

WPRFMC Enforcement Report: *Joint Enforcement Standing Committee and VMS Committee Meeting*

23 April 1997
92nd Council Meeting
Ala Moana Hotel
Garden Lanai Room
Honolulu, Hawaii

1. Call to order and introduction

The Enforcement Standing Committee Chair, Dr. Judith Guthertz, opened the meeting by providing a brief introduction and asked committee members to introduce themselves.

2. NMFS Enforcement Activities and VMS Report

Mr. Scot Yamashita reported on NMFS enforcement activities in the western Pacific region highlighting the recent fisheries violations which occurred since the last Council meeting. Two cases are being investigated for fishing in the area closures around the Hawaiian islands. In December 1996, the F/V Dawning star was observed with VMS fishing within the area closure. In February 1996, the F/V Lea Lea was observed with VMS for possibly fishing within the closure area off the Big Island of Hawaii. Both cases have been forwarded to NOAA General Counsel for review. Commander Jack Rutz also mentioned that a Japanese stern trawler, Tomi Maru No. 58, was observed fishing within the U.S. EEZ around Hancock Seamount. The trawler was found to have violated Japan's domestic fishery laws and also intentionally tampered with the vessel's navigational device. The vessel, captain and fish master were confined to port for 80 days, which is estimated at about \$2.5 million in lost income for the vessel's owner. Scot also reviewed the humpback whale enforcement activities, voluntary compliance program, fisheries enforcement hotline, and enforcement activities in American Samoa and Guam. Regarding the fisheries enforcement hotline, he reported that a 1-800 number has been established in Hawaii and has received about a dozen calls. He noted that the number is not available in American Samoa or Guam at this time and that they are pursuing the creation of a locally accessible hotline number.

Dr. Guthertz noted that the lack of providing the Territories with the same access to the 1-800 number was unacceptable and discriminatory, and NMFS should work to extend the same services to all American communities throughout the region.

Reviewed next was the VMS program and related activities. Due to the newly acquired VMS program technician, 134 dockside boarding or attempted boarding have been conducted and 112 vessels have VMS units installed with approximately 23 % of the vessels using computer systems in coordination with their VMS units.

A question was raised by Jim Cook regarding the number of vessels that report chronic power related problems on board and thus have continual down time with their VMS units. He felt that vessel owner should be responsible for ensuring the VMS unit is functional at all times and that the Council should not tolerate continuous excesses for not complying with VMS requirements.

Mr. Ray Tulafono of American Samoa thanked NMFS for working with the staff in his office and for their continued enforcement support in their region.

3. US Coast Guard Report

Commander Jack Rutz, in place of RADM Tom Collins, reported on the US Coast Guard activities since the last Council meeting. He noted that the Coast Guard was involved in investigating the same violations which were reported by NMFS. CMDR Rutz attended the recent FFA VMS related meeting and reported that the FFA is moving ahead with their plans to implement their VMS program by the end of this year. The FFA currently has two test vessels which provide position reports every 15 minutes.

A question was raised by Jim Cook regarding why the Coast Guard needs to send Cutters out to vessels which have been observed by VMS violating the area closures. The VMS program was supposed to reduce the need for Cutter deployment and thus reduce the cost of enforcing the area closures. Scot Yamashita explained the VMS establishes probable cause but the at-sea boarding is needed to properly investigate the violation.

Ray Tulafono also thanked the Coast Guard for providing training to his staff aboard the Cutter Kiska while patrolling the American Samoa region. Dr. Guthertz also commended the Coast Guard for preventing illegal immigration into Guam via small boats from neighboring islands. She noted that it is becoming more common for temporary garment factory workers in neighboring islands to try to get into Guam for more lucrative paying jobs.

4. Status of Violations

Judson Feder summarized, for Paul Ortiz, the NOAA General Counsel prosecution activity under the Council's FMPs.

5. VMS Policy and VMS data request review

Mark Mitsuyasu next reviewed the Council VMS policy and VMS data request for fisheries research. He explained that requests for VMS data have been made to the Council but the Council's policy doesn't include any information on the release and use of VMS data for research purposes. Dr. Sam Pooley provided the Committee with some potential uses of VMS data if it were released for research purposes. He explained that the data could provide a better profile of fishing activity and could be used in coordination with oceanographic research to better understand the pelagic fisheries. Jim Cook noted that the confidentiality of VMS data was an important issue in the development of the VMS program. He suggested that a VMS Committee meeting be convened to address this issue and formulate a plan as to how the Council should proceed.

6. Report on the Guam and NMI VMS scoping meetings

Mark Mitsuyasu reported on the VMS scoping meetings which were held on Saipan and Guam. The meetings focused on the possibility of requiring VMS on foreign vessels entering US waters and ports. The meetings were well attended by industry and government representatives. The following recommendations resulted from the Guam scoping meeting.

- a. Funds from vessel seizures under PIAFAs be used to finance VMS programs;
- b. The timeline for deployment of VMS on foreign vessels in US waters be in synchrony with the FFA Schedule;
- c. The amount of investment in support industries and infrastructure must be considered when deploying VMS in case of negative impacts on the Guam economy; and
- d. Explore ways to reduce the cost of VMS units and installations.

7. Status of the continued funding for the Hawaii VMS longline program

Jim Cook reported that the Council is actively pursuing funding for the VMS program and that it is very likely that funding will be available for the programs continuation.

8. Other issues

None

9. Public Comment

One comment was heard from Mrs. Harp, member of the Council's Ecosystems and Habitat Advisory Panel, regarding writing a letter of support from the Panel to the NMFS and Congressional delegation to support the continued funding of the Council's VMS program.

10. Recommendations

1. The Joint Committee recommends that NMFS Enforcement implement a local "Hotline" number in American Samoa and Guam since the nation-wide 1-800 number is not available in these non-contiguous areas.

2. The Joint Committee recommends that the VMS Committee meet to discuss VMS data confidentiality with respect to data requests for fisheries research.