



Removal of exemption for Vessel Monitoring System requirement for IPHC Regulatory Area 4 clearances (Sect. 15)

PREPARED BY: IPHC SECRETARIAT (27 OCTOBER 2017)

PURPOSE

To streamline regulatory requirements and improve monitoring for IPHC Regulatory Area 4 by requiring vessel monitoring systems (VMS) instead of an IPHC Clearance.

BACKGROUND

In an effort to discourage out-of-area fishing, non-local vessels fishing in IPHC Regulatory Area 4 (Area 4) are required to obtain clearance from the IPHC. Vessels are required to clear in at specific ports prior to fishing, and to clear out prior to unloading. Vessel clearance regulations, which have been in place since the 1960s, have been modified over the years ([Hoag et al. 1993](#)) to reflect changes in clearance procedures and clearance locations.

The IPHC's clearance regulations underwent comprehensive modifications in 1995, when the quota share system began in Alaska with clearances still required for Regulatory Areas 4A, 4B, 4C, and 4D, although some areas were able to be cleared via VHF radio. Additionally, in 1996, provisions for fishing in multiple Bering Sea Regulatory Areas were added. A vessel only had to clear in once at any of the clearance ports prior to fishing multiple regulatory areas, provided the vessel followed the regulations governing multiple-area fishing: a NMFS-certified observer had to be aboard and fish in the hold had to be distinguishable by area.

Beginning in 2003, vessels were exempted from Regulatory Area 4 clearance regulations if they were equipped with a VMS transmitter, complied with NMFS VMS regulations, notified the National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement 72 hours prior to fishing for Pacific halibut, and only fished in one Regulatory Area. The VMS transmitter automatically determines a vessel's position and transmits it to a NMFS-approved communication service provider.

Vessels that were fishing with a transmitting VMS and met all VMS regulations were allowed to fish in multiple IPHC Regulatory Areas in 2008 provided that the vessel did not have more Pacific halibut on board than the IFQ poundage of the area currently being fished. This regulation pertaining to VMS and multiple Regulatory Area fishing was reworded in 2009 and 2017 to more accurately reflect intent.

Vessel clearances are currently required only within IPHC Regulatory Area 4 due to the remoteness and the inability of enforcement to cover the vast area. Clearances are not likely to be required in other areas although it has been discussed at different times. It was thought that domestic VMS requirements would more likely be expanded to new areas and fisheries. In B.C., domestic regulations require at-sea video monitoring which incorporate VMS systems. These requirements are part of the Groundfish Integrated Fisheries Management Plan (IFMP) implemented in 2006.

Current regulations allow for a VMS exemption for Regulatory Area 4 clearances. Making this a VMS requirement would allow for prompter compliance. This would also allow for

reimbursement of the VMS system through the Pacific States Marine Fisheries Commission (PSMFC).

DISCUSSION

- 1) Installing a VMS unit incurs a cost:
 - a. Unit cost is estimated at \$3,100.
 - b. Installation cost is estimated at \$250
 - c. Service cost is estimated at \$55/month.
- 2) Reimbursement of the unit cost is possible through the PSMFC reimbursement program when VMS is a regulation requirement.
- 3) Requirement of a VMS unit allows the fleet the flexibility to get clearance to fish and to unload for the current season for Area 4 with a single phone call.
- 4) Requirement of a VMS unit eliminates the burden on the fleet to obtain a clearance through a particular agent (typically processing plant personnel) prior to fishing or offloading.
- 5) Requirement of a VMS unit reduces the burden to agency staff to properly support, track, and enforce the intent of the clearance requirement.
- 6) An estimated 10 vessels will be affected as all other vessels have a VMS unit.
- 7) A side benefit of the VMS requirement is greater safety for the crew of the affected vessels.

Conclusion: Retaining the clearance requirement in its current form, whereby reimbursement of a VMS unit is not possible, is cumbersome for industry and agency staff alike and limits safety and flexibility for the fleet.

Sectors Affected: Directed commercial Pacific halibut fishery in IPHC Regulatory Area 4, in Alaska, U.S.A.

SUGGESTED REGULATORY LANGUAGE

This proposal would require Section 15 of the IPHC Fishery Regulations to be revised as follows:

15. Vessel Clearance in Area 4

- (1) The operator of any vessel that fishes for Pacific halibut in Areas 4A, 4B, 4C, or 4D must carry a transmitting VMS transmitter while fishing for Pacific halibut in Area 4A, 4B, 4C, or 4D and until all Pacific halibut caught in any of these areas is landed obtain a vessel clearance before fishing in any of these areas, and before the landing of any Pacific halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (43), (44), (15), or (465). The clearance requirement is met, provided that:
- (a) the operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and
 - (b) the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800-304-4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for Pacific halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.
- (2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.
- (3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.
- (4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.
- (5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.
- (6) The vessel operator shall specify the specific regulatory area in which fishing will take place.
- (7) Before unloading any Pacific halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.
- (8) Before unloading any Pacific halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.
- (9) Before unloading any Pacific halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.
- (10) Any vessel operator who complies with the requirements in section 18 for possessing Pacific halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:
- (a) the operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and
 - (b) before unloading any Pacific halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.
- (11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.
- (42) No Pacific halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.
- (43) Any vessel that is used to fish for Pacific halibut only in Area 4A and lands its total annual Pacific halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

- (44) Any vessel that is used to fish for Pacific halibut only in Area 4B and lands its total annual Pacific halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).
- (45) Any vessel that is used to fish for Pacific halibut only in Area 4C or 4D or 4E and lands its total annual Pacific halibut catch at a port within Area 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).
- (46) ~~Any vessel that carries a transmitting VMS transmitter while fishing for Pacific halibut in Area 4A, 4B, 4C, or 4D and until all Pacific halibut caught in any of these areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:~~
- (a) ~~the operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and~~
 - (b) ~~the operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800 304 4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for Pacific halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.~~

ADDITIONAL DOCUMENTATION / REFERENCES

<https://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms>

APPENDICES

None.