

VMS/Enforcement meeting March 12, 2013

New Bedford, MA

Summary

NOAA 2013 Enforcement Guidelines

- The Council sent a letter of recommendations on March 19, 2013

Sector Liability

- USCG and NOAA have no intention of involving Sector managers in investigations
- An investigation is initiated by an Enforcement Action Report (EAR), and the Sector manager is notified
- Sectors enforce Sector rules through their Enforcement committees

Sector Liability (cont.)

- Violation of federal regulations is the responsibility of the individual Sector member
- Other Sector members may be liable for certain violations, on a case-by-case basis
- Liability is limited to three types of infractions:
 - ACE overages
 - Illegal discards
 - Misreporting catch

Sector Liability (cont.)

- ACE overage and misreporting handled in-season, to prevent violations
- Sector managers and NERO scrutinize weekly catch reports and troubleshoot discrepancies
- Daily reporting, Stop fishing orders, and post-season ACE transfers have prevented overages
- Concern about catch reporting by chart area continues

Sector Liability (cont.)

- Overharvest is a ‘prior’ violation for the individual(s) and the Sector, but not the other members, generally, adhering to their quota
- Stop Fishing Orders are issued in two cases:
 - A vessel ejected from a Sector (by the Sector manager), may not fish in the common pool, but may fish in state waters or for non-groundfish
 - A Sector harvests its ACE (by SFD); all vessels stop
 - It is illegal for dealers to buy from these vessels

Sector Liability (cont.)

- When a vessel receives a Stop Fishing Order, whether from the Sector manager or SFD, NMFS immediately notifies all authorized dealers
- The VMS/Enforcement committee believes there is a clear understanding of enforcement and reporting duties of all parties involved in Sector management

Closed Areas

- The VMS/Enforcement committee will review closed area options from the Habitat committee and Closed Area Technical Team at its next meeting
- The Council's current Enforcement Policy includes closed area recommendations:
 - Large, straight, permanent areas are preferred
 - Regulated gear areas, requiring boarding at sea, are difficult

Closed Areas (cont.)

- The Committee mentioned several caveats to the current policy:
 - VMS may indicate fishing in a closed area, but an agent on the scene must establish a violation
 - Large but narrow closed areas are difficult
 - Fishermen must be able to avoid closed areas
 - Small areas may require buffer zones
 - Inshore areas are accessible to small boats
 - Offshore areas require more response time
 - Standardize a minimum size for closed areas

Closed Areas (cont.)

- Monitoring closed areas is the number one priority of the N.E. VMS Team
- The VMS monitoring system can accommodate any shape
- Narrow or small areas limit the number of pings from 30 or 60 minute polling
- Closed area cases established with VMS only should be compared across regions

Closed Areas (cont.)

- The VMS program in Maine monitors 20 inshore boats and 25 small conservation areas
- The reporting rate (polling) in Maine increases automatically when vessels enter those areas
- The NMFS VMS program does not automatically increase polling (manually possible)
- The NMFS VMS program renews next year, and automatic polling will be recommended
- USCG indicates not all fishing vessels have VMS, especially inshore

Gear Marking

- The Council asked NMFS (2013-02-13) to work with USCG and ASMFC on consistent lobster gear marking
- NMFS replied (2013-03-28) that ASMFC should be contacted directly; the original letter should be redirected to ASMFC
- Lobster gear inside territorial waters are not required to have high-flyers
- Fishermen find black-and-white buoys very difficult to see on the water surface

Gear Marking

- **The VMS/Enforcement committee intends to strengthen gear marking, and make it more consistent**
- Fishermen and lobstermen lose gear due to gear conflicts
- Unbreakable lines can snag mobile gear
- Breakable lines may result in unseen gear on the bottom
- **State enforcement agencies request fishermen meet with lobster associations concerning gear marking**

Different Mesh Nets on Same Trip

- The Council's current Enforcement Policy recommends one gear onboard, to prevent switching between multiple fisheries, so gear can be checked at the dock
- MAFMC and the redfish exemption allow two different mesh sizes onboard, requiring boarding at sea
- **The VMS/Enforcement committee recommends no action on the request to allow shrimp nets onboard while groundfishing**

Other Business

- The Council asked (2012-10-04) MAFMC to review gear stowage regulations
- The SMB committee will review these regulations in April, and the MAFMC will vote on their recommendations in June
- The VMS/Enforcement committee recommended two new advisors, and forwarded them to the Executive committee