



National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Region
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COMPLIANCE GUIDE FOR THE PACIFIC COAST GROUND FISH FISHERY VESSEL MONITORING PROGRAM



The regulations summarized in this guide will be implemented on January 1, 2004 to enhance monitoring of areas closed to fishing.

WHY DOES THE PACIFIC COAST GROUND FISH FISHERY NEED A VESSEL MONITORING PROGRAM?

A vessel monitoring program is an enforcement tool that can be used to monitor compliance with areas closed to fishing. On the Pacific Coast, a vessel monitoring program is being implemented to monitor compliance with groundfish conservation areas. The groundfish conservation areas include Rockfish Conservation Areas (RCAs), Cowcod Conservation Areas (CCAs), and the Yelloweye Rockfish Conservation Area (YRCA). RCAs are large-scale, depth-based areas along the Pacific coast where commercial and recreational fishing for groundfish is prohibited or restricted. RCAs were created so that fishing for healthy groundfish stocks could continue in areas and with gears where there is lower incidental catch of overfished groundfish species. CCAs are areas in southern California where fishing has been restricted to protect cowcod, an overfished species. The YRCA is an area to be avoided, or voluntary closure, for commercial fishermen. The YRCA is located off the northern Washington Coast and is designed to protect yelloweye rockfish, an overfished species. Over time, the groundfish conservation areas will likely change. The National Marine Fisheries Service (NMFS) will keep the fishing fleet informed as these changes are made.

PARTS OF THE VESSEL MONITORING PROGRAM

The Pacific Coast vessel monitoring program consists of declaration reports and a vessel monitoring system. The *declaration reports* are reports given by fishermen before a fishing trip to identify the vessel operator's intent to fish within an RCA, which gear type will be used for fishing, and which fishery they are participating in. Declaration reports are only necessary for fisheries that are allowed within a closed area and before a vessel intends to fish. The *vessel monitoring system* (VMS) consists of equipment that tracks a vessel's geographic position through a satellite communication system. A VMS transceiver unit is installed aboard the vessel that communicates via a satellite to a processing center. For the Pacific Coast program, a basic VMS system with 1-way communication will be used to track vessel activity in relation to closed areas within 200 nautical miles along the Pacific coast.

The following sections include answers to commonly asked questions about the Pacific Coast groundfish fishery vessel monitoring program.

Declaration Reports

Q: Who must send declaration reports?

A: *Limited entry vessels with trawl endorsements, and open access or tribal vessels using trawl gear* are required to send a declaration report before the vessel is used to fish in any trawl RCA or the CCAs in a manner that is consistent with the requirements of the conservation areas. *Limited entry vessels with longline and pot endorsements*, must send a declaration report before the vessel can be used to fish in any non-trawl RCA or the CCAs.

Q: When are declaration reports required?

A: Declaration reports must be submitted before the vessel leaves port on the trip in which it's used to fish in an RCA or a CCA.

Q: How long are declaration reports valid?

A: A declaration report will be valid for that gear on that vessel until a new declaration report is received by NMFS or until a declaration report to cancel fishing in a conservation area is received by NMFS Office of Law Enforcement (OLE).

Q: When do I cancel or revise a declaration report?

A: A declaration report needs to be cancelled when a new gear type that is no longer consistent with the RCA requirements will be used by the vessel. A declaration report needs to be revised before leaving port on a trip in which the a new gear type is going to be used to fish in an RCA or the CCA in a manner that is consistent with the requirements.

Q: How do I submit a declaration report?

A: Declaration reports will be submitted by using an Interactive Voice Response (IVR) phone-in system. The phone-in system, can be accessed by dialing 1-888-585-5518, toll-free. The caller is asked a series of questions and uses the touch-tone key pad on the phone to respond. The phone-in system allows vessel operators to submit their report 24 hours a day.

Q: With a phone-in system, what proof will I have that I sent a declaration report?

A: The phone-in system will provide a confirmation number that can be used to verify a report was sent.

Q: What does NMFS require in a declaration report?

A: NMFS has prepared an example worksheet to help callers organize report information. A copy of this worksheet can be printed from the NMFS Northwest Region web page listed on the back of this brochure.

Vessel Monitoring Systems (VMS)

Q: Who is required to have VMS?

A: As of January 1, 2004, VMS requirements affect commercial fishing vessels registered for use with a Pacific Coast groundfish limited entry permit that fishes in state or Federal marine waters off the states of Washington, Oregon, or California.

Q: Which VMS transceiver units and communications service providers can I use?

A: NMFS OLE tests and approves VMS transceiver units and approves communications service providers. A list of type-approved mobile VMS transceiver units and communications service providers will be published in the *Federal Register*. A copy of the type-approval notices will be posted on the NMFS Northwest web page listed on the back of this brochure. Once this first list is published in the *Federal Register*, NMFS will notify limited entry permit owners by mail of the type-approved VMS units.

Q: What are the vessel owner's responsibilities?

A: The vessel owner's responsibilities are to install (according to the manufacturer's instructions) and use a type-approved VMS transceiver unit 24 hours per day; establish a service agreement with a type-approved communication service provider; send an activation report; and if position reports are interrupted, follow NMFS instructions to repair or replace the VMS unit before the next fishing trip.

Q: What if VMS transmissions are interrupted?

A: When you become aware that transmissions of automatic position reports from your VMS have been interrupted, or when notified by NMFS OLE that position reports are not being received, contact NMFS OLE and follow the instructions provided to you.

Q: Who pays for the costs associated with VMS?

A: The vessel owner or operator is responsible for purchasing the VMS equipment and paying all charges from the communication service provider to ensure continuous operation of the VMS transceiver units.

Q: Can a VMS transceiver unit be registered to more than one vessel at the same time?

A: No, a VMS unit may only be registered and used on one vessel.

Q: Can I have a back-up VMS transceiver unit certified and ready to go if the first unit fails to operate correctly?

A: Yes, but the unit must be certified ahead of time and designated as a back-up unit.

Activation Reports

An activation report is used by NMFS to verify that a type-approved unit was installed correctly aboard a vessel and has been activated. It is also used to match VMS transceiver unit signals with a specific vessel.

Q: Where do I get an activation report and how do I submit it?

A: The installation/activation reports can be obtained from the NMFS Northwest Region web page listed on the back of this brochure. Due to the need for the owner's signature, NMFS will use facsimile submission for the installation report. NMFS OLE will accept mailed submissions if the vessel owner prefers this method.

Exemptions

Q: Can I get an exemption from the VMS requirement?

A: You can get an exemption by sending an exemption report when your vessel will be continuously out of the water for more than 7 consecutive days, or if the vessel is operating in waters further than 200 nautical miles off Washington, Oregon, or California for more than 7 consecutive days.

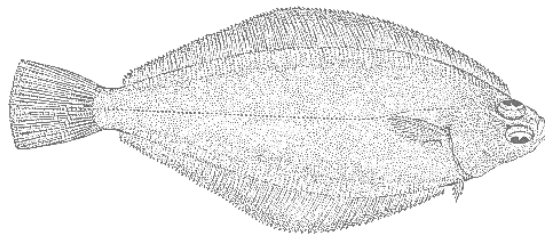
Q: How do I send or cancel an exemption report?

A: You will use the same phone-in system used for making declaration reports.

Transiting Provisions

Q: What are the regulatory provisions regarding transiting RCAs and who is affected by them?

A: Any vessel registered to a limited entry permit with a trawl endorsement may only be in a trawl RCA for the purposes of continuous transit and all groundfish trawl gear must be stowed either 1) below deck; 2) if the gear cannot readily be moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or 3) remaining on deck uncovered with the trawl doors hung from their stanchions and the net disconnected from the doors. A limited number of mid-water trawl fisheries identified in groundfish regulations, such as the primary whiting fishery, will be allowed to operate in the trawl RCA. NMFS is also considering a recommendation from the Pacific Fishery Management Council to prohibit drifting within the non-trawl RCA by limited entry vessels with longline and pot gear.



FOR FURTHER INFORMATION CONTACT:

VMS transceiver unit installation or operation, declaration reports, or enforcement questions:

Northwest Region Office of Law Enforcement (NMFS OLE)
206-526-6133

www.nmfs.nwr.gov/ole/Northwest/index.htm

Interactive Voice Response system for declaration reports, installation/activation reports:

1-888-585-5518

Regulatory questions:

Groundfish Branch
NMFS, Northwest Region
206-526-6140

NMFS Northwest Region

Pacific Coast groundfish website:

www.nwr.noaa.gov/1sustfsh/gdfsh01.htm

This guide is published in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act and is intended to provide a plain-language summary of how small businesses can comply with the regulations finalized on November 4, 2003 (68 FR 62374) for a vessel monitoring program in the Pacific Coast groundfish fishery.