



North Pacific Fishery Management Council

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Mr. Ajit Pai, Chairman
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Dear Mr. Pai:

The North Pacific Fishery Management Council (Council) is very concerned about the recent Federal Communications Commission (FCC) Enforcement Advisory (Enforcement Advisory No. 2018-04) issued on November 28, 2018 regarding FCC rules that prohibit the use of Automatic Identifications Systems (AIS) to identify and track fishing gear. The Council develops management plans and regulations for the groundfish, crab, salmon, and scallop fisheries in the Exclusive Economic Zone off Alaska, as mandated by the Magnuson Stevens Fishery Conservation and Management Act. The fisheries off Alaska provide a sustainable harvest that accounts for over half of the Nation's total seafood production. The Council considers the use of AIS to mark fishing gear as important technology to enhance our ability to maintain sustainable and profitable fisheries.

The Council recognizes that AIS is an important maritime navigation safety communications system for vessels which is intended to promote good order and predictability on our waterways and limit maritime accidents by automatically broadcasting and exchanging marine vessel information. These same benefits would also accrue to fishing vessels using AIS as Private Aids to Navigation (PATON) to mark their fishing gear as well as to other vessels transiting waters where fishing gear is deployed. **We submit the regulatory provisions that allow AIS to serve as PATON should be extended to AIS fishing gear marking buoys.**

In the North Pacific, fishermen are rapidly adopting AIS to mark fishing gear, not only to allow fishermen to find their own gear, but more importantly, to avoid vessel entanglements with someone else's gear which create safety at sea issues and economic losses. The affordability of AIS and its longevity and durability make AIS an obvious choice by fishermen to mark fishing gear in all visibility conditions, e.g. darkness, fog and heavy sea conditions. Gear unmarked by AIS can be a navigational hazard to vessels and their crews. Vessels running afoul of unseen fishing gear could jeopardize crew safety in the course of their removing fishing gear from a fouled vessel's propeller(s). Without an AIS marker, miles of longline hook gear or longline pot gear can be unintentionally caught and entangled by a vessel who may have not otherwise been aware that there was longline gear in the vicinity. The immediate result of a gear interaction is often the loss of valuable gear (e.g., in the order of \$30,000 for a string of longline pot gear targeting sablefish).

Longer term impacts from gear interactions result from lost gear, which continue to fish for some time. In the case of pot fishing, while biodegradable panels in pots are designed to allow captured fish to escape if a pot remains underwater for several months, the panel degradation rate can be longer under certain environmental conditions. Fish captured in a lost pot may eventually become bait, leading the pot to continue fishing until the biodegradable panel deteriorates. In this case the fish are wasted, and are no longer available for harvest or spawning. Additionally, this unobserved mortality creates uncertainty in stock assessments and resource sustainability.

The Magnuson-Stevens Fishery Conservation and Management Act mandates that a fishery management plan and any regulation promulgated to implement any such plan, shall be consistent with the ten national standards for fishery conservation and management. The use of AIS to mark fishing gear provides benefits to the Nation consistent with national standards, as described below.

- National Standard 1 states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. AIS allows fishermen to find their gear and catch optimal yield without gear loss or entanglement that results in uncertainty in stock assessments and status relative to overfishing. Additionally, AIS positions of fishing gear provides valuable data for management to understand the footprint of the longline fleets.
- National Standard 5 states that conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources. The use of AIS to mark fishing gear allows fishermen to efficiently find their gear and harvest the resource without the waste created by lost or entangled gear.
- National Standard 10 states that conservation and management measures shall, to the extent practicable, promote the safety of human life at sea. The use of AIS to mark fishing gear will directly improve safety at sea since fishing vessels would be able to navigate around deployed fishing gear rather than running afoul of the gear.

The Council encourages the FCC to reconsider its most recent enforcement advisory notice that prohibits the use of AIS to mark fishing gear. We request that the FCC commence a process that includes the U.S. Coast Guard and Alaska fishermen to approve the use of AIS fish net buoys as PATON to mark fishing gear. Taking this action will reduce navigational hazards, property damage to vessels and gear, improve safety at sea for crew, prevent overfishing of valuable fishery resources, and provide better utilization of these fishery resources. Furthering the wise use of our nation's fish resources while improving safety at sea should be our common objective.

Sincerely,



Simon Kinneen
Chairman



cc: Senator Dan Sullivan
Senator Lisa Murkowski
Representative Don Young
NOAA Fisheries Administrator Chris Oliver
USCG Commandant, Admiral Karl Schultz
Rear Admiral Matthew T. Bell Jr., Commander, 17th Coast Guard District