

***NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 06-102***

***July 4, 2007***

***ENFORCEMENT***

***VESSEL MONITORING SYSTEMS FUNDING PRIORITIZATION PROCESS***

**NOTICE:** This publication is available at: <http://www.nmfs.noaa.gov/directives/>.

**OPR:** F/OP (J. McCallum)

**Certified by:** F/OP (M. Holliday)

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***SUMMARY OF REVISIONS:***

**Introduction:**

VMS is a satellite-based location and communications system through which NOAA Fisheries collects data from fisheries vessels for enforcement, management and science purposes, primarily though not exclusively through regulation issued pursuant to the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (50 CFR 600.405-425). VMS provides information for use in enforcing requirements such as open and closed seasons, protected areas, and international boundaries and obligations, as well as other fishery management and science requirements. VMS also provides an effective tool to supplement traditional enforcement activities; provides information to the Coast Guard in support of their search and rescue operations; and enables fishing vessel operators to use the capabilities for private purposes, including obtaining weather and safety information.

**Objective:**

It is NOAA Fisheries objective to develop and use NOAA's Vessel Monitoring System (VMS) as efficiently and effectively as is practicable within the full scope of purpose and utility that the technology may provide. NOAA Fisheries' overall goal for VMS is "...to maximize the utility of VMS for fisheries management." This goal includes enforcing fishery management regulations as well as providing science data and information to support management decisions.

It is NMFS policy to reimburse fishermen for the required purchase costs of VMS systems, subject to appropriations. This Policy Directive specifies criteria and a process that NOAA Fisheries will use to determine which fisheries should have priority for federal funding.

Appropriated funds will not be used to reimburse any service, operational usage or transmission costs, or repair or replacement costs. There is no cap on individual reimbursement cost per unit, but reimbursement costs are limited to only those features and specifications of approved types required by regulation. No funds will be used for reimbursement of previously purchased units (i.e., those put into service more than 12 months prior to the effective date of this policy).

**Criteria to Prioritize Funding for Proposed VMS programs**

NOAA Fisheries' criteria for establishing priorities among VMS proposals include a range of legal and programmatic considerations.

1. NOAA Fisheries' highest priority for VMS is to implement systems that are legally required under terms of legislation, a court settlement, an international treaty or other binding agreement.
2. As a key component of fulfilling the Agency's mandate to conserve and manage the Nation's fisheries, a high priority for VMS is to implement VMS for fisheries with requirements that can be achieved only through VMS, or that can be achieved without VMS only at unacceptable cost and effort. This category includes place-based requirements such as area closures for reasons of protected resource protection, marine protected areas, quota monitoring, bycatch reduction, essential fish habitat (includes key spawning, feeding, migration and other natural population processes), and limited access privilege (LAP) programs.
3. To contribute to the Agency's efficiency and effectiveness, a high VMS priority is to implement VMS for fisheries for which requirements can be fulfilled more efficiently and effectively than through other methods. This includes VMS with the most optimal combination of the following characteristics:
  - Where VMS can improve the quality of data collected for scientific purposes;
  - Where VMS has a high degree of collaboration with traditional enforcement techniques (reducing costs of at-sea and aerial surveillance; enhancing dockside monitoring programs; reporting a variety of data at-sea using satellite links on real time basis);
  - Where government and industry efforts are complementary and not duplicative;
  - Where VMS benefits the industry in addition to fulfilling regulatory and science requirements;
  - Where participants are willing to pay all or some part of the cost, or provide additional types of information beyond the minimum that is required;
  - Where VMS can further broaden national policies articulated by national policy statements; and
  - Where VMS can increase vessel safety.

**Process to Identify and Implement Priority VMS Programs**

NOAA Fisheries will use the following process to allocate appropriated VMS funds, initially based on the allocation criteria specified above. If no appropriated funds are available in a given fiscal year, no allocation process will take place unless there is prior year carry over funding.

1. The Leadership Council is responsible for approving a strategic 5-year VMS allocation plan with overall goals and objectives for coverage of US fishing fleets by VMS units. This includes specific objectives to meet domestic or international obligations, and the identification and weighting of criteria for ranking Regional Council and other requests for VMS purchase funds for vessels under US jurisdiction. The initial criteria listed above are to be annually reviewed, modified and weighted by the Leadership Council through a process managed by OLE.
2. Annually, OLE will solicit proposals for adoption of VMS requirement at the fishery, fleet or sector level from: each Regional Fishery Management Council; SF for highly migratory species; and IA for international fisheries in which US flagged vessels participate on the high seas or under the jurisdiction of a Regional Fishery Management Organization. Each NMFS region or relevant HQ office, working in partnership with the associated Fishery Science Center and Fishery Management Council(s), will submit to NMFS Enforcement Program a proposed spending plan that lists fisheries with projected VMS requirements and the costs and the benefits of implementation, and ensure they meet appropriate criteria as discussed above and are consistent with the strategic plan.
3. OLE will analyze the benefits and costs of each proposed VMS, summarize and rank each proposal based on all prioritized criteria;
4. Using the prioritized criteria, determine a relative ranking of the proposed spending plans;
5. Consolidate the regional spending plans in a master spending plan for approval by the AA; and
6. Fund options in the ranked order that are within the budget constraint.

**Schedule for the prioritization process**

The VMS prioritization process relies largely on information and participation from the Councils. It is extremely important to conduct the process well in advance of the receipt of a final budget target for the year. Since Councils usually have operational schedules in place for the plans and amendments they will be working on a year in advance, the prioritization process can be conducted during the summer months prior to the start of the upcoming fiscal year for which allocations need to be made. By applying the recommended prioritization process, the rankings will provide results that can be scaled to a variety of funding levels and contingencies. Contingencies that change the relative importance of a score or ranking (e.g., a court ordered

decision or legislative mandate requiring a certain level of VMS coverage) can thus be accommodated up until the time funds are actually allocated and committed.

**Authorities, Responsibilities, and Measuring Effectiveness**

The NOAA Fisheries Service Office for Law Enforcement (OLE) has the responsibility to develop, operate and manage NOAA's Vessel Monitoring System and is responsible for leading, managing and running the VMS funding allocation process. At the discretion of the OLE Director, participation by other NMFS offices in the review and ranking of proposals is permitted. At the discretion of the OLE Director, contractual or other services may be used for the administration of the program and disbursement of funds. However, the selection decisions of recipients for reimbursement cannot be delegated outside NOAA Fisheries.

The Leadership Council and AA are responsible for developing and amending overall goals and objectives for allocating VMS funds, and for providing allocation criteria and relative weights of the criteria for the Enforcement Program's use in the prioritization process.

The Enforcement Program, NOAA Fisheries Regions and Science Centers will communicate and coordinate with the Fishery Management Councils and others in determining VMS requirements for specific regional systems. To prepare a comprehensive program that meets national and regional needs, all stakeholders in the process should be represented in a meaningful way in the information-gathering and decision-making process.

Regional Fishery Management Councils are responsible for submitting proposed VMS programs for funding in the upcoming fiscal year, completing the contents specified and in the time frame scheduled by the Enforcement Program.

The Enforcement Program will consolidate the regional spending plans and recommend a master spending plan to the Leadership Council and the AA.

NMFS Directors affected by the proposed allocation decisions will review the recommendations.

The Enforcement Program will prepare and recommend a final spending plan for review and approval by the Assistant Administrator.

**References** This policy directive is supported by the references and glossary of terms listed in Attachment 1.

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*June 20, 2007*

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William T. Hogarth, Ph.D.  
Assistant Administrator  
for NOAA Fisheries

Date

Attachment 1

References:

*Magnuson-Stevens Fishery Conservation and Management Act* 50 CFR 600.405-425

*NOAA Administrative Order 216-100*

*FR Notices on type approvals etc* **to be added**