

VMS/Enforcement meeting
Gear Stowage Workshop
USCG Northeast Regional Fisheries Training Center
Buzzards Bay, MA

November 29, 2011

The Committee met with the purpose to reduce the fishing industry's safety concerns regarding gear stowage regulations (section 648.23), while maintaining enforcement's ability to enforce gear stowage regulations from the air.

LCDR Curtis Brown described the overflight program, showed videos from actual fisheries enforcement flights, and took questions. He recommended a difference in color between the reel and the net be required. Rodney Avila recommended the development of a chart to show Coastguardsmen the different vessel types, for instance, draggers and scallopers. Currently, overflights can contact the boat below by radio, but not by email or text. Airplane pilots do have VMS printouts available to them. The video of the boat's activity shows the calculated Lat/Lon of that boat.

Practical demonstrations of alternatives to make nets on reels not available for immediate use were done with the NRFTC mock dragger. These included an orange plastic mesh fencing available at Home Depot for \$20, clipped to the reeled net with carabiners, and a painted harness used by USCG helicopters. A requirement to make the cod-end orange in color was mentioned as well, but it was felt that a color in contrast to the Home Depot mesh was essential. Three boats were volunteered, by Terry Alexander, Allyson Jorden, and Rodney Avila, to test the orange mesh alternative, as early as next week. There also were comments that an orange mesh that acts like a giant '6-pack of cans' would result in protected resource concerns if they get lost overboard.

The Committee approved a motion by David Goethel and seconded by Rodney Avila, 3/0, to remove from section 648.23 (b)(1)(iv), part (B) that requires the towing wires are detached from the doors. The reasons for this included 1) whether the wires are attached or detached cannot be observed from the air, 2) it is unsafe to detach and re-attach the wires from the doors, and 3) the doors, when detached, are unsecure and tend to damage the side of the boat, especially for small, fiberglass boats. Section 648.23 (b)(1)(iii), part (B) that requires the towing wires are detached from the net, was not included in this motion because it is irrelevant; the towing wires are never attached to the net.

The Committee also approved a motion by David Goethel and seconded by Rodney Avila, 4/0, to change completely the wording of sections 648.23 (b)(1)(iii), part (A) and 648.23 (b)(1)(iv), part (A) to say "the net is on the reel and its surface is covered with an approved material". There is a problem with the current wording of these two parts, in that the Coast Guard cannot see the net under an "opaque material", during overflights. The approved material will be the result of the testing being conducted, as mentioned above, and may be implemented via section 648.23 (b)(5), which states that any other

method of stowage authorized in writing by the Regional Administrator and subsequently published in the Federal Register may be used.

The Committee approved a third motion by Captain Peter DeCola and seconded by David Goethel, 4/0, to recommend that the Groundfish Committee review section 648.23 (b), Definition of “not available for immediate use”, and determine if the regulations under that section are still necessary. Rodney Avila supported this because he felt that many of these regulations may be outdated. For instance, vessels circumvent below deck stowage regulations by adding a second net reel. This was not common practice when these regulations were first implemented, but it is now common for boats to have 2 net reels.

Meggan Engelke-Ros described GCEL (General Counsel for Enforcement and Litigation) concerns with section 648.23 (b). Terms like highly visible must be more clearly defined; it would be difficult to prove in court that something was not highly visible. Colors, texture (transparent or opaque), and types of material (strips, mesh, etc.) may all be used to define covering requirements more clearly. VMS alone cannot establish a case.