

**JUSTIFICATION OF CHANGE
EXPANDED VESSEL MONITORING SYSTEM REQUIREMENT
FOR THE PACIFIC GROUND FISH FISHERY
OMB CONTROL NO. 0648-0573**

The Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). The fishery management plans and their implementing regulations are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from the resources for the benefit of the nation. These plans are implemented by Federal regulations which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies. The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved by the U.S. Secretary of Commerce (Secretary) on January 4, 1982, and implemented on October 5, 1982.

Under the FMP, a Vessel Monitoring Program was implemented in 2004. Since 2004, all commercial fishing vessels fishing in the EEZ off the West Coast that take and retain groundfish in federal waters, or transit through federal waters with groundfish on board, are required to have a working vessel monitoring system (VMS). The VMS, along with a system of fishing declaration reporting requirements, allows for monitoring and enforcement of areas closed to fishing. With this 2004 program, NMFS type-approved hardware and software, or “units,” were installed on vessels in order to meet these new program requirements for the groundfish fishery. When a VMS unit is installed on a vessel, it is registered with NMFS Office of Law Enforcement (OLE) and catalogued.

In 2013, based on advice from the Council’s Enforcement Consultants, the Council recommended and NMFS implemented a declaration requirement for all vessels registered to a VMS unit. Regulations at § 660.13(d) require all vessels registered to a VMS unit to submit a declaration report, regardless of activities. Vessels are expected to make a declaration on the first trip where they fish with that gear type. Obtaining a declaration report from these vessels gives OLE the information necessary to monitor the activities of these vessels relative to the applicable regulations.

Declaration reports are submitted to the NMFS OLE by telephone and are valid until revised by the vessel operator. Vessel operators making declaration reports receive a confirmation number that verifies that the reporting requirements were satisfied. Currently, regulations at 50 CFR 660.13(d) require vessels to only declare one type of trawl gear at a time when fishing in the Trawl Rationalization Program and all declarations must be made prior to leaving port on the first trip that the vessels is using that specific gear. Therefore, under the current regulations, after a vessel has made a declaration report to NMFS and has been confirmed, the vessel cannot change activities, including fishing with any gear other than the gear type that has been declared for the vessel, until the vessel returns to port, offloads all fish, and a new declaration is submitted to revise the old declaration.

Under the action to revise and eliminate regulations governing the use of groundfish bottom and midwater trawl gear for the West Coast Trawl Rationalization Program (0648-BH74), vessels will only be able to declare one type of trawl gear at a time. However, because the revised regulations under this action would allow vessels to carry and fish multiple types of groundfish trawl gear (groundfish bottom trawl and midwater trawl only) on the same trip, these vessels need to be able to make a new declaration to the new gear without having to return to port to do so. Under the new regulations, vessels be allowed to make the declarations from sea. Vessels would still need to make a declaration any time they switched to a gear other than the one that had been declared, but they would not be required to return to port to make the new declaration. The numbers of declarations required would not change under this request. The revised declaration requirement is not expected to make significant changes in burden or cost.

NMFS published a proposed rule describing these changes on September 7, 2018. The public comment period on the proposed rule closed on October 9, 2018. NMFS received seven comment letters from private citizens during the comment period. All of the comments raised similar issues regarding the potential for these gear changes to negatively impact previously overfished rockfish stocks and their habitat, and the potential for the changes to increase salmon bycatch. No comments were received regarding this collection of information or the proposed changes to the declaration process.

The final rule to implement these changes is scheduled to publish in December 2018 and be effective January 1, 2019.