



North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director
1007 W. 3rd Avenue, Suite 400, Anchorage, AK 99501
Phone 907-271-2809 | www.npfmc.org

April 27, 2021

Ms. Jessica Rosenworcel, Chairperson
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Dear Ms. Rosenworcel,

The North Pacific Fishery Management Council (Council) met April 5 through April 17, 2021. During the meeting, stakeholder testimony and the Council's deliberations highlighted the importance of the use of Automatic Identification Systems (AIS) in the fisheries the Council manages. The Council once again requests the Federal Communications Commission (FCC) reconsider the use of 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 intended to limit maritime accidents by automatically broadcasting and exchanging marine vessel information, but these same benefits could also accrue to maritime and fishing vessels by using the automatic broadcasting ability of AIS to mark fishing gear. Fishing gear is a navigational hazard to ships and crewmembers. 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). Vessels running afoul of unseen fishing gear could cause severe damage to the vessel and fishing gear and jeopardize crew safety while removing fishing gear from the fouled vessel's propeller(s). It could also negatively affect the vessel's ability to navigate, creating a hazard for other vessels. The affordability of AIS and its longevity and durability make it an obvious choice by fishermen as a navigation aid to mark fishing gear in all visibility conditions (e.g. darkness, fog, and heavy sea conditions). **We submit that the regulatory provisions that allow AIS to serve as Private Aids to Navigation (PATON) should be extended to AIS fishing gear marking buoys.**

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 provide 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 as sea. The use of AIS to mark fishing gear will directly improve safety as sea since fishing vessels would be able to navigate around deployed fishing gear rather than running afoul of the gear.

In December 2020, the U.S. Congress passed H.R. 6395 – National Defense Authorization Act (NDAA) for Fiscal Year 2021, which became law on January 1, 2021 (Public Law No: 116-293).¹ Section 11206 of the NDAA is titled “Authorization of the use of Automatic Identification Systems Devices to Mark Fishing Equipment. The law requires the FCC “to initiate a rulemaking proceeding to consider whether to authorize covered devices [i.e., devices used to mark fishing equipment] to operate in radio frequencies assigned to the Automatic Identification system” no later than the end of June 2021. The law requires the FCC, in consultation with the Coast Guard and other parts of the Executive Branch, to consider authorizing AIS for this use and whether it can be consistent with the core safety purpose of AIS.

The Council encourages the FCC to reconsider its prohibition of 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 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

¹ <https://www.congress.gov/bill/116th-congress/house-bill/6395>.