

#1

VMS/Enforcement meeting
Peabody Holiday Inn

September 10, 2010
(Final)

The VMS/Enforcement Committee met with the goal of universal marking so fishermen can avoid and enforcement can check fixed gear.

Chart 1 lists the recommended minimum standards, for all EEZ fisheries. Under the Surface Gear column, the pennant/reflector rules would apply to all FMP species listed as well as lobster in the EEZ. Note the 2 pennant west and 1 pennant east rule.

A column is added to show that the highflyer applies to all EEZ fisheries, whereas there are more specific rules for pots and traps (under Buoys & Gear column). The 3 foot stick under Single pot and Pot Trawl is required on the tie-ball, with the 54" minimum highflyer attached (see Chart 2). Buoy size (7"x7" or 5"x11") is still specified. Only one buoy, not two, will be required on the east end, with a highflyer.

The color coded pennant (second one on west end) is vessel specific; for instance, lobstermen may use their buoy colors. Vessel owners/operators reported using different pennant colors depending on the weather/conditions to identify their own gear when fishing in crowded areas. Therefore, the Committee does not recommend color coding for the flags, as this could disrupt current fishing practice.

Under the Gear Marking column on Chart 1, all buoys must be marked with an official number (USCG or State), and the tie-ball must have the VTR gear code (see Chart 2 for codes). Several attendees and others commented in favor of using the VTR gear code, because they already exist, and it is more important to know what gear is beneath the water than what species the fishermen intend to catch. The red crab requirement for a fishery code "RC" (Chart 1, Buoys & Gear) remains.

Under current Area-specific requirements, the 30 degree rule (NMS/Monk 648.84) should be dropped, and the ALWTRP rules kept for red crab (648.264) and lobster (697.21).

Chart 2 shows the minimum standard configuration, for example, using gill nets. VTR gear codes replace the list of fishery codes, to be consistent with Chart 1 (Gear Marking column) and subsequent comments. The pole length should state at least 54" or 54" minimum.

If the Council accepts these minimum standards, the MAFMC will be asked to approve them as well. The states will be contacted through the ASMFC to inform them of these proposed minimum standards for fixed gear in the EEZ. The Committee hopes that the states/Commission will see the benefit of universal requirements and look into making the same upgrades.

GCNE will advise as to whether these changes may be made under the authority of the RA or if a Council amendment is required. The Councils may request a technical amendment by the Regional Administrator or begin working on an amendment package.

Other Business:

VMS

The VMS/Enforcement Committee discussed the Scallop Committee motion, regarding section 2.12.2 of Framework 22 for LAGC vessels, to “allow vessels to turn off their VMS if they do not intend to land scallops [and] if they render their vessels incapable of landing scallops”. They want to fish without VMS. The LAGC fleet currently may power down their VMS while at the dock (after sending the power down declaration), as long as they do not hold more restrictive permits requiring the VMS to be on 24/7. These vessels want to engage in other fisheries, such as lobster, without the VMS powered up, which they cannot do now. This is viewed as a cost-saving method. The VMS/Enforcement Committee strongly believes that VMS should stay on when the vessel is away from the dock, and that owners may continue to take advantage of the power-down rules when in port.

The VMS/Enforcement Committee then discussed the Scallop Committee issue 2.12.1 to “Change VMS positioning requirement for LAGC IFQ and LAGC Incidental permits to once per hour” and the related discussion about increasing polling for vessels fishing near closed areas. There was discussion on costs and some agreement about changing the Incidental permits to 60-minute reporting, but that IFQ permits should remain at 30-minute reporting. The Committee noted that questions that were raised by the Scallop Committee concerning (1) who bears the cost of increased reporting near closed areas, and (2) how automatic this change would be. The Committee discussed and clarified that OLE currently pays the cost of any temporary, increased polling from the standard 30 or 60-minute regulatory requirement, and that OLE’s monitoring system does not currently have the functionality to automatically make a temporary change to the reporting rate based on the vessel’s location or activity declaration. Any change to the vessel’s reporting rate must be requested via a manual process of contacting the vessel’s VMS vendor. Committee members felt that changes to polling frequency should be left as is, and, if a request is proposed to automate this functionality, the relevant costs must be estimated and considered. Since the Scallop Committee did not pass a motion on this issue, the Committee did not reach a formal position.

Electronic alternative to Observers

The VMS/Enforcement committee discussed the confidentiality of images from electronic monitoring. These must be guarded like other confidential data, which may be released by court order only. The sense of the committee is that electronic monitoring raises issues on the use of the resultant data/images. Confidential data are not subject to FOIA. Confidential images should be handled the same as Observer data.

Passamaquoddy scallop fishing

GCNE indicated that a Permit Holder Letter was being sent to the Passamaquoddy nation, and that everyone is subject to federal rules until or unless a definition of rights occurs. Fishermen are warned to beware of people claiming to be Passamaquoddy.

