. This can have the same effect as 10 to 20 times that amount landed illegally in a larger port like Sitka or Homer. VMS would allow enforcement to watch the smaller vessels and better enable us to be at the landing site to monitor the offloads.

Finally, the Council should consider not only the enforcement applications for the use of VMS, but they should consider management, science, and safety as well. The reauthorization of the Magnuson-Stevens Act includes changes to the Confidentiality section and will allow the broader sharing of VMS data with our state partners. Although an analysis of any one of these areas might fall short in justifying VMS, the combination of these uses will show benefits to the overall management objectives for those activities under the Council's jurisdiction.





RECEIVED

JAN 19 2007

World Wildlife Fund  
Kamchatka/Bering Sea Ecoregion  
406 G. Street, Suite 303  
Anchorage, AK 99501 USA

Tel: (907) 279-5504  
Fax: (907) 279-5509

www.worldwildlife.org

January 19, 2007

**N.P.F.M.C.**

Ms. Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 West 4th Street, Suite 306  
Anchorage, AK 99501-2252

Mr. Doug Mecum, Regional Administrator  
NOAA Fisheries, Alaska Region  
709 W. 9<sup>th</sup> Street  
Juneau, AK 99802-1668

*Dear Ms. Madsen and Mr. Mecum,*

The World Wildlife Fund (WWF) commends the Council on its efforts to explore expanded Vessel Monitoring System (VMS) coverage. WWF supports the Council's consideration of expanded VMS coverage for all federally permitted vessels and non-permitted vessels in the EEZ with authorized gear on board. As recognized in the Council's problem statement, VMS has proven itself indispensable as an effective and economical management and enforcement tool. The Council's consideration of a comprehensive application of VMS represents a proactive and positive step in addressing both the positive aspects of VMS for scientific and socioeconomic data collection as well as the confirmed monitoring and enforcement benefits.

WWF supports the most expansive application of VMS. Requiring VMS on all vessels provides benefits that clearly outweigh any perceived costs. Scientific and socioeconomic data gained from VMS coverage would provide invaluable insight into distribution of fishing effort within localized areas, economic information on the costs of transit to and from fishing areas, and verification of parallel reporting requirements. Additionally, VMS could resolve often contentious issues such as gear conflicts and preemption, use of allocations in areas not designated for that allocation, and otherwise illegal landings in all commercial fisheries.

Excluding small vessels would eliminate the opportunity to collect important data in a very information poor sector of the fisheries. WWF encourages analysis of potential effects on certain sizes and classes of vessels to fully understand the impacts, but also encourages the Council to adopt the most expansive alternative for VMS. VMS units continue to become cheaper and smaller, making them practical and economical for even the smallest of vessels.

Furthermore, WWF encourages the National Marine Fisheries Service (NMFS) to pursue further funding for the purchase of VMS units to reduce the economic burden on fishermen and to further support the broad implementation of VMS in all commercial fisheries.

WWF supports the Council moving forward with analysis of the available alternatives and implementation of expanded VMS coverage. WWF further applauds the Council in its effort to lead the way for the rest of the nation on the issue of VMS.

Respectfully,

Alfred Lee "Bubba" Cook Jr.  
Kamchatka/Bering Sea Ecoregion Senior Fisheries Program Officer  
World Wildlife Fund

To: North Pacific Fishery Management Council  
605 West Fourth Avenue, Suite 306  
Anchorage, AK 99501-2252  
Attn. *Stephanie Madsen and Chris Oliver*

From: Matt Peavey  
POB 442  
Craig, AK 99921  
907-826-3856

RECEIVED  
JAN 2 2007  
N.P.F.M.C.

Dear Stephanie, Chris and the NPFMC,

This letter is written to protest the VMS system that the NPFMC wants to implement statewide.

I feel that the NPFMC is already monitoring my fishery status. RAM or US Coast Guard can ask to see my logbooks that are a mandatory requirement from NPFMC at anytime. My fisheries are logged set after set. **We are already highly monitored by the RAM division. We MUST call ahead to report a sale of Halibut or Blackcod. The Coast Guard or RAM can board my boat anytime.** There is no for room error. The fishery is well managed and the need for a VMS is simply ridiculous.

Requiring me to purchase and potentially lose fishing time to mechanical computer failures crazy. I am already required to use bird lines, have my life raft repacked every year at exuberant prices, EPIRB expenses, keep my log books, mail them in etc...

The requiring of monitoring where my fishing boat is 24/7 is an invasion of my privacy, as any other fishing boat can find out where I am fishing. Particularly worrisome is during the salmon fishing when I am fishing and catching the fish I found. This program will allow anyone to know if I am catching fish if I do not leave the area. I am extremely disturbed by this idea.

Invasion of privacy is what I feel this is all about. I do not live in Communist China, I live in the USA where I have been following the rules, paying my taxes and absolutely defy this proposed VMS protocol.

Here in S.E. Alaska, we are small family fishermen who cannot afford another financial expense. If this goes through, the Charter fishing fleet should be monitored as well. The numbers taken by the charter fleets in S. E. Alaska is overwhelming and they are making money, which makes them, commercial.

I highly encourage you to reconsider the need for this program on commercial fishing boats in S.E. Alaska and the Eastern Gulf. We have close supervision with Coast Guard stations in nearly every major community that buys fish. Use this as a last resort for criminals only, not everyone because you think I am a criminal.

Sincerely,  
Matt Peavey, a life long Alaskan fisherman  
F/V Anne Louise  
POB 442      Craig, AK 99921      907-826-3856

*Matthew S. Peavey*      1/21/07

box 107  
seldovia, AK 99663

23 january 2007

ms. stephanie madson, chair  
no. pacific fishery management council  
605 west 4<sup>th</sup> AVE., suite 306  
anchorage, AK 99501-2252

RECEIVED  
JAN 2 2007  
N.P.F.M.C.

dear ms. madson:

i operate a 40' salmon tender. it is my understanding that the NPFMC is considering a move to require all fishing vessels to have a vessel monitoring system (VMS). first and foremost, i object to this on moral grounds: i am not a criminal.

in a recent mainstream alaskan seafood ad, a fisherman is asked what he enjoys most about his job. "i enjoy my freedom," he says. i do too and believe me, that does mean something! please do not go the VMS route just because you have the power to do so.

secondly the VMS system adds yet another level of complications, technical headaches and unnecessary expense, not just to the small operator such as I myself, but to the government as well, whose pockets i have been flapping in the wind for decades, the coast guard's wish list notwithstanding.

sincerely, walt sonner  
F/V duna

# Cordova District Fishermen United

Celebrating 70 Years of Service to Commercial Fishermen in Cordova, Alaska  
P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430

January 30, 2007

Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Avenue, Suite 306

Sent by facsimile to 271-2817

## Agenda item C-8, VMS Requirements

Dear Madame Chair and members of the Council,

On behalf of the Groundfish Division of CDFU, I am submitting these comments on the preliminary review of a draft analysis to implement a comprehensive VMS program. Our membership is made up primarily of halibut and sablefish QS holders who fish in a range of vessel sizes from D to B class, and who own both small and large amounts of QS. Their fishing activities occur within PWS, adjacent coastal waters, and farther offshore.

We recognize the value that VMS can provide to achieve conservation, social and economic goals of fisheries management programs. And we understand that a complete and revised analysis of this issue will not be prepared until the Council meets at the end of March.

Nonetheless, based on the analysis in front of us, it is difficult to find compelling reasons to even begin to consider support for VMS requirements for members of our group.

The analysis lists five categories of benefits (p.26): "(1) enforcement benefits, (2) in-season management benefits, (3) safety benefits, (4) science benefits, and (5) other benefits."

Our main criticism of the analysis is that no specific problems have been identified in the halibut and sablefish fisheries in the areas where our members fish that these potential benefits would address. Instead, the analysis simply suggests that VMS *could* provide these benefits.

We suggest that first the problems and/or needs must be identified more specifically, followed by an explanation of how VMS will solve those problems/needs, along with estimated costs for each one. We also suggest that those problems and needs should be identified on a regional basis, in light of the probability that there are differences between Eastern, Central and Western Gulf area fisheries, for instance.

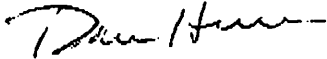
To use the science benefits as an example, without a description of specific science plans and the funding for implementing those plans, general comments about the need for more

science does not provide the justification our members need to see to consider whether VMS is acceptable.

We look forward to seeing a more complete analysis for the March-April Council meeting.

Thank you for considering our comments.

Sincerely,



Dan Hull, Chairman  
CDFU Groundfish Division



# UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110  
Juneau, Alaska 99801-1172  
(907) 586-2820  
(907) 463-2545 Fax  
E-Mail: [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org)  
[www.ufa-fish.org](http://www.ufa-fish.org)

January 30, 2007

Mr. Chris Oliver  
Executive Director  
North Pacific Fishery Management Council  
605 West 4th Ave, Ste 306  
Anchorage, AK 99501

RE: Agenda Item C-8 VMS Requirements

Dear Mr. Oliver,

United Fishermen of Alaska (UFA) represents thirty-four Alaska commercial fishing organizations from fisheries throughout Alaska and its offshore waters. We offer the following comments on Agenda Item C08, Vessel Monitoring Systems (VMS) before the Council.

United Fishermen of Alaska is opposed to the expansion of VMS coverage. The problem statement does not adequately explain what problem is trying to be solved and the desire of Enforcement for expanded coverage is not sufficient justification.

Any program that expands VMS requirements needs include reimbursement to the individual fisherman for the cost of the VMS unit including installation and usage costs.

UFA believes that VMS is best implemented on a program-by-program basis for a specific purpose, or used as part of a person's penalty if convicted of a federal fisheries violation, but not for general monitoring of fishing locations used by fishermen.

Sincerely,

Mark Vinsel  
Executive Director

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association  
Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association  
Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum • Fishing Vessel Owners Association  
Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • North Pacific Fisheries Association  
Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association • Petersburg Vessel Owners Association  
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association  
Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association  
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association  
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

## **Southeast Alaska Fishermen's Alliance**

9369 North Douglas Highway

Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168

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



E-mail: [seafa@gci.net](mailto:seafa@gci.net)

---

January 30, 2007

North Pacific Fishery Management Council

Stephanie Madsen, Chair

605 W 4<sup>th</sup> Ave., Suite 306

Anchorage, AK 99501-2252

Fax: 907-271-2817

RE: Agenda Item C-8 Vessel Monitoring Systems

Southeast Alaska Fishermen's Alliance (SEAFa) is a multi-gear/multi-species fishing organization representing our members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska. Our members also own halibut and sablefish IFQ's both in Southeast and the Gulf of Alaska.

SEAFa opposes the broad expansion of VMS being required on vessels. First we don't see a problem clearly identified to justify the expansion of and expense of VMS to the IFQ fisheries other than a desire by Coast Guard enforcement division to have it. This does not justify the expense, the hassle, the difficulties outlined in the analysis that would need to be overcome and the infringement of an individual's right to privacy.

As we stated in our September 28<sup>th</sup> comments to the Council we object to VMS and cost of VMS when there still exists the threat of open-ended reallocation without compensation of halibut to the charter fleet.

If you are going to move forward in the consideration of VMS we believe that the IFQ poundage is a better alternative than vessel size. Under a poundage scenario the Council should expand the options to consider 15,000lbs, 20,000 lbs and 25,000 lbs. The poundage for Halibut and

sablefish should not be combined or an option that allows them to be considered separately should be analyzed.

Any program requiring the implementation of VMS should have a program for the reimbursement of the installation of VMS and yearly usage fees. Under VMS we believe that there will be an intense concentration of halibut and sablefish being fished off of a couple of boats that have VMS rather than individuals purchasing VMS units for their own vessels. This is against the intent of the IFQ program.

SEAFSA is concerned how VMS data collected will be used in the future. What information will be available under the FOIA? We believe that the data will eventually be used against the fishing industry. Some will come and say that these areas should be closed to provide protection because there is too great of a concentration of boats and fishing occurring and other will come and try to close areas by saying that the fleet doesn't need that area because nobody fishes there. For example, with VMS if an oil spill was observed in an area the boats who have VMS will be the only ones checked because you had proof they were in the area and not looking at all the boats that were in the area because you don't know who that is.

If VMS is necessary to protect habitat areas of concern and to know where boats are operating etc, than the charter fleet should also be considered for VMS coverage. In testimony, individual charter operators have stated that they need in excess of 25,000lbs of halibut. This is more than the average IFQ holder owns. The Sitka LAMP is a federally closed area to the charter fleet that should be monitored. There is as much justification or more to implement VMS on charter boats as there is to implement VMS on the halibut and sablefish IFQ share holders.

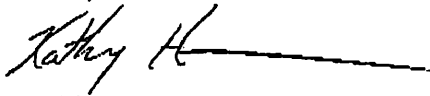
We have enclosed a story from SitNews January 25, 2007 "Bill would nip microchips in humans". How would you like to have a chip implanted in you so that the police can know where you are and the knowledge might help in an emergency? This explains how most fishermen feel about VMS, that it is unnecessary for the reasons being given and a violation of a person's individual rights of freedom.



SEAFAs are concerned that satellite coverage is not consistent in the inside waters of Southeast Alaska. Ask anyone who tries to use a satellite phone or satellite XM or Sirius radios. There are many areas where you cannot get coverage. Will we be fined every time we anchor in an area without satellite coverage because the VMS signal wasn't received for a period of time? Will the fines be as excessive as have been given to boats off the Washington coast?

VMS would be appropriate used as part of a person's penalty if convicted of a federal fisheries violation not broad based coverage because enforcement would want it. VMS works only if every vessel whether a kayak, fishing vessel or a fancy yacht has it.

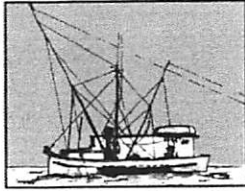
Sincerely,



Kathy Hansen  
Executive Director

*Attachment: 2 page SitNews Article Jan 25, 2007 "Bill would nip microchips in Humans"*

C-8  
Carter Hughes



## Alaska Trollers Association

130 Seward St., No. 211  
Juneau, Alaska 99801  
(907) 586-9400  
(907) 586-4473 Fax

February 3, 2007

Stephanie Madsen, Chair  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

Dear Ms. Madsen and Council Members:

The Alaska Trollers Association (ATA) opposes the general application of Vessel Monitoring System (VMS) requirements on small vessels operating in the Eastern Gulf of Alaska. **Implementation of a VMS requirement would place a large economic burden on small boat operators and be personally intrusive to our members.**

If the Council intends to move ahead with VMS in the Eastern Gulf of Alaska, ATA requests a hearing be held in Southeast prior to taking action on this matter. It is important that a date be selected that would allow optimum input from the affected fleets and that adequate notice is provided.

ATA is the representative organization for over 2600 troll permit holders. Currently, about 800 power trollers and several hundred hand trollers actively fish for salmon with hook and line gear in state and federal waters off SE Alaska. Many of these boats are family-run operations and some of our members live aboard their vessels. A large number of trollers possess small amounts of IFQ share, particularly halibut, which plays an important role as supplementary income to their salmon fishing operations. The troll fleet is crucial to the health of coastal towns and villages in SE Alaska. With more troll permits in each town than any other permit class, and one of every 35 people working the back deck of a troll boat, our fishermen make a significant contribution to the regional economy.

The VMS regulations you are considering do not seem to respond to any particular problem statement and clearly ignore the physical and economic realities of fleets like ours. VMS units are very expensive to install and maintain. The cost of installation is expected to be over \$2000 and there will be added expense as the equipment is maintained. VMS will be one more piece of equipment subject to break down, with fishermen losing precious fishing time awaiting repair or replacement. For a typical troller with 3000 pounds of halibut IFQ, the cost of VMS could diminish, or even eliminate, the income potential of their IFQ harvest. The impact of lost fishing time, in any fishery, will be far worse if the vessel owner is still paying off permit, boat, and IFQ loans, which is a major disincentive for new entrants. In effect, if VMS is required only for IFQ fisheries, it could ultimately force some trollers to sell their halibut or black cod shares, which in turn will negatively impact the bottom line of their salmon business. If VMS is required for the salmon fishery as well, many fear they will have to sell out altogether as they can't afford the equipment or the increased risk of lost fishing time.

VMS units are reported to be prone to failure and maintaining functional equipment could impose a large burden on the troll fleet. Most troll vessels are less than 50 feet in length. Ocean conditions will be a factor, because smaller vessels tend to get pitched around more than the larger crabbers and trawlers. This could increase the breakage rate of the VMS unit, which in turn would lead to lost fishing time spent sitting in port awaiting expensive repairs. Since many trollers operate out of small villages such as Pelican, Port Alexander and Meyers Chuck, the cost of flying someone in for repairs is very high. For instance, a round trip floatplane ticket from Juneau to Pelican this week runs about \$300. Running to a large town such as Juneau, Sitka, or Ketchikan would also mean a significant cost in time, fuel, and moorage fees – if space is even available. Although these costs may be more easily absorbed by large operators who catch hundreds of thousands of pounds of fish worth millions of dollars, it will be cost prohibitive for trollers and other fishermen who make more modest wages.

ATA views VMS requirements for small vessels in the Eastern Gulf of Alaska unnecessary and unreasonable. The case has not been made that VMS is necessary in this region, which is heavily regulated and relatively easy to enforce. Most of the restricted areas of concern to NMFS are in state waters. There are no significant enforcement problems being documented in the region that demand a VMS solution. However, if problems do arise, perhaps those individuals found guilty of fishing in restricted areas could be required to pay for and carry VMS systems. The threat of carrying an expensive and invasive device such as a VMS would act as a strong deterrent for those that might consider fishing in illegal areas. But why should the law abiding majority of the fleet be forced to bear that burden of cost and loss of privacy? And privacy will definitely be a problem for our fleet. Many trollers live aboard their boats, and every day the vessel is moving about is not necessarily a fishing day – how will that be dealt with?

VMS and/or AIS would be both economically burdensome and punitive for small boat fishermen, most of whom are law abiding citizens. Ironically, some in our fleet took a proactive role in the creation of the restricted zones, which are the focus of the VMS discussion. At that time, NMFS agreed that VMS would not be a requirement within EFH areas in the Eastern Gulf of Alaska, yet now the discussion has changed. If the Council enacts VMS regulations as a universal, industry funded requirement, the de-facto result will be the continued erosion of small family owned fishing operations and the coastal communities who rely upon them.

ATA asks that the NPFMC exempt the Eastern Gulf from VMS requirements. While an effective alternative might be to consider placing VMS on the boats of those found guilty of fishing in restricted waters, requiring fishermen to carry these systems for their troll or longline operations will merely lead to the further marginalization of small business.

Best regards,



Dale Kelley  
Executive Director

Vessel Monitoring System  
Equipment & Services

FACT SHEET

CLS America, Inc., has been involved in providing satellite-based tracking and monitoring products and services to the maritime and fishing communities for over 20 years. The CLS Group is a world leader in maritime satellite services, operating a number of systems, including the Argos System, which currently provides VMS services to fishermen and to NOAA in Alaskan waters and elsewhere around the world. Our *MAR GE* units are deployed and currently operating successfully aboard several hundred vessels in the far North. These highly-ruggedized units are not only reliable, but are also covered by a lifetime warranty offered by CLS America, Inc. These units have been serving the fishing community in Alaska since 2002.

CLS America is pleased to offer an expanded suite of VMS and satellite-communications services based upon our new *Thorium* VMS and data communications terminals, as described below. VMS services will be backed by our 7x24x365 Operations Center, providing full-time support to our users.



Customer vessels.



The CLS-developed *Thorium* prototype units are expected to be housed in a configuration similar to the *MAR GE* v.2 marine-ruggedized terminal unit (shown here). The actual physical appearance of the *Thorium* v.1 may differ. Pre-prototype units currently deployed (below) are housed in *MAR GE* v.1 domes.

Equipment: **Thorium** v.1  
 Application: VMS and Fisheries Management, Maritime Operations  
 Satellite System: Iridium (plus GPS for geo-location)  
 Satellites: 66 operational, polar orbit, six orbital planes  
 Type: Data communications (Short Burst Data, no voice)

*Characteristics*

Mounting: Outdoor ruggedized transmitter unit; designed to operate on vessel power; back-up battery power for short intervals (~72 hours); interior junction box for power and connection to PC-compatible computer/data entry device; 1-inch standard.  
 Sensors: Optional; use of two programmable I/O data ports  
 Locations: Via GPS, built-into the mobile terminal unit ("MTU")  
 Supports:
 

- Geo-location (programmed and upon remote polling)
- Form-driven data entry and data collection capability
- Free-form two-way e-mailing, with spam protection
- Can integrate into CLS America-provided value-added services
- Truly global coverage, 7x24x365 Ops Center supports users
- Over-the-air programmable, software and form updates, etc

Several pre-prototype *Thorium* units are deployed in Alaskan waters and elsewhere, in support of an operational testing program. CLS expects that additional units will be available for demonstration and testing by May 2007. Units will also be submitted to NOAA NMFS for certification testing and type approval, which could enable use throughout U.S.-regulated waters.

To receive regular updates on the *Thorium* VMS terminals and related services, send your name, mailing address, and e-mail address to:

[thorium-vms@clsamerica.com](mailto:thorium-vms@clsamerica.com)



Pre-prototype *Thorium* units deployed in Dutch Harbor, Alaska, September 2006.

## Expected Pricing Information

### PRODUCT & SERVICE

#### Thorium VMS Package

*Includes one Thorium outdoor unit, with cables and junction box, ready to install (at a CLS-approved reseller location).*

*Note: This package requires a dedicated operational PC-type computer, which will be provided by CLS America (see below):*

US\$1,990

CLS America-provided computer (required, but price depends upon specific type selected):

US\$900-US\$2,100

#### Airtime and Services

Basic Airtime to meet NOAA requirements:  
*see below ...*

Value-Added Services and e-mails  
(a menu of optional services from which to select):  
*to be announced at a later date*

#### Basic Airtime and Warranty

*Includes basic data processing and data delivery, Web access to position locations, airtime for one location report every half-hour (48 locations per day) to meet basic NOAA requirements for one year; Warranty covers a replacement unit for any failure of a properly-installed unit, with expedited availability to the fisherman:*

US\$600 per year

Temporary deactivation, or re-activation of dormant MTU

US\$50 per occurrence

*The prices shown above are subject to change, and are off-the-shelf for a single unit; negotiated volume contracts are available.*

## Notes

CLS America expects to submit the *Thorium* v.1 MTUs to NOAA NMFS for certification during 2Q2007; there is no guarantee that these units will be approved and certified by NOAA as suitable for use in the VMS-regulated regions of U.S. waters. Date of availability of units following such approval would be announced at a later time.

CLS America will inform prospective VMS users and other user communities as to the status of the NOAA approval and certification process with respect to the *Thorium* units described in this document.

CLS is an authorized reseller of Iridium-based products and services. CLS America provides these services to users in the United States, Canada, and the Caribbean on behalf of CLS. Installation and certain maintenance is conducted in the USA and other regions by authorized hardware installer organizations, approved by CLS America, Inc. For a listing of these authorized installation and maintenance facilities, contact us, or visit our Website.



**CLS AMERICA, INC.**

*A Member of the CLS Group of Companies*

1441 McCormick Drive, Suite 1050

Largo, Maryland 20774 USA

Tel +1 301.925.4411

Fax +1 301.925.8995

Website [www.elsamerica.com](http://www.elsamerica.com)



Official Business

# Alaska State Legislature

State Capitol  
Juneau, AK 99801-1182

February 9, 2007

Ms. Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 W. 4<sup>th</sup> Street, Suite 306  
Anchorage, AK 99501-2252

Dear Madam Chairman and Council Members,

We the undersigned members of the Alaska State Legislature wish to express our opposition to the Vessel Monitoring System (VMS) requirements currently under your consideration for fishing vessels in the Gulf of Alaska.

Our objections to the options devised by the National Marine Fisheries Service and the U.S. Coast Guard are several:

First, there is no justification for the imposition of this requirement on Gulf of Alaska fishermen beyond those covered by current VMS programs. Conservation of our resources with other methods such as the analysis of the already extensive and accurate commercial catch data, setline survey and trawl survey data has proven effective over decades of successful fisheries management. Safety concerns have been addressed through requirements for survival gear, EPIRBs, and life rafts. While many further improvements to vessel safety could be made, vessel monitoring systems are not the best way to address those issues.

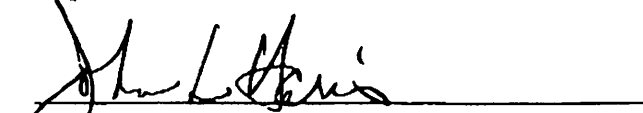
Furthermore, the cost of VMS acquisition amounts to an unfair burden on commercial fishermen. The Council analysis looks at the ratio of "mean acquisition cost to mean revenues." Of course system purchases will be a greater relative expense for a gillnetter or a troller than for seiners and larger longline vessels. Nonetheless, the bottom line is that the VMS proposals tack on yet another fee to an industry that already pays its way through multiple permit fees and assessments. We highly doubt that VMS will result in a decrease in the IFQ assessment currently charged to halibut and black cod fishermen to cover management and enforcement costs.

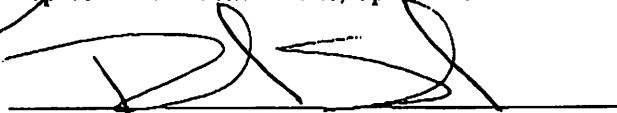
Finally, the current VMS options are invasive of the privacy rights of law-abiding citizens. Existing enforcement is effective, as evidenced by the long-term sustainability of our fisheries. We simply do not believe there are sufficient conservation, law-enforcement or safety concerns to justify the invasion of privacy through a satellite tracking system.

We recognize that VMS systems have been required in certain fisheries already and do not wish to interfere with those requirements, as they have previously passed the scrutiny of the Council process. However, it is our opinion that the only manner in which expansion of VMS requirements might be justifiable is as a penalty for fishing violations. We strongly urge you to reject any plan to require VMS on vessels not already required to carry this equipment.

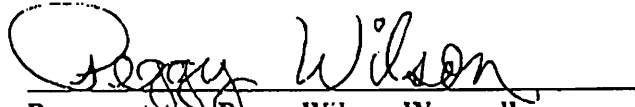
Respectfully submitted by:

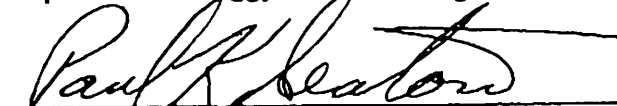
  
Representative Bill Thomas, Haines


  
Representative John Harris, Speaker of the House

  
Representative Ralph Samuels, Majority Leader


  
Representative Beth Kerttula, Minority Leader

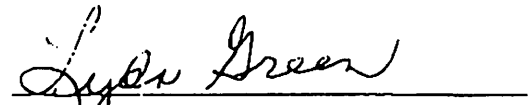
  
Representative Peggy Wilson, Wrangell

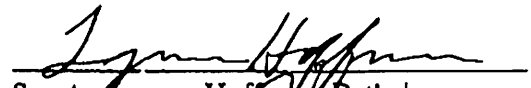
  
Representative Paul Seaton, Homer


  
Representative Craig Johnson, Anchorage

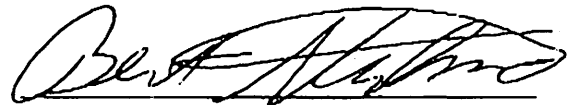
  
Representative Andrea Doll, Juneau

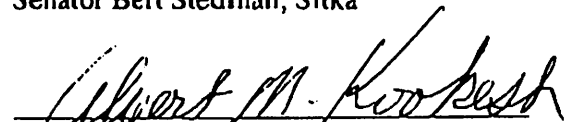
  
Representative Vic Kohring, Wasilla

  
Senator Lyda Green, Senate President

  
Senator Lyman Hoffman, Bethel

  
Senator Kim Elton, Juneau

  
Senator Bert Stedman, Sitka

  
Senator Albert Kookesh, Angoon

*Gabrielle LeDoux*

Representative Gabrielle LeDoux, Kodiak

*Harry Crawford*

Representative Harry Crawford, Anchorage

*Les Gara*

Representative Les Gara, Anchorage

*Kurt Olson*

Representative Kurt Olson, Kenai

*Bryce Edgmon*

Representative Bryce Edgmon, Dillingham

*Marc Neuman*

Representative Marc Neuman, Big Lake

*Kyle B. Johansen*

Representative Kyle Johansen, Ketchikan



Feb 3, 2007

Stephanie Madsen, Chair  
North Pacific Fisheries Management Council  
605 W 4<sup>th</sup> Ave., Suite 306

Agenda item C-8, VMS requirements

Dear Madame Chair and members of the Council,

I write in regards to the preliminary review of a draft analysis to implement a comprehensive VMS program. I'm a 3a halibut QS holder. I fish a small vessel in and around the Prince William Sound.

I strongly oppose the implementation of a comprehensive, one plan fits all, VMS program based on the analysis currently before us.

My opposition stems from the fact that no specific problems have been identified in my fishery and the areas in which I fish. I cannot support a program with substantial costs of time and money to individual, taxpayers, and the NMFS without a clear statement of need and a clear explanation of how VMS will meet said needs.

Thanks for the opportunity to comment,

Curt Herschleb.