

**Supplement to Framework Adjustment 17 to the  
Atlantic Sea Scallop FMP**

**Revised Power Down Provision**

April 4, 2005



## Introduction

This supplement revises the VMS power down provision proposed by Framework 17. The existing proposed alternative, as described in Section 4.1.1.2 of Framework 17, would allow general category vessels to power-down VMS after offloading scallops and other species on board and to move within and between ports without re-powering VMS as long as the vessel is shoreward the VMS demarcation line. Specifically, the original motion approved by the Council on February 1, 2005 Council meeting had the following requirement for re-powering of VMS:

“VMS must be re-powered and logged in before leaving on any fishing trip from a fixed dock or mooring or getting underway and whenever {the vessel} is outside of the VMS demarcation line”.

Council re-evaluated this provision during its March 29, 2005 to address the enforcement concerns raised by the Northeast Regional Office staff during the review of Framework 17 documents and revised the re-powering requirement by the following motion:

“VMS must be re-powered and logged in before leaving from a fixed dock or mooring or getting underway”.

Therefore, this supplement replaces Section 4.1.1.2 of Framework 17 with the following:

### 4.1.1.2 Power Down Exemption

General category vessels with VMS will be able to use a VMS macro code to log into and out of fishing while the vessel is in port. The VMS may be powered down only after offloading and after vessel is secured to a fixed dock or mooring, unless required to keep VMS in operation by other regulations. VMS must be re-powered and logged in before getting underway (from a fixed dock or mooring).

For example, a vessel with 386 lbs. of scallops aboard while returning from a fishing trip must operate VMS equipment the entire time it is on the fishing trip. The vessel lands its catch at a seafood dealer, takes on fuel at a local dock, and then ties up to a mooring in a port. After that point in time, the vessel is “in port” and may power down the VMS. VMS must continue operating on a vessel that holds some of the scallops onboard after unloading part of the catch, however. The VMS must be re-powered and logged into the system whenever the vessel is underway for any purpose even if it is unrelated to fishing (such as transiting to another port), or when the vessel travels to buy fuel, ice or supplies.

**Rationale:** This alternative would allow the VMS program to track vessel activity while at sea and reduce compliance costs to vessels. The rationale for this alternative is that it is impractical and unnecessary to operate VMS when vessels are in port. Although a twenty-four/seven hour VMS coverage on general category scallop vessels would be preferable from enforcement perspective to prevent some vessels from illegally powering down before they unload the entire catch, such continuous coverage would impose hardships on vessels without shore power to comply with the regulations. Since possession of scallops and other fish will not be allowed when a vessel is tied up and the VMS is logged out, the revised action is expected to enhance enforcement as long as the proposed procedures for power down exemption can be enforced. Power down exemption could also reduce polling costs while vessels are in port.

The proposed alternative also addresses enforcement concerns in regard to re-powering provisions when a vessel moves from a fixed dock or mooring. Enforcement was concerned that if vessels could move around without VMS monitoring inside the VMS line (which would allow vessels to easily transit from port to port), the objective to monitor landings activity would not be met. Such allowance would also increase enforcement complexity because it would result in more types of exemptions that enforcement has to monitor. For these reasons, the proposed alternative will require that vessels to power up VMS when they leave the dock /mooring for any reason, even if they are inside the VMS line and make minor trips within the port while not on a “fishing trip”. This alternative would have less administrative costs and would provide more flexibility to vessels compared to the non-preferred power-down via a letter of exemption described in Section 4.1.3.3.

## **ENVIRONMENTAL CONSEQUENCES—ANALYSIS OF IMPACTS**

The following discussion revises or augments Sections 6.1 to 6.5 of Framework 17.

### **Biological Impacts (Section 6.1):**

The modification of the proposed re-powering requirements is not expected to change in any significant way the fishing activity by the general category vessels because it only affects the frequency of re-powering VMS when the vessels are not fishing. The revised power down alternative is expected to enhance monitoring of landing activity, however, making illegal landings of scallops and other species less likely. This will improve the effectiveness of the scallop possession limit to control catch and mortality. Therefore, the revision will have slight marginal benefit to scallop and other fish resources. However, no changes are expected from what has been discussed in Framework document with respect to the impacts on finfish bycatch, on habitat, on endangered or protected species.

### **Economic Impacts (Section 6.2):**

Although revised power-down provision could cause some inconvenience for vessels by increasing the number of times the VMS is turned off and on as the vessel travels within the port for fuelling, maintenance or for any other purpose, there will be no additional costs to the vessels from this change as discussed below. Most vessels will not have to utilize a macro code to power down and power up the VMS, unless they take trips targeting species other than scallops.

This following revises the analysis in Section 6.2.1.1.5 (Impacts of Power-down Exemption).

Power down provision is expected to have positive economic impacts on general category vessels that are required to operate a VMS under the proposed action. By allowing vessels to power-down VMS they are while in port, the proposed action will reduce compliance costs to vessels. In this way, the vessels would not have to rely on shore power or continuous battery power while in port, which may under some circumstances be unavailable. It could also reduce polling costs for vessels that fish seasonally by allowing them to discontinue VMS operation while in port (See Section 6.2.1.1.6 for estimation of costs). Since possession of scallops and other species will be prohibited when the VMS is not in operation, the power down alternative is not expected reduce the enforcement benefits from VMS as long as the proposed procedures for power-down exemption could be strictly enforced and vessels that illegally power-down could be detected by enforcement. This alternative would have lower administrative costs and would provide more flexibility to vessels compared to the non-preferred power-down via a letter of exemption described in Section 4.1.3.3.

Although original alternative allowed vessels to operate without turning on VMS when they are inside of the VMS demarcation line in order to provide flexibility to vessels, the Council modified this provision in order to address the enforcement concerns discussed in Section 6.3 of Framework 17. According to the revised alternative, the VMS must be re-powered and logged into the system whenever the vessel is underway, even if it is unrelated to fishing. There are no additional costs to the vessels from this change in re-powering requirement, however. There is a one time cost of 50 cents when a vessel logs into the system for the first time and sends a macro message indicating the type of fishing trip the vessel is planning to take. This is done simply by selecting a fishing activity code from the menu already set-up in the VMS system. Once a general category vessel declares into open area scallop fishing, for example, the corresponding activity code would be automatically registered to the system and will remain there until the vessel changes its fishing activity. At this point the vessel will pay 50 cents for the macro message. There would be no need to send any other macro message afterwards for the whole fishing season or until the vessel declares out of the open area scallop fishery in order to participate in another fishery, such as multispecies, special access, monkfish or herring fisheries. These requirements are not affected by the modification of the power-down provision and would be required even if the vessels had to re-power only when they cross the VMS demarcation line (as the Council initially approved). There will be some increase in the number of polls when the VMS is turned on for longer periods as a result of the revised re-powering requirement. However, the polling costs for every half and hour were already included in the monthly service charges as estimated in Section 6.2.1.1.6.

Although, the revised power-down provision is not expected to increase the fishing costs, it could cause some inconvenience for vessels by increasing the number of times the VMS is turned off and on as the vessel travels within the port for fuel, maintenance or for any other purpose. The vessel-owners and the crew could minimize the number of times they login to the system by first offloading their catch, then getting the fuel and other supplies for the next fishing trip while the VMS is still on and before they tie up to a fixed dock or mooring. Similarly, a vessel will have to login to the system only once if they obtain the fuel and other supplies on the same day they start their fishing trip. In these cases, the modification of the power-down exemption will not have any impacts on the number of logins and on costs.

#### **Enforcement Benefits and Trade-offs (Section 6.3):**

The revised action addresses the enforcement concerns discussed in Section 6.3 of Framework 17 (Enforcement benefits and costs), and enhances monitoring of the landing activity by making it possible for enforcement to track vessel movements even when the vessel is not fishing or transiting from port to port.

**Social Impacts (Section 6.4):** Although, there are no additional costs for vessels are expected for the revision of the power-down alternative, the revised requirements for re-powering VMS could have some minor negative impacts by requiring VMS operation even when not fishing, or when simply traveling from port to port.

#### **Cumulative Impacts (section 6.5):**

The revised action for power down exemption procedures does not change the cumulative impacts of the proposed regulations in Framework 17.

The revised power-down provision does not impact the assessments and analyses provided in any of the subsections of Section 7 of Framework 17 (Applicable Law). Since there are no additional costs expected from the changes in re-powering requirements, there are no revisions to the IRFA analyses provided in Section 7.11. Any revisions to burden hour estimates will be described and evaluated in a PRA analysis, which is provided under a separate cover.